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JOINT PUBLIC MEETING BETWEEN
REPRESENTATIVES OF THE SEBRING AIRPORT AUTHORITY,
THE SPRING LAKE IMPROVEMENT DISTRICT, and
THE HIGHLANDS COUNTY TAX COLLECTOR

TAKEN ON: THURSDAY, FEBRUARY 22, 2024

TAKEN AT: SEVEN SEBRING RACEWAY HOTEL
150 MIDWAY DRIVE
SEBRING, FLORIDA 33870

REPORTED BY PAMELA K. CARTER,
Court Reporter

A P P E A R A N C E S

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FACILITATOR:

JOHN McCLURE, ESQUIRE

APPEARANCES FOR THE SEBRING AIRPORT AUTHORITY:

ALAN S. ZIMMET, ESQUIRE
ROBERT S. SWAINE, ESQUIRE
MARK ANDREWS
MIKE WILLINGHAM
TERRILL MORRIS
PETER McDEVITT
CARL COOL
D. CRAIG JOHNSON
STANLEY WELLS
JAMI OLIVE
ANDREW BENNETT

APPEARANCES FOR THE SPRING LAKE IMPROVEMENT DISTRICT:

CAITLIN WILCOX, ESQUIRE
ELIZABETH TEEGAN, ESQUIRE
JOE DeCERBO
KAY GORHAM
ISRAEL SERRANO
BUTCH COPELAND
TIM ROLAND
PHIL GENTRY
KEN KIRK
GENE SCHRINER

APPEARANCES FOR THE HIGHLANDS COUNTY TAX COLLECTOR:

KEVIN ASHLEY, ESQUIRE
ERIC T. ZWAYER
HAYDELIZ HIGH

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I N D E X

SPEAKER	PAGE
OPENING COMMENTS BY MR. McCLURE.....	4
COMMENTS BY SEBRING AIRPORT AUTHORITY.....	11
COMMENTS BY MR. NIELANDER (Via Telephone).....	24
COMMENTS BY SPRING LIKE IMPROVEMENT DISTRICT...	26
COMMENTS BY HIGHLANDS COUNTY TAX COLLECTOR.....	28
COMMENTS BY MR. McCLURE.....	29
DISCUSSION BETWEEN THE BOARDS.....	33
COMMENTS BY THE PUBLIC.....	38
COMMENTS BY MOTION BY MR. JOHNSON.....	50
MOTION SECONDED BY MR. COOL.....	52
COMMENTS ON MOTION.....	52
VOTE ON MOTION.....	54
CLOSING COMMENTS BY MR. McCLURE.....	55
MEETING CONCLUDED.....	57
CERTIFICATE OF REPORTER.....	58

1 (The following proceedings were had:)

2 MR. McCLURE: Good morning, everyone.

3 First, let me ask, can everybody hear me?

4 Despite the fact we're going to have some
5 competition out here early today I'm sure.

6 But I think it's time to call this meeting to
7 order. My name John McClure. I'm a local
8 attorney here in town. And I'm going to be the
9 facilitator for this meeting. That means I have
10 no authority to resolve anything at all, and
11 that's not my role. It's not my intention to try
12 to do so. But I am here certainly to facilitate
13 the meeting of the Governing Boards of two public
14 bodies that have a dispute that needs to be
15 resolved.

16 So having said that, I think we will address
17 this in one of several ways. Not everyone is --
18 in fact, I'm the only microphone in the room. So
19 I would ask if you are going to speak, that you do
20 so clearly and as loudly as you can.

21 Please note we have today with us Ms. Pam
22 Carter. She's a court reporter. So at any time
23 during the course of the proceedings, if you are
24 asked or called upon to speak and wish to speak,
25 identify yourself please, and then state what you

1 have to state.

2 Remember that words of 180 words a minute and
3 gusts of 250 are not allowed. Okay. She simply
4 can't keep up with that. If you -- as you're
5 speaking, if you would speak in an appropriate
6 manner so that she can take down your words. That
7 would be most appreciated.

8 I understand that we will identify the issues
9 at a later point in the proceedings. This is a
10 Joint Public Meeting pursuant to the Governmental
11 Conflict Resolution Act, Chapter 164, and
12 specifically this is under Section 164.1055.

13 I would ask that as a part of the record, if
14 we're going to make a record of this meeting, and
15 since we are taking verbatim testimony, our
16 statements anyway, I have two things here I would
17 like to address.

18 The first is, I would like to make it a part
19 of the minutes, the Notice, Affidavit of
20 Publication of the Informal Conflict Resolution
21 Meeting Between the Administrative Officers --
22 Chief Administrative Officers of each of the
23 entities under Chapter 164.1053, as that's a
24 procedural prerequisite to this Joint Board
25 Meeting.

1 And this meeting is being held pursuant to
2 Chapter 164.1055 as the actual formal meeting of
3 the two Boards that have the conflict, as well
4 as -- I guess we will call you invited guests --
5 Mr. Zwayer, the Highlands County Tax Collector,
6 who is not a formal party to this matter, but
7 nonetheless, has an interest in the proceedings
8 and how they are ultimately resolved.

9 So as indicated, I have introduced myself,
10 John McClure, as the Facilitator. I think as a
11 matter of first business we will undergo an
12 introduction of the attendees. We have each
13 separate Board in attendance.

14 First of all, on behalf of the Sebring
15 Airport Board, who will be making those
16 introductions?

17 UNIDENTIFIED SPEAKER: We can make
18 introductions.

19 MR. McCLURE: Would you like to do it that
20 way?

21 MR. WILLINGHAM: I'm Michael Willingham with
22 the Sebring Airport Authority.

23 MR. MORRIS: Terrill Morris, Sebring Airport
24 Authority.

25 MR. McDEVITT: Pete McDevitt, Sebring Airport

1 Authority.

2 MR. COOL: Carl Cool, Sebring Airport
3 Authority.

4 MR. JOHNSON: T. Craig Johnson, Sebring
5 Airport Authority.

6 MR. WELLS: Stanley Wells, Sebring Airport
7 Authority.

8 MR. ANDREWS: Mark Andrews, Sebring Airport
9 Authority.

10 MR. ZIMMET: Alan Zimmet, the attorney for --
11 one of the attorneys for Sebring Airport
12 Authority.

13 MR. SWAINE: Bob Swaine, Counsel for the
14 Sebring Airport Authority.

15 MS. OLIVE: Jami Olive, Sebring Airport
16 Authority.

17 MR. BENETT: Andrew Bennett, Sebring Airplane
18 Authority.

19 MR. ASHLEY: Good morning. I'm Kevin Ashley.
20 I'm counsel for the Highlands County Tax
21 Collector, Eric Zwayer, seated to my left. To his
22 left we have the financial operations director,
23 Haydeliz High.

24 MS. WILCOX: Caitlin Wilcox, Assistant
25 Attorney General, and we're here on behalf of the

1 Spring Lake Improvement District.

2 MS. TEEGAN: Elizabeth Teegan. I'm also with
3 the Florida Attorney General's Office. I'm
4 appearing on behalf of the District.

5 MS. GORHAM: Kay Gorham, Spring Lake
6 Improvement District Board Chair and Spring Lake
7 resident.

8 MR. DeCERBO: Joe DeCerbo, District Manager
9 and Spring Lake resident.

10 MR. SERRANO: Israel Serrano, Deputy Manager,
11 Spring Lake resident.

12 MR. COPELAND: Butch Copeland, Spring Lake
13 Improvement District Vice-Chair, Spring Lake
14 resident.

15 MR. ROLAND: Tommy Roland, Spring Lake
16 Improvement District, resident.

17 MR. GENTRY: Phil Gentry, Spring Lake
18 Improvement District. Also a resident.

19 MR. SCHRINER: Gene Schriner, District
20 Engineer, Spring Lake Improvement District.

21 MR. KIRK: Kenneth Kirk, Spring Lake
22 Improvement District and a resident.

23 MR. McCLURE: Okay. Well, that was quite the
24 introduction. Thank you all very much for that.

25 The next thing that we will ultimately -- or

1 we're soon to address would be the opening
2 statements of each of the parties and your
3 respective positions. And before we do that and
4 discuss the actual issues, I think we need to make
5 the issues a matter of record.

6 This is all out of the public notice. But
7 for the benefit of everyone in attendance, I'm
8 going to read those issues briefly, and then we
9 would ask counsel to -- or whoever it is on behalf
10 of each separate unit -- to make the opening
11 statements.

12 So the first statement, Issues of Conflict
13 are as follows:

14 Whether the non-ad valorem assessment adopted
15 by Spring Lake Improvement District in Resolution
16 2023-16 and imposed against Sebring Airport
17 Authority can be legally charged to Sebring
18 Airport Authority; whether Sebring Airport
19 Authority has historical rights for drainage from
20 its property to flow through Spring Lake
21 Improvement District; whether Sebring Airport
22 Authority is immune from being charged the non-ad
23 valorem assessments being imposed by Spring Lake
24 Improvement District under the doctrine of
25 sovereign immunity; whether Spring Lake

1 Improvement District has the authority to impose
2 these assessments on Sebring Airport Authority;
3 whether Sebring Airport Authority is legally
4 responsible to pay these assessment; whether
5 Spring Lake Improvement District is properly
6 authorized and can legally impose these
7 assessments on Sebring Airport Authority; if
8 Spring Lake Improvement District has the authority
9 to impose those non-ad valorem assessments against
10 Sebring Airport Authority; whether the amount
11 charged against Sebring Airport Authority was
12 proper, legal, and/or apportioned correctly and
13 legally; whether Spring Lake Improvement District
14 properly and legally adopted the non-ad valorem
15 assessment imposed on Sebring Airport Authority;
16 and whether Sebring Airport Authority is entitled
17 to injunctive and other equitable relief
18 preventing any actions by the Highlands County Tax
19 Collector to collect the non-add valorem
20 assessments as imposed by Spring Lake Improvement
21 District against Sebring Airport Authority.

22 Wow. Okay. So that's quite the conflict we
23 seem to have gemmed up for today. I'm sure both
24 parties are quite well aware of that.

25 Today's meeting is simply -- well, quite

1 frankly, it's a statutory prerequisite to any
2 ensuing litigation. The legislature has stated
3 that it is their intent, if at all possible, to
4 resolve differences between governmental entities
5 without resort to litigation.

6 Certainly, I recognize that there's sometimes
7 that the issues are such that they simply cannot
8 be resolved except through some more formal
9 process. But like anybody, I would be hopeful
10 that somehow today some ground can be gained
11 between the parties to find some middle ground, if
12 at all possible. That's not to say I'm a
13 mediator. I'm not. That's the next step. I'm
14 just trying to facilitate this meeting. And that
15 would be the one statement that I think I would
16 make.

17 Okay. So having said that, and having
18 identified the issues, I believe the Sebring
19 Airport Authority is represented by Mr. Alan
20 Zimmet, Bryant, Miller & Olive.

21 Sir, would you like a make brief statement to
22 -- or however long it takes -- to the gathering
23 assemblage here?

24 MR. ZIMMET: I'll try to keep it brief and to
25 the point.

1 Again, my name is Alan Zimmet. I represent
2 the Sebring Airport Authority.

3 As John said, the legislature developed this
4 procedure with the intent to provide an
5 inexpensive method for the resolution of legal
6 conflicts between local governments.

7 The legislature stated in its intent that
8 conflicts between governmental entities be
9 resolved in the extremist extent possible without
10 litigation.

11 And that's the spirit within which the
12 Airport Board, the staff and the attorneys are
13 here today. That we think the public and all
14 three governmental agencies, including the tax
15 collector represented here today, would be best
16 served if we could avoid litigation.

17 For a number of years now the issue of
18 charging the Airport some kind of a fee has been
19 discussed by the District. We have tried to
20 communicate with the District as to why we believe
21 it does not have the legal authority to charge the
22 Airport a tax or a fee. But in any event, the
23 Airport went ahead and adopted what we now know to
24 be a special assessment.

25 I'm going to address two issues today. I

1 know we set out, and John read all the issues we
2 would bring up in the litigation. But for
3 purposes of this meeting, I just want to address
4 two issues.

5 One. The fact that the District lacks
6 authority to --

7 UNIDENTIFIED SPEAKER: Could you speak up a
8 little please.

9 UNIDENTIFIED SPEAKER: We can't hear.

10 MR. McCLURE: If it would help everybody, I
11 think, since I've got the only microphone --

12 MR. ZIMMET: You want me to come up there?

13 MR. McCLURE: Yeah, why don't you come up
14 here and talk from up there. And then whoever --
15 you know, when you guys talk, you can just come up
16 here and make your statement.

17 I know Pam would be very happy about that.

18 UNIDENTIFIED SPEAKER: Thank you.

19 MR. ZIMMET: So as I was starting to say, I'm
20 going to address two of the issues today.

21 One is the fact that the District lacks the
22 authority to impose a special assessment on the
23 Airport property that is outside the District.

24 And secondly, that even if you have the
25 authority to do that, you didn't follow the proper

1 procedures to use the -- what is called the
2 Uniform Collection Method, that is, using the tax
3 collector to include a non-ad valorem assessment
4 on the tax bill, which then subjects the property
5 to a tax certificate sale, and then ultimately a
6 tax deed sale.

7 So not until the Airport received the invoice
8 from the tax collector a few months back did we
9 know that the District's actions in August of 2023
10 were intended to impose a special assessment and
11 to use that Uniform Method of collection; again,
12 the collection through the tax collector as a
13 non-ad valorem assessment.

14 The District adopted Resolution 23-16 on
15 August 9th, 2023. That Resolution adopts the
16 stormwater operations and maintenance fees
17 according to the District's 2024 budget. That's
18 the entirety of the operative portion of your
19 Resolution.

20 There are three different forms of revenue
21 that are available to governments: Taxes, special
22 assessments, and fees. Each has limitations and
23 legal requirements that have to be met.

24 In this case, there's no mention in the
25 Resolution of any kind of special assessment

1 against anybody, including the Airport. But
2 apparently, that's what you adopted and that's
3 what you seek to impose against the Airport.

4 The Resolution relies on three things for
5 authority to impose the special assessment. I
6 want to review each one of those.

7 First, it references this Section 52,
8 paragraph one of the District Charter.

9 Section 52 concerns the imposition of fees,
10 not assessments. It's a very important
11 distinction. Assessment are covered by
12 Section 43.

13 Section 52, the one that you rely upon in
14 your Resolution to impose an assessment, does
15 address imposing fees on property outside the
16 District, but does not authorize a special
17 assessment, which is what you're trying to impose.

18 One of the reasons that there's -- one of the
19 differences between a fee and an assessment is the
20 manner in which collection can be obtained.

21 Section 53 of your Charter addresses how a
22 fee, a user fee that is imposed under Section 52
23 can be collected. And it provides that collection
24 of delinquent charges imposed under Section 52 can
25 be collected by a civil action. It doesn't

1 provide for a tax deed sale, which, basically, is
2 a forced sale of a property. And under the
3 Constitution and the State of Florida, you cannot
4 force a sale of a property.

5 Our argument does not hinge on whether the
6 Airport is connected to your system. That's not
7 what we're here to talk about today. You have no
8 authority to impose the special assessment that
9 you seek to impose on a property that's outside of
10 the District.

11 Under Section 43, which is the provision in
12 your Charter that allows for the imposition of
13 special assessments, does not -- as I'll get into
14 more detail -- does not provide for the imposition
15 of a special assessment against any property
16 outside the District.

17 The second thing that your Resolution cites
18 is a Florida Statute, Section 298.22(9). That
19 section provides the District with authority to
20 collect reasonable fees -- again, not
21 assessments -- for connection to a use of the
22 works of the District. Assessments are covered
23 under a totally different section of Chapter 298.

24 Third. The resolution cites to a decision of
25 the circuit court in a case from 1996 that

1 approved an amendment to the District's Plan of
2 Reclamation.

3 That order says that the District can assess
4 exempted lands for maintenance. It says nothing
5 about imposing an assessment against property
6 outside the District. The court wouldn't have the
7 authority to give you authority to impose such an
8 assessment when your Charter and state statute
9 don't provide that authority.

10 In fact, the plan amendment that was approved
11 in that order addresses lands that are afforded
12 maintenance, quote, in the District. An
13 assessment would still have to comply with the
14 District's Charter, Section 43 of your Charter,
15 and Chapter 298. And also, if you want to use the
16 tax collector to collect it, you have to conform
17 with the procedures in Section 197.3632 of Florida
18 Statutes. And I'll get to that in a minute.

19 So what does Section 43 say of the District
20 Charter that does authorize you to impose special
21 assessments? It says you can impose a special
22 assessment, first of all, only for assessable
23 improvements. Which is not what you've done. And
24 also allows for assessments of political
25 subdivisions, quote, wholly or partly within the

1 District.

2 Again, the Airport has no property that is
3 either partly or wholly within the District.

4 The fee that is being charged is not for
5 improvements, it's for maintenance.

6 You also did not use the process and the
7 method in Section 43 for adoption of special
8 assessments because you relied upon Section 52,
9 which, again, is a reference to user fees, not
10 assessments.

11 So based upon the review of the authority
12 cited in your Resolution, none of them authorize
13 the District to impose a special assessment on
14 Airport property through the tax collector,
15 subjecting the Airport property to the tax
16 certificate and tax deed sale process.

17 Now, generally, the District only has the
18 powers granted it by its Charter and state
19 statute. The Supreme Court said that back in
20 2019. Any reasonable doubt as to the lawful
21 exercise of those powers is resolved against the
22 District.

23 So if the court -- if we go to court and the
24 court has any doubt as to what your authority may
25 be in terms of imposing a special assessment

1 against property outside the District, it will be
2 resolved against that power.

3 Section 298.22, the section, again, cited in
4 the Resolution, does not provide the authority to
5 impose special assessment on properties outside
6 the District.

7 Now, when you look -- when we get into a
8 little bit more deeply into your Charter, what
9 does it provide with regards to assessments? Even
10 if you want to go back and try to redo this, can
11 you impose an assessment on the Airport? The
12 answer is no.

13 Section 39 provides an assessment for
14 maintenance, but is only authorized on lands in
15 the District.

16 Section 43, which I already mentioned, which
17 authorizes you to impose a special assessment for
18 accessible improvements, again, is limited to
19 political subdivisions which own property wholly
20 or partly within the District, which does not
21 include the Airport.

22 Thus, the District has not been given the
23 authority by the legislature, either in your
24 Charter or in Chapter 298 to impose a special
25 assessment against property outside the District.

1 While I don't think there is doubt about
2 this, to the extent there is, that doubt will be
3 resolved against the authority in the exercise of
4 such power.

5 Let's talk a little bit about the procedures.
6 So even if a court would disagree with us and
7 determine that the District has the authority to
8 impose a special assessment on the Airport
9 property, you didn't follow the required
10 procedures for imposing a special assessment using
11 the Uniform Collection Method, that is, the tax
12 collector.

13 This defect -- and I want to make this
14 clear -- puts the entire special assessment in
15 jeopardy, not just the assessment against the
16 Airport. If the court determines that you didn't
17 follow the procedures, the assessment against all
18 properties could be declared invalid.

19 Section 197.3632 of Florida Statutes is a
20 statute that sets forth the required procedures in
21 order to use the Uniform Collection Method.

22 Why do legislators set forth such extensive
23 procedures? Because ultimately it allows
24 government to take private and others' property for
25 the non-payment of these assessments. Therefore,

1 in order to meet requirements of the Constitution,
2 the legislature set forth an extensive array of
3 procedures that need to be followed in adopting a
4 special assessment that's going to be collected
5 through the tax collector. The failure to follow
6 these procedures, as the courts have said, is
7 fatal to the assessment.

8 And again, from what I have seen, unless you
9 can produce things otherwise -- and we did make
10 public record requests looking for this
11 information -- you didn't follow any of those
12 procedures and your Resolution was not adopted in
13 accordance with 197.3632.

14 I did listen to your meeting last week. One
15 of your members made the statement "that's what
16 you do in government, you check boxes." Well, in
17 this case, you didn't check any of the boxes. You
18 didn't check the box at first you had the
19 authority to impose a special assessment on
20 property outside the District, and you didn't
21 check the box that you followed the procedures in
22 197.3632.

23 Again, the Airport, we had no idea that the
24 intent was to impose a special assessment until we
25 got the invoice from the tax collector. This

1 isn't just a technicality. The fact that you
2 don't have the authority to assess the Airport is,
3 obviously, much more than a technicality. And the
4 process that the statute provides has a purpose.
5 You're, again, imposing to force the sale of
6 Airport property if they don't pay.

7 Our Constitution demands that before taking
8 property the government follow a certain process
9 and have the proper authority to impose the
10 assessment. In this case the District does not
11 have that authority and did not follow the
12 process.

13 So I'm here on behalf of the Airport to ask
14 you to reconsider your action, to rescind the
15 special assessment, avoid the necessary
16 expenditure of public funds on what we believe to
17 be a fairly clear issue.

18 I for one am very interested to hear, because
19 today I have not heard any legal argue on behalf
20 of the District, as to why it believes it has the
21 authority to impose this special assessment, and
22 why it believes it followed the procedures of
23 state statute.

24 Thank you.

25 MR. McCLURE: Thank you, Mr. Zimmet.

1 We'll next hear from Spring Lake Improvement
2 District.

3 So, Ms. Wilcox or Ms. Teegan, are you either
4 one going to be addressing on behalf of the
5 District or someone else?

6 MS. TEEGAN: Was Bill --

7 MR. McCLURE: I can -- here's --
8 Mr. Nielander called me today.

9 MS. TEEGAN: Sure. I know he's under the
10 weather so I'm not trying to make it worse for
11 him.

12 MR. McCLURE: That's right. He is suffering
13 from food poisoning right now. He called me and
14 he asked if it would be possible for me to call
15 him so he can state over the telephone a brief
16 statement that he had. That -- we could put the
17 microphone up to here.

18 Is that acceptable to everyone? Anybody got
19 any objections?

20 MR. SWAINE: Yes, sir. That's fine.

21 MR. McCLURE: Okay. Let me see if I can
22 reach him then. I hope he's at home and not out
23 here watching the races. I don't know.

24 Let me reach him.

25 Hello, Bill Nielander. This is John McClure

1 calling. I'm in the meeting. I would like to
2 place you on Speakerphone. You asked to have the
3 opportunity to address the proceedings. And this
4 would be that time. Are you prepared to do that?

5 Hold on one moment.

6 Can you hear it?

7 Okay. Say it again.

8 MR. NIELANDER: Can you hear me?

9 MR. McCLURE: Barely. Okay. Go ahead and
10 speak as loud as you can. I'll put you right in
11 the microphone. Let's see how it carries, okay.

12 Hold on. Okay.

13 MR. NIELANDER: My name is Bill Nielander.
14 Thank you for letting me appear by phone today.
15 Trust me, you don't want me next to you today. I
16 don't feel worth a darn.

17 So today we're here to participate in this
18 statutory dispute resolution process put in place
19 by the legislature in order to help prevent
20 lengthy and expensive litigation between
21 government entities.

22 Spring Lake actually retained the Attorney
23 General's Office, the civil litigation department
24 to represent it. And nobody tells them that it
25 does not appear to have the authority to assess

1 the Airport, but instead had no choice but to
2 pursue the assessment.

3 There are equitable arguments and legal
4 arguments. The equitable argument is whether it's
5 fair that the citizens of Spring Lake have to pay
6 hundreds of thousands of dollars each year, and
7 million of dollars in infrastructure by
8 themselves, the fee, and mechanically dispose of
9 all the drainage water, when a third of all
10 drainage in the District comes from the Airport.

11 Then there are legal arguments as to what
12 authority we have. But those can only be
13 determined by court systems, not by attorneys.

14 We are here today to determine if the two
15 Boards can find a way to resolve this assessment
16 issue without protracted litigation.

17 I'm more of a mediator than I am a litigator.
18 So to me it's obvious that it would be in the best
19 interest of the Airport Authority and the Spring
20 Lake community if this matter could be resolved by
21 these two Boards today.

22 Thank you very much.

23 And if the Board needs me during the
24 discussion, please have them give me a call.

25 (Mr. Nielander disconnects from the meeting.)

1 MR. McCLURE: Thank you, Mr. Nielander. We
2 will give you a call if they need further input
3 from you. Much appreciated.

4 MR. McCLURE: All right. Mr. Nielander has
5 had his say. I believe the State indicated that
6 they were also appearing on behalf of Spring Lake
7 in some manner.

8 MS. TEEGAN: Yes. Thank you.

9 My name is Elizabeth Teegan.

10 MR. McCLURE: Why don't you come on up. I'm
11 sorry. I think that's best.

12 MS. TEEGAN: I can talk loudly but not that
13 loudly.

14 Thank you.

15 I'm Elizabeth Teegan with the Florida
16 Attorney General's Office. And I'm not local. I
17 came from Tallahassee. And I've had the
18 opportunity to tour the community, and this is a
19 lovely place. And maybe I'll retire here.

20 Meanwhile, the District asked us to come in
21 to help it through this pre litigation process,
22 which involves public comment. And if anyone has
23 not already said this, we are very grateful to
24 have the members of the audience appear today,
25 take their time to come out for this meeting and

1 provide whatever input you have as these two
2 public entities try to make a decision.

3 I'm not going to go through in detail the
4 nuisances of the legal disputes. I think that has
5 already been covered.

6 And I think Mr. Nielander made it very clear,
7 the District feels like this is a matter of
8 fairness, that the taxpayers of the District are
9 currently bearing the economic burden of treating
10 all the stormwater, and they would simply like the
11 Airport to pay its fair share.

12 So I'm around with the Board for any kind of
13 questions that you might have. But we just very
14 much wanted to say thank you for coming out and
15 participating in this process.

16 We, like the Airport, certainly hope we can
17 resolve it without resorting to litigation.

18 Thank you.

19 MR. McCLURE: And I believe the Highlands
20 County Tax Collector is not really a formal party
21 to this. You're just, more or less, here to
22 observe and see what's going on. Any questions
23 you can answer regarding the actual imposition of
24 the assessment procedurally you would be happy to
25 address. But I certainly would not want this

1 opportunity to pass.

2 Mr. Ashley, or Mr. Zwayer, if either one of
3 you wishes to address.

4 MR. ASHLEY: I'm going to say a few words
5 quickly before the noise begins again.

6 Can everybody hear me?

7 So the tax collector, in a proceeding like
8 this, is a statutorily required party because the
9 tax collector sends out the tax bill. And the tax
10 collector, certainly if there is a litigation, has
11 to be in front of the court so the court can tell
12 the tax collector at the end of the proceeding
13 this is what you do or this is what you don't do,
14 because the tax collector is the only one who has
15 the authority to send out a tax bill, rescind the
16 tax bill, change a tax bill.

17 So that's why here. I don't want to sound
18 flip about it, but that's, basically, the reason
19 that we are here. If there is anything we can do
20 to facilitate a decision, if an agreement is
21 reached, we'll certainly do that. If there is
22 anything we have to do because the court tells us
23 to, we will do that too.

24 MR. McCLURE: Thank you.

25 MR. ASHLEY: Thank you, sir.

1 MR. McCLURE: So this is where the, I
2 suppose, the procedures get somewhat interesting.
3 Each side has cited your respective position.

4 I believe, if I could state that on behalf of
5 the Airport Authority, you're saying: Look, we're
6 not even within the District, there are no
7 procedures at all to assess us for improvements.

8 And so everybody here knows, I'm no expert on
9 all these things, but I did represent Spring Lake
10 Improvement District for many, many years. So the
11 argument simply is: Of the ways that the revenue
12 can be produced -- let's say you have some
13 facilities within the District, for example, a
14 golf course, pickleball courts, things of that
15 nature owned by the District, these are things for
16 which fees can be imposed, user fees for the
17 outside public or internal members to come in and
18 utilize the facilities. That's the Chapter 52
19 assessment, I believe Mr. Zimmet was talking
20 about.

21 Then there's Chapter 43, by the Charter of
22 the District, assessment that deals with the
23 actual assessable improvements. Things like:
24 Okay, we put in roads, water, sewer, other things
25 that enhance the value of the property that is

1 needed for proper development. These are called
2 assessable improvements. A determination is made
3 each year for how those properties are assessed.

4 Mr. Zimmet's point was there is a difference
5 in how those are imposed and what has to be done
6 with each of those.

7 On behalf of the Spring Lake District, I'm
8 thinking what you're saying is: Hey, guys, you
9 know, all this water from your property is
10 draining into our District and we are stuck with
11 having to dispose of it, and it's costing a
12 tremendous amount of money. The only way we have
13 to raise money is to assess our residents, and our
14 residents aren't very happy about being assessed
15 to remove your water from this property.

16 That's my view of it anyway. Maybe if I
17 misstated something, I apologize. But the long
18 and short of it is pretty much what I've
19 summarized, I think.

20 Okay. So how we resolve this, that's a good
21 question. Frankly, I wouldn't want to be the
22 judge to have to make the determination. I'll
23 just be up front with you.

24 Is this going to resolve around common law
25 principles, you know, about water from this

1 property affecting downstream water removal by
2 another property? Or is -- that's called common
3 law principles. Or is it going to be more
4 determined by statutorily determined matters, as
5 addressed by Mr. Zimmet.

6 So we have both sides of this. And there's
7 no easy resolution of it. I'm sure everybody
8 understands that.

9 But having said that, I'm here to facilitate
10 a meeting of the two Boards. You're both here.
11 It is required by statute that -- I realize you
12 might both be here and you might both be saying
13 would you please shut up and let's go home, we're
14 done here. You know, we're not going to resolve
15 this. I don't know how you're going it.

16 But each side has made your positions known.
17 So I think if there is a member of the Board, or a
18 Chief Administrative Officer or Chair of the
19 Board, or whatever, that you wish to make any
20 other statements or perhaps have some back and
21 forth between the parties to try to resolve this,
22 I think that's why we're here. Okay. We are here
23 to try to get this resolved.

24 I know we have a lot of members of the
25 public. I know you want to make a statement. We

1 will come to you after we finish this part of the
2 meeting. And I'll address how we do the public
3 comment at that point, okay.

4 So having said that. I'm going to start with
5 Sebring Airport Authority. Is there any dialogue
6 that you would wish to offer that you think might
7 be helpful in trying to resolve this matter?

8 MR. ANDREWS: Yeah. I don't think there is
9 anything else. We have pretty well stated what
10 the position is. As Board Chair, it's -- you
11 know, I think this assessment was totally
12 improper.

13 UNIDENTIFIED SPEAKER: We can't hear him.

14 MR. McCLURE: Mr. Andrews, who is the Board
15 Chair, stated that on behalf of the Airport
16 Authority, their belief is that the assessment is
17 improper. Just a general statement to that
18 effect. I believe Mr. Zimmet laid out why he
19 thought in legal terms the assessment was
20 improper.

21 So that's -- I believe they're pretty well
22 entrenched along those lines.

23 Am I correct about that?

24 MR. ANDREWS: Yes.

25 MR. McCLURE: Yes. All heads nodded yes.

1 MR. ANDREWS: We were blind sided. There was
2 no notice to us until we got a bill. I think
3 that's ridiculous.

4 MR. McCLURE: That's a procedural issue. I
5 realize niceties -- it would have been better had
6 you talked about that perhaps and reached a
7 determination: I'm sorry, we're not going to
8 agree to disagree on this. We're going to have to
9 assess you and we will see where it lands. Maybe
10 the better way to do it would have been to make a
11 phone call and discuss. But whatever happened
12 happened. Okay. That's not going to change
13 anything about why we're here today. And it
14 really doesn't affect the legal principles that
15 we're here to address or try to resolve.

16 But I do appreciate your input. I understand
17 what you're saying.

18 Okay. Over to Spring Lake then. Is there
19 anything you would like to say that might help
20 facilitate some sort of discussion?

21 MS. GORHAM: I don't like this -- Kay
22 Gorham, Board Chair.

23 I would like to clarify a point. It's my
24 understanding for the past two years that the
25 Airport Authority has received tapes of all the

1 minutes, and they also brought a court reporter to
2 the public hearing in August when this was
3 discussed.

4 MR. McCLURE: So, in other words, this is not
5 a total surprise to them.

6 MS. GORHAM: Exactly.

7 MR. McCLURE: It has been discussed.

8 MS. GORHAM: Exactly.

9 MR. McCLURE: No formal notice was actually
10 given that said: This is the year, this is where
11 we're going to do, get ready.

12 MR. ZIMMET: Can I respond to that?

13 MR. McCLURE: Well, sure. That's why we here
14 to try to resolve it.

15 MR. ZIMMET: I appreciate that comment. And
16 I do want to respond.

17 Yes, we were aware that you were considering
18 imposing some kind of a fee against the Airport.
19 In fact, we wrote letters to your counsel as to
20 why you didn't have the authority to impose what
21 we thought was going to be a user fee. You never
22 used the term "assessment." Just like in your
23 Resolution, you never used the term "assessment."
24 And there is a big difference between special
25 assessments and user fees, not only in terms of

1 the legal procedures, the legal effects, but also
2 your authority.

3 And so, it was never clear to us until we got
4 the invoice from the tax collector that: Oh, wow,
5 you were imposing a special assessment. So yeah,
6 we knew you were talking about it. We didn't know
7 what the amount was. Various amounts were thrown
8 about. We still don't know exactly how you came
9 up with the amount of the assessment. All we did
10 was get a bill.

11 And that's not proper under the statute.
12 That's not proper under your Charter. And again,
13 you don't have authority to impose a special
14 assessment on property outside the District.

15 But you can go back and listen to all those
16 meetings. Because I have. And you won't find
17 that you talked about imposing a special
18 assessment against the Airport.

19 So I just want to clarify that.

20 Thank you, John.

21 MR. McCLURE: Well, it seems like any further
22 comments is going to be a "He-Said, She-Said" type
23 thing, and I don't know that that's going to
24 facilitate to any sort of meaningful resolution at
25 this point.

1 It appears that the Airport knew the
2 Improvement District was considering assessing the
3 Airport.

4 MR. COOL: No, John. Not assessing. We
5 never knew they were going to assess.

6 MR. ZIMMET: As I said in my openings
7 remarks, there has been discussions for years.
8 And, in fact, the two have talked about some kind
9 of compensation to the District. But no, use of
10 the word "assessing," that's never been used. We
11 were never aware that they were considering a
12 special assessment, let alone using the Uniform
13 Collection Method.

14 MR. McCLURE: Understood. Sorry for my faux
15 pas.

16 So at this point does either side believe
17 that further discussion would lead to any sort of
18 conflict resolution?

19 MS. GORHAM: We're a little interested in
20 what you're saying when you mention compensation.
21 Could you elaborate a little bit on that please.

22 MR. ZIMMET: I'm just saying that you had
23 asked the Airport, I believe, to compensate you.
24 The discussion of money changing hands has gone
25 back, as I understand it, years. A couple of

1 years.

2 I'm not saying we're -- I didn't say we're
3 willing to provide compensation. I'm saying there
4 was discussions, that we knew the District was
5 looking to the Airport to provide money to the
6 District.

7 MS. GORHAM: Thank you.

8 MR. ZIMMET: John, maybe what we should do at
9 this point is do the public comment.

10 MR. McCLURE: That was the very next place I
11 was going. I did -- I don't know that public
12 comment is going to change either sides'
13 respective position. But this is a public
14 meeting.

15 We will at this point then -- unless you have
16 something further, Ms. Teegan.

17 MS. TEEGAN: No, I do not.

18 MR. McCLURE: I noticed some discussion. I
19 thought perhaps you had something. No problem.

20 So at this point we will proceed with intake
21 of public comment. I would expect that most
22 everybody sitting out there has the position that:
23 Why should I pay for their water and it increases
24 my assessment. I can't imagine that there's a
25 sentiment that's other than that. And it's quite

1 understandable.

2 But I would say this. If -- rather than
3 having 30 people come up here and say exactly the
4 same thing, if you, perhaps, had some potential
5 comments spokesperson that could come up, or if
6 you feel like you have something different you
7 want to say and come up. I am certainly in no way
8 wishing to limit public comment. I'm just simply
9 saying that it could drag on quite a while. I
10 would ask that your comments, no matter what they
11 are, be limited to three minutes. I think that's
12 very reasonable.

13 So having said that, we're going to opening
14 the meeting up for public comment. I would ask
15 this. Would everybody prefer that public comment
16 people come up front or just speak in place? It
17 doesn't matter to me.

18 Why don't you speak in place. That would
19 facilitate things. First thing I want you to do
20 when you stand up is state your name because the
21 court reporter needs to have that.

22 Okay. In the green shirt, raised hand.

23 MR. LONS: Hi. I'm Bill Lons (Phonetically).
24 I was with the Spring Lake Improvement District
25 Board for 15 years and served as their chairman

1 two or three years.

2 And during the discussions we had, we had
3 communications with the Airport on helping with
4 the drainage fees. And we even -- they even went
5 as far as making a one-time offer of a certain
6 amount. And we have that in writing. The
7 District does. And we said, "No, one time wasn't
8 feasible. Because the last we knew it rained
9 every year and we had to process water."

10 So I have a short statement.

11 "It appears that the promises to help pay for
12 30-plus percentage of the stormwater that comes
13 from the Airport that goes through the SLID
14 drainage system have not been kept. It would be
15 in the best interest of the Airport and SLID if a
16 mutual agreement could be reached that would be
17 equitable to everyone, including the residents and
18 land owners in Spring Lake.

19 The offer of one-time payment to SLID was not
20 an equitable solution.

21 Thank you for listening. Your good neighbors
22 from Spring Lake."

23 Thank you for the time.

24 MR. McCLURE: Thank you, sir.

25 Next person. In the back.

1 MR. WALLER: Hello. My name is Mark Waller.
2 I wasn't aware of this. Don't know much about the
3 back story. Here's what I'm going to say.

4 I'm going to encourage the Airport to get on
5 board with something that both parties can agree
6 upon.

7 The Airport, it's my understanding, the way I
8 understand it, it's, basically, a private airport.
9 I don't know what benefit for somebody like me
10 your airport provides.

11 So if there's a burden being placed on the
12 taxpayer in the surrounding area, I would strongly
13 encourage you to try to come up with something.

14 The Attorney General from the State has a
15 representative here. And in my experience,
16 when I lived in Pittsburgh, the Pittsburgh Airport
17 was de-icing planes. And when it went to
18 litigation, it wasn't favorable for the Pittsburgh
19 Airport.

20 So I think if it ends up in litigation, the
21 State probably is not going to favor -- be very
22 favorable in the decision-making to a private
23 entity that really is not benefiting the locals
24 that much.

25 So I just encourage both parties to try to

1 work together to come up with something that would
2 be considered equitable.

3 Thirty percent of the stormwater -- did I
4 hear that? -- approximately is being treated with
5 taxpayers' property tax assessment funding.
6 That's all I got.

7 MR. McCLURE: Thank you, Mr. Waller.

8 More public comment? Any other public
9 comment?

10 MR. KAYLOR: I'm Leroy Kaylor. I'm on the
11 Board for Spring Lake Property Association here in
12 behalf of SLID.

13 I sat here for 45 minutes and listened to all
14 this lawyer talk, you know. And I'm kind of a red
15 neck, but I know what's going on. But I didn't
16 understand all of this assessments and fees, and
17 all these terminology. It all means the same
18 thing. It's time to pull our big boy britches up
19 and get to work and put a levy around Spring Lake
20 so you folks will have to canal your own water to
21 the creek or work with us and we'll try to get
22 something worked out.

23 Thank you.

24 MR. McCLURE: You, sir. State your name too
25 please.

1 MR. LeDOUX: My name is Bruce LeDoux. I'm
2 competing with Attorney Teegan. I traveled 1,700
3 miles to be in this meeting.

4 I am a developer of property immediately next
5 to the Airport, over 30 lots. And I came to
6 express my disappointment to you of the Board.

7 There's a problem with communication.
8 Transparency is a big issue. And while my umpteen
9 development is the highest in the area, we rely on
10 shared drainage to manager stormwater effectively.
11 The Airport denying responsibility, regardless of
12 Parliamentary procedure, perpetuates putting an
13 unfair burden on us as landowners.

14 Furthermore, I share concerns about their
15 lack of transparency. On November 22nd, best I
16 can tell from my amateur research efforts, there
17 was a 1.8 million dollar grant that the Airport
18 got from the U.S. Department of Commerce that
19 underscores the critical role of drainage systems
20 in economic development.

21 While other airports actively secure funding
22 for critical infrastructure, the Airport
23 Authority's refusal to contribute to this
24 infrastructure raises questions about their
25 commitment to the community.

1 The dispute, 75,000, or whatever, 30 percent,
2 it's really concerning because it effectively
3 amounts to a double taxation for all of us.
4 Because, in part, it's our federal tax dollars
5 that funded that grant. And now we have to pay an
6 extra assessment because it doesn't -- we didn't
7 meet Parliamentary procedures. There's no sense
8 of community.

9 And I can tell you from my personal
10 experience, it's really difficult to get
11 information from the Airport Authority. I
12 personally had a public information request act
13 that's gone largely unmet since May.

14 So ultimately, I believe if we could get to a
15 common interest and stop fighting like -- there's
16 not a lot to fight about here. There's a whole
17 place to be developed. There's a whole economy to
18 be developed here, and to make the community a
19 better place. So I guess I would urge the
20 Airport: Hey, would you please consider joining
21 the Spring Lake in handling the drainage so we can
22 build a better community together.

23 MR. McCLURE: Thank you, sir.

24 Is there any other public comment?

25 Sir.

1 MR. ACKER: My name is Brian Acker. I live
2 in Spring Lake. I've been there for over 20
3 years. I've sat on the Board for 16 of those
4 years.

5 We've had a numbers of conversations with the
6 Airport over those years, and we've always tried
7 to reach a mutual effort of cooperation.

8 I look at the Airport Authority as an
9 enterprise. It's, basically, a business under a
10 government handle, whereas Spring Lake Improvement
11 District represents people. And that I see is the
12 difference.

13 The Airport Authority's revenue in 2022,
14 according to Rod, was over \$6,000,000. That's
15 twice the revenue of all we take in in Spring
16 Lake. That's through assessments, fees, and
17 everything.

18 And our fee base is based on users. Not
19 everybody in Spring Lake pays for sewer.
20 Everybody that has water pays for water. But the
21 lot owners, they don't pay for water because they
22 don't have the service.

23 So I would encourage the Airport Authority to
24 sit down and try to resolve this because your
25 water is going into Spring Lake. We're treating

1 it. We spend millions and millions of dollars,
2 okay, to meet state specifications for the
3 stormwater quality.

4 That's all I've got to say.

5 MR. McCLURE: Thank you, sir.

6 Yes, sir.

7 UNIDENTIFIED SPEAKER: When you have --

8 MR. McCLURE: I'm sorry, state your name
9 please.

10 MR. PRICE: Kay and Keith Price
11 (Phonetically). I live in Spring Lakes. I've
12 been here three years.

13 When y'all were talking about the assessment
14 of how they were going to charge you this money,
15 never at one time did y'all say that y'all didn't
16 think that y'all should pay the money to us. As a
17 matter of fact, in past times y'all agreed.
18 Whether they call it an assessment, whether they
19 call it a tax, whether they call it a user fee,
20 y'all owe the money to Spring Lake.

21 Now, because of the wording, the way it's
22 said: Well, we don't have to pay because they say
23 it was an assessment, or they said it was a user,
24 or whatever, but you never once said that y'all
25 shouldn't pay the money because you know you

1 should. It's just plain and simple.

2 I mean, I know that's what lawyers do. They
3 look for ways to get around doing the right thing.
4 So, I mean, I pay my fees and I think y'all should
5 pay y'all's fees also.

6 Thank you.

7 MR. McCLURE: Thank you, sir.

8 Anyone else one? In the back, sir.

9 MR. MARSH: My name is Troy Marsh. I'm
10 president of the Oak Leaf of Highlands County
11 Homeowners Association, Incorporated.

12 To paraphrase one of the leading candidates
13 for President of the United States: If you don't
14 pay for common defense, America won't defend you.

15 Applying that reasoning to this dispute, if
16 you don't contribute to the common stormwater
17 drainage system, then pay for your own stormwater
18 runoff system.

19 Thank you.

20 MR. McCLURE: One more.

21 UNIDENTIFIED SPEAKER: (Inaudible).

22 THE COURT REPORTER: I can't hear you.

23 UNIDENTIFIED SPEAKER: Sorry. Helmut Wyzisk.

24 H2.

25 We're residents. We do Springlake Partners.

1 We're probably the largest landowner in Spring
2 Lake. We own the Sebring International Golf
3 Resort.

4 I have been aware of this process going on
5 for a couple of years. We are, as developers and
6 repositioners, we are about bringing the community
7 together. If there's anything that we can do.

8 I hope that Spring Lake gets their fair share
9 of this burden taken off of them. It affects us
10 probably more than anybody in this room as one of
11 the largest landowners. So anything that we can
12 do. We're all community-based. We came here to
13 reposition the property for the community.

14 So as the spokesperson for Springlake
15 Partners, if there's anything that we can do to
16 help bring the parties together, we're here
17 willing to do what we can do to help.

18 Thank you very much.

19 MR. McCLURE: Thank you.

20 Is there anyone else that wishes to make a
21 comment before we close the public comments?

22 We have one more. Mr. Elwell.

23 MR. ELWELL: My name is Don Elwell. I'm the
24 Highlands County Commissioner for District 2.

25 District 2 is the District that we're all in

1 right now; Sebring Airport Authority as well as
2 Spring Lake Improvement District. I'm a resident
3 of Spring Lake. I'm the first vice president of
4 the Property Owner Association. So I'm kind of
5 tied to this a little bit.

6 I have been invested in various parts of this
7 for several years through Mr. DeCerbo. I tried to
8 talk with the Airport as well. Facilitated a
9 meeting between them half a dozen years ago or so.
10 So it has been several years, as alluded to
11 earlier.

12 I'm looking at the Board of the Sebring
13 Airport Authority. It's a Board full of people
14 that I have a great deal of respect for. It is a
15 who's who type Board.

16 I know the Spring Lake Board. There's a
17 bunch of folks over there that I have great deal
18 of respect for.

19 At the end of the day, we're either going to
20 have a big winner or a big loser, or both sides
21 are going to walk away with something they don't
22 like and everybody wins. And I think that's what
23 we need to be focused on.

24 We can go ahead and stand behind principle or
25 deadline, the fact you said this or didn't say

1 this. And I get that. But big-picture thinking,
2 big picture being the fact that we're all here for
3 about 80 years or so on this planet, we just need
4 to get along a little bit here, and we need to
5 find a solution that everybody hates. If both
6 sides don't like it, it's probably the best
7 solution we can get. And it's probably going to
8 be a fair solution that's going to satisfy the
9 folks at Spring Lake that have been footing this
10 bill for seven years.

11 I just feel like we need to come together as
12 a community here. Spring Lake is growing by leaps
13 and bounds. Some of the folks here represent that
14 growth.

15 Sebring Airport Authority is growing by leaps
16 and bounds.

17 Let's not let this be a problem and be a
18 thorn in our sides to inhibit that growth in any
19 way whatsoever. Let's please come together as a
20 community and move forward.

21 Thank you.

22 MR. McCLURE: Thank you, Mr. Elwell.

23 Okay. One last call. I think everybody's
24 pretty much had their say. And so we'll close
25 public comment at this time and move into Board

1 action, if any.

2 In light of the public comment, does either
3 side wish to make a statement?

4 Mr. Johnson.

5 MR. JOHNSON: You want me to come up there?

6 MR. McCLURE: That's up to you, sir.

7 MR. JOHNSON: Can y'all hear me okay?

8 UNIDENTIFIED SPEAKER: No.

9 MR. JOHNSON: Okay. First, I want to clarify
10 one thing.

11 MR. SWAINE: They asked you to go up front.

12 MR. JOHNSON: Can you hear me okay now?

13 Okay. So I do want to clarify one thing.

14 The gentleman mentioned that we were a private
15 entity. We are not a private entity. I just want
16 to clarify that for the record.

17 But at this point, at this time, we're
18 going -- I would like to move that the Board of
19 the Sebring Airport Authority to find that if a
20 court proceeding does not take place before the
21 remaining provisions of the Florida Governmental
22 Conflict Resolution Act --

23 UNIDENTIFIED SPEAKER: Can't hear you.

24 MR. JOHNSON: All right. You want me to
25 start over?

1 UNIDENTIFIED SPEAKER: Please.

2 MR. JOHNSON: I move the Board of Sebring
3 Airport Authority to find that if a court
4 proceeding does not take place before the
5 remaining provisions of the Florida Governmental
6 Conflict Resolution Act are complied with
7 regarding the conflict identified in Sebring
8 Airport Authority Resolution Number 23-15, the
9 significant legal rights of Sebring Airport
10 Authority will be compromised by the unlawful
11 invalid non-ad valorem assessment levied against
12 the Airport Authority's property by the Spring
13 Lake Improvement District, and the collection
14 thereof by the Highlands County Tax Collector,
15 including by the sale of tax certificates if the
16 assessment is not paid by March 31st, 2024, and to
17 authorize the Airport Authority's general counsel
18 and outside litigation counsel to file and
19 prosecute a lawsuit against the Spring Lake
20 Improvement District and the Highlands County Tax
21 Collector to seek injunctive, and all other
22 available relief, to prevent the Airport
23 Authority's significant legal rights from being
24 compromised pursuant to Section 164.1041(2) of
25 Florida Statutes.

1 MR. ANDREWS: Second. You made the motion.
2 I second. Mark Andrews, Chairman of the Board.

3 MR. SWAINE: You can't second. You're the
4 Chair.

5 MR. COOL: I'll second.

6 MR. McCLURE: Thank you.

7 MR. ANDREWS: You need public comment?

8 MR. McCLURE: Well, okay, so right now we
9 have a motion and a second before the Sebring
10 Airport Authority Board. And so at this point,
11 the Board may wish to discussion it first or take
12 public comment first and then discuss it.

13 Up to you, Mr. Chair.

14 MR. ANDREWS: Public comment first.

15 MR. McCLURE: Okay. Is there any public
16 comment on the Sebring Airport Authority motion?

17 Appearing to be none.

18 Time for Board comment.

19 MR. COOL: I would like to comment on the
20 motion. I like to agree --

21 Can you hear me?

22 I like to agree with County Commissioner
23 Elwell that the intent is to try to resolve and
24 come to a resolution. And the Airport is wanting
25 to be good neighbors. And we really need to

1 figure out a way to solve this.

2 With this motion I'm in agreement with, but I
3 would also like to say I totally agree with Don
4 Elwell's suggestion to try to resolve this without
5 litigation.

6 MR. McCLURE: I'm going to make a comment
7 while the motion is pending to make sure everybody
8 in the room knows this fact, and it's simply that:
9 If this matter cannot be resolved at this joint
10 meeting informally with a facilitator, it next
11 goes to formal mediation, okay, at which a
12 certified mediator would be involved to meet with
13 the respective parties in an attempt to resolve
14 the matter.

15 I'm not a certified mediator. That's not
16 what this meeting is about today. I'm simply a
17 facilitator for the joint meeting. But there is
18 going to be a potential for formal mediation, if
19 it cannot be resolved at this meeting today.

20 Mr. Cool, your comments have certainly been
21 heard.

22 Mr. Chair.

23 MR. ANDREWS: Yes. I'd look to also say, and
24 concur with Carl, that this is something that
25 needs to be discussed but this method is -- I

1 think is totally improper. It wasn't done right.
2 And there are other ways to do this. And, you
3 know, our Board is going to require a vote for
4 this resolution. And then I guess we will go from
5 there.

6 MR. McCLURE: There's a motion before your
7 Board and you're the Chair. It's a publicly
8 noticed meeting. So I think we can proceed to --

9 MR. ANDREWS: Call a vote.

10 MR. McCLURE: Call a vote.

11 MS. OLIVE: Andrews.

12 MR. ANDREWS: Yes.

13 MS. OLIVE: Cool.

14 MR. COOL: Yes.

15 MS. OLIVE: Johnson.

16 MR. JOHNSON: Yes.

17 MS. OLIVE: McDevitt.

18 MR. McDEVITT: Yes.

19 MS. OLIVE: Morris.

20 MR. MORRIS: Yes.

21 MS. OLIVE: Wells.

22 MR. WELLS: Yes.

23 MR. McCLURE: Okay. Is there anything the
24 Sebring Airport Authority's side wishes to say
25 before we proceed?

1 MR. ANDREWS: No.

2 MR. McCLURE: Over to Spring Lake. Is there
3 any action that the Spring Lake Board wishes to
4 take at this point?

5 MS. GORHAM: No, sir. Thank you.

6 MR. McCLURE: Okay. I believe we're at that
7 point of the meeting then where the facilitation
8 is complete. There has been no resolution. The
9 matter will then proceed to the next step pursuant
10 to the statute, which I believe is formal
11 mediation.

12 I don't even know if the lawsuit has been
13 filed. I think the Board authorized a lawsuit
14 pursuant to this motion just now. So once that
15 takes its course, then it will be done.

16 I would, as with Mr. Elwell and everyone else
17 here, I certainly think it's in the best interest
18 of both parties to get together, maybe in the
19 sense that you both consider more appropriate than
20 putting a lawsuit in their lap, or vice versa. Of
21 course, nothing never happened over the years.

22 Both sides have merit. I understand that.
23 But we really shouldn't get involved in "He-Said,
24 She-Said," we don't like this, this is wrong. You
25 need to look at the bigger picture, what's going

1 on here, and try as governmental entities, if
2 there is a way to resolve this, to find that
3 little ground. And as Mr. Elwell said, usually a
4 good resolution is disliked by both parties but
5 yet it is resolved.

6 My experience has been when you actually get
7 into resolution, it's a huge expense, number one.
8 Number two, that we should remember, too, there's
9 an emotional toll that is taken.

10 Okay. That's -- we have more and more of a
11 litigious society and people entrenched in it's my
12 way or the highway for the both sides, and that
13 never works.

14 So I'm going to encourage both Boards to
15 really look hard at what can we do to get this
16 resolved, and let's put aside our personal
17 differences and try to find some middle ground
18 that really does work.

19 This needs to be resolved. It doesn't need
20 to be making headlines in our local newspaper for
21 months and we go back and forth and people are
22 repeatedly called upon to make comment, and upset
23 and angry. That gets nobody anywhere.

24 Try to meet in the middle and figure out what
25 you can do, if at all possible. That's my

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encouragement to you.

Thank you. I believe there's nothing further to come before the meeting, so we will adjourn the meeting now.

Thank you.

(Proceedings were concluded at 12:06 p.m.)

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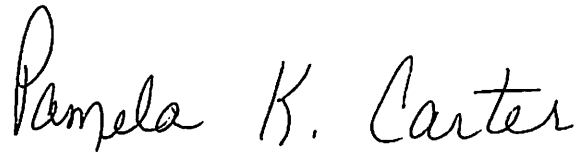
CERTIFICATE OF COURT REPORTER

STATE OF FLORIDA

COUNTY OF HIGHLANDS

I, PAMELA K. CARTER, Court Reporter and Notary Public, State of Florida at Large, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the foregoing pages, numbered 4 through 57, inclusive, represent a true and complete transcription of my stenographic notes taken at that time.

DATED at Sebring, Highlands County, Florida, this 13th day of March, 2024.



PAMELA K. CARTER,
Court Reporter