

**E.2.c. (1) – Minutes of the September 18, 2015 Commission Meeting**

**MINUTES OF A SPECIAL COVE DEVELOPMENT MEETING OF THE CANAVERAL PORT AUTHORITY HELD IN THE COMMISSIONERS' MEETING ROOM OF THE CANAVERAL PORT AUTHORITY OFFICE, 445 CHALLENGER ROAD, PORT CANAVERAL, FLORIDA, SEPTEMBER 18, 2015.**

The meeting was called to order by Chairman Jerry Allender at 9:03 a.m. Commissioner Bruce Deardoff led the Pledge of Allegiance.

Those present were Commissioners John H. Evans, Wayne Justice, Bruce Deardoff, Tom Weinberg and Chairman Jerry Allender; Chief Executive Officer John Walsh, CFO Rodger Rees, Senior Director Finance Pat Poston, Senior Director of Facilities, Construction and Engineering Terry Hicks, Attorney Harold Bistline and Special Assistant Melanie Bradford. The ambassadors present were asked to stand and be recognized.

**APPROVAL OF AGENDA: Motion made and seconded to approve the agenda. Motion passed 5/0.**

**PUBLIC COMMENT BEFORE THE VOTE:**

Scott Widerman commented on the proposed developer agreement with Collett/Sooner. Mr. Widerman's concerns will be addressed after the Developer Agreement discussion and before the vote.

**DEVELOPER AGREEMENT:**

General Counsel Craig Langley spoke and went over in detail the contents of the Cove Developer Agreement, Module A Lease and the Cove Hotel Site Discussion. He answered questions of the Board to their satisfaction.

Chris Challis with Collett/Sooner spoke. He clarified some terms that were previously suggested as not defined. We understand that the level of quality of the hotel component has been set forward by this Commission and we are committed to achieving it. There are process embedded in this agreement that give the Commission multiple opportunities of review and approval. We recognize the Port does everything through a public process. 12,100 sq ft limit was agreed upon. Monetary default would include non payment of taxes by the developer.

Attorney Harold Bistline clarified the taxes will be on the underlying land and the improvements. In the contract the developer is obligated to pay that as part of the overhead. It is a monetary default not to pay the taxes.

**PUBLIC COMMENT BEFORE VOTE: Continued**

Scott Widerman: Mr. Widerman feels that there are a couple of points that need to be well thought out as it pertains to the remaining parcels in the Cove Commercial District. There is a term in the agreement that doesn't site to where it originates. If you look at just the development

agreement you don't know what it says because you don't know what other document it referred to. Cove Site should be defined as defined in what other document dated what other date. **Motion was made by Commissioner Evans to add that particular language and seconded by Tom Weinberg for discussion. After discussion, the motion and the second were withdrawn.**

The word "Port" in the agreement means the Commission. The parking remains the same with this development plan, everybody will still have the exact amount of parking they have today unrestricted. Attorney Bistline suggested handling the parking issue in the module lease.

**Motion was made by Commissioner Weinberg to follow the advice of the Board Attorney that we deal with this in each of the Module Leases. Commissioner Deardoff seconded the motion. Discussion. Motion passed 5/0.**

Joe Penovich: He asked that the Commission not rush into a vote or in to a decision. There are many uncertainties embedded in the contract.

Kent Cooper: Resident of Cocoa Beach, real estate appraiser and licensed commercial real estate broker who works with D&L. Concerned about the dollar amount of rents, finance and parking.

Sherry McCoy: Cape Canaveral Shrimp Company and Wild Ocean Seafood Market. Request commercial fishing exempt from the guidelines. John Walsh stated that Ms. McCoy's leasehold and Jim Bussey's leasehold would be extracted as long as they stay commercial fishing.

**Commissioner Deardoff moved approval of the Cove Development Agreement as presented. The motion was seconded by Commissioner Weinberg. Motion passed 5/0.**

**ADJOURNMENT:** Being no further business to come before the Board, the meeting was adjourned at approximately 11:00 a.m. until the next Special Meeting on October 13, 2015 at 9:00 am. The Cove Development Workshop continued after adjournment of the Cove Development meeting.

## CANAVERAL PORT AUTHORITY

ATTEST

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Jerry W. Allender, Chairman

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Thomas W. Weinberg, Secretary/Treasurer