

THE ENGLAND ECONOMIC AND INDUSTRIAL DEVELOPMENT DISTRICT
BOARD OF COMMISSIONERS REGULAR SESSION MARCH 28, 2002

The England Economic and Industrial Development District met in Regular Session at the England Authority Board Room, 1611 Arnold Drive, England Industrial Airpark and Community, Alexandria, Louisiana, on **Thursday, March 28, 2002.**

There were present: Mr. Martin Johnson, Chairman; Richard Bushnell, Mr. Elwood Carroll, Mr. Wayne Denley, Mr. Wayne Miller, Mr. Mike Tudor.

Absent: Mr. Hank Bruser, Mr. Kit Provine, Ms. Bridgett Brown, Mr. Charles Waites.

Also present were: Mr. Jon Grafton, Executive Director, members of the England Authority staff, legal counsel, and members of the public, press and media.

Chairman Martin Johnson offered the invocation. Mr. Sammy Bonnette led the Pledge of Allegiance.

The England Economic and Industrial Development District was duly convened as the governing authority of said District by Mr. Martin Johnson, Chairman, who then stated that the England Economic And Industrial Development District was ready for the transaction of business.

Motion to add following item to Agenda:

MOTION TO AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE CONSENT TO ASSIGNMENT AND ASSUMPTION OF SUBLEASE OF GOLF COURSE, ESTOPPEL CERTIFICATE AND ALL DOCUMENTS RELATED THERETO; BETWEEN LOUISIANA GOLF-OAKWING, L.L.C., OAKWING GOLF CLUB, L.L.C. AND THE EEIDD.

Motion by **Mr. Miller**, second by **Mr. Denley**. On vote, motion carried.

MOTION TO AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE CONSENT TO ASSIGNMENT AND ASSUMPTION OF SUBLEASE OF GOLF COURSE, ESTOPPEL CERTIFICATE AND ALL DOCUMENTS RELATED THERETO; BETWEEN LOUISIANA GOLF-OAKWING, L.L.C., OAKWING GOLF CLUB, L.L.C. AND THE EEIDD.

Motion by **Mr. Bushnell**, second by **Mr. Carroll** authorizing Executive Director to execute consent to assignment and assumption of sublease of golf course, estoppel certificate and all documents related thereto; between Louisiana Golf-OakWing, L.L.C., OakWing Golf club, L.L.C. and the EEIDD.

Mr. Grafton presented Mr. Barton Tuck and his group Louisiana Golf Company. They will be acquiring additional properties: University Club, OakWing Golf Course, and also a new Jack Nicklaus golf club to be constructed in Bossier City. On vote, motion carried. **034-2002**

MOTION TO APPROVE MINUTES

Motion by **Mr. Carroll**, seconded by **Mr. Bushnell** to approve Minutes from the February 28, 2002 Regular Board Meeting. On vote, motion carried. **035-2002**

MOTION TO MOVE THE APRIL 25TH BOARD MEETING TO 4:00 P.M. TO ALLOW PUBLIC HEARING AND PRESENTATION CONCERNING THE PART 150 NOISE STUDY.

Motion by **Mr. Carroll**, second by **Mr. Miller** to move the April 25th Board Meeting to 4:00 p.m. to allow public hearing and presentation concerning the Part 150 Noise Study. On vote, motion carried. **036-2002**

MOTION TO ADOPT POLICY REGARDING WAIVER OF SECURITY DEPOSITS FOR COMMERCIAL LEASES.

Motion by **Mr. Bushnell**, second by **Mr. Carroll** to adopt policy regarding waiver of security deposits for commercial leases. On vote, motion carried. **037-2002**

MOTION SETTING RENTAL RATES AND ADOPTING RENTAL AGREEMENT FOR ARBITRATION SUITE LOCATED IN PROFIT BUSINESS CENTER.

Motion by **Mr. Tudor**, second by **Mr. Bushnell**, setting rental rates and adopting rental agreement for arbitration suite located in Profit Business Center.

Mr. Tudor offered an amendment to the resolution to condense and redraft the present proposed lease into a reservation form and further amend that the rent be established at \$85.00 a day and that deposit be refundable if cancelled within 24 hours of the reservation.

On vote, motion carried. **038-2002**

MOTION AUTHORIZING EXECUTIVE DIRECTOR TO EXECUTE AMENDMENT #1 TO THE CUSTODIAL SERVICES AGREEMENT WITH BELL JANITORIAL TO EXTEND THE AGREEMENT FOR THREE YEARS AT THE SAME TERMS.

Motion by **Mr. Miller**, second by **Mr. Bushnell** authorizing Executive Director to execute Amendment #1 to the Custodial Services agreement with Bell Janitorial to extend the agreement for three years at the same terms. On vote, motion carried. **039-2002**

MOTION AUTHORIZING AMENDMENT TO THE CONTRACT BETWEEN LOUISIANA DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS AND ENGLAND ECONOMIC AND INDUSTRIAL DEVELOPMENT DISTRICT FOR WORK CREWS PROVIDED BY WORK TRAINING FACILITY NORTH.

Motion authorizing by **Mr. Bushnell**, second by **Mr. Carroll**, authorizing Amendment to the contract between Louisiana Department of Public Safety & Corrections and England Economic and Industrial Development District for work crews provided by Work Training Facility North. On vote, motion carried. **040-2002**

MOTION AUTHORIZING CHANGE ORDER #1 TO TERMINAL DEMOLITION CONTRACT FOR STOPPING WORK AT SITE UNTIL CONTRACTOR CAN PROCEED WITH DEMOLITION AND AUTHORIZING RELEASE OF RETAINAGE FOR COMPLETED PORTION OF CONTRACT.

Motion by **Mr. Miller**, second by **Mr. Carroll**, authorizing Change Order #1 to terminal demolition contract for stopping work at site until contractor can proceed with demolition and authorizing release of retainage for completed portion of contract. On vote, motion carried. **041-2002**

MOTION AUTHORIZING CHANGE ORDER #2 TO TERMINAL DEMOLITION CONTRACT FOR REIMBURSEMENT TO CONTRACTOR FOR ADDITIONAL DEMOLITION OF LARGE FOUNDATION AND PILINGS.

Motion by **Mr. Carroll**, second by **Mr. Bushnell**, authorizing Change Order #2 to terminal demolition contract for reimbursement to Contractor for additional demolition of large foundation and pilings. On vote, motion carried. **042-2002**

MOTION TO ADOPT NORTH APRON REHABILITATION CHANGE ORDER #4 AT ALEXANDRIA INTERNATIONAL AIRPORT.

Motion by **Mr. Carroll**, second by **Mr. Bushnell**, to adopt North Apron Rehabilitation Change Order #4 at Alexandria International Airport. On vote, motion carried. **043-2002**

MOTION EMPLOYING FOLEY, JUDELL & BECK AS BOND COUNSEL FOR TERMINAL PROJECT PROVIDING FOR THE EMPLOYMENT OF SPECIAL COUNSEL, DESIGNATING THEIR FEE AND PROVIDING FOR THE PAYMENT THEREOF, AND PROVIDING FOR OTHER MATTERS IN CONNECTION HEREWITH.

Motion by **Mr. Denley**, second by **Mr. Miller**, employing Foley, Judell & Beck as bond counsel for terminal project, providing for the employment of special counsel, designating their fee and providing for the payment thereof, and providing for other matters in connection herewith. On vote, motion carried. **044-2002**

MOTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR FLOORING MATERIALS FOR BUILDING #3505.

Motion by **Mr. Carroll**, second by **Mr. Bushnell**, authorizing Advertisement for Bids for flooring materials for Building #3505. On vote, motion carried. **045-2002**

ADDITIONS TO THE AGENDA

Motion by **Mr. Bushnell**, second by **Mr. Carroll** to add the following items:

- 1. MOTION TO APPROVE SUBSTANTIAL COMPLETION OF THE REHABILITATION OF THE SOUTH APRON AT ALEXANDRIA INTERNATIONAL AIRPORT AS RECOMMENDED BY THE ENGINEERS.**

2. **MOTION AUTHORIZING COUNSEL TO SEND FORMAL WRITTEN NOTICE TO SURETY COMPANY, GULF INSURANCE, OF DEFAULT AND OF INTENT TO TERMINATE FOR CAUSE PER TERMS OF THE CONTRACT DOCUMENTS FOR CONSTRUCTION OF THE OAKWING GOLF COURSE.**
3. **MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO SIGN A LEASE AGREEMENT BETWEEN THE OKLAHOMA NATIONAL GUARD AND THE EEIDD FOR BUILDINGS #1103, #2108 AND #2102.**
4. **MOTION AUTHORIZING EXECUTIVE DIRECTOR TO ADVERTISE FOR BIDS FOR CONNECTOR TAXIWAYS A-1, A-2, A-3 AND MIDFIELD DEMOLITION.**

By unanimous vote the items were added to the agenda.

MOTION TO APPROVE SUBSTANTIAL COMPLETION OF THE REHABILITATION OF THE SOUTH APRON AT ALEXANDRIA INTERNATIONAL AIRPORT AS RECOMMENDED BY THE ENGINEERS.

Motion by **Mr. Tudor**, second by **Mr. Denley**, to approve substantial completion of the rehabilitation of the South Apron at Alexandria International Airport as recommended by the Engineers. On vote, motion carried. **046-2002**

MOTION AUTHORIZING COUNSEL TO SEND FORMAL WRITTEN NOTICE TO SURETY COMPANY, GULF INSURANCE, OF DEFAULT AND OF INTENT TO TERMINATE FOR CAUSE PER TERMS OF THE CONTRACT DOCUMENTS FOR CONSTRUCTION OF THE OAK WING GOLF COURSE.

Motion by **Mr. Denley**, second by **Mr. Miller** to authorize counsel to send formal written notice to Surety Company, Gulf Insurance, of default and of intent to terminate for cause per terms of the contract documents for construction of the OakWing Golf Course.

Mr. Grafton and Mr. Doggett briefed the board regarding OakWing Golf Course. Mr. Doggett, EEIDD's attorney, recommended that EEIDD obtain the authorization from the board to move forward and have the authority to place the bonding company and the Contractor in default and terminate if they do not move expeditiously to finish the project.

Mr. Tudor complimented Mr. Doggett on a well-written demand letter addressed to Gulf Insurance Company.

On vote, motion carried. **047-2002**

MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO SIGN A LEASE AGREEMENT BETWEEN THE OKLAHOMA NATIONAL GUARD AND THE EEIDD FOR BUILDINGS #1103, #2108 AND #2102.

Motion by **Mr. Bushnell**, second by **Mr. Carroll**, to authorize the Executive Director to sign a lease agreement the Oklahoma National Guard and the EEIDD for Buildings #1103, #2108 and #2102. On vote, motion carried. **048-2002**

**MOTION AUTHORIZING EXECUTIVE DIRECTOR TO ADVERTISE FOR BIDS FOR
CONNECTOR TAXIWAYS A-1, A-2, A-3 AND MIDFIELD DEMOLITION.**

Motion by **Mr. Miller**, second by **Mr. Carroll**, to authorize Executive Director to advertise for bids for Connector Taxiways A-1, A-2, A-3 and Midfield demolition. On vote, motion carried. **049-2002**

Comments by Legal Counsel – None

Comments or Questions by Commissioners -

Mr. Tudor requested counsel to contact Coughatta Empire, General Contractor for the ARFF Building, to find out who was the Owner/Operator.

Mr. Denley requested an update of Attorney General's opinion on whether or not the early termination or forgiveness of lease payments constituted a donation.

Executive Director's Report -

A). Mr. Grafton introduced Mr. Scott Gammel, Airport Manager. He briefed the board regarding the 4th consecutive annual FAA inspection of AEX which resulted in no discrepancies.

B). Operations – Electrical Vault project:

Mr. Doggett offered comments concerning this matter. It was his recommendation that EEIDD default the contractor and put the Surety Company on notice. He also recommended that EEIDD make demand on URS formally to have those items performed.

Mr. Grafton stated to the board that this item would be brought up at April's Committee meeting for full discussion.

C). Economic Development: Foreign Trade Zone project.

Mr. Bonnette briefed the board on the drive time issue concerning FTZ.

Public Comments or Questions

There being no further business to come before the Board, the meeting was adjourned.

Martin W. Johnson, Chairman

*England Economic and Industrial Development District
Board of Commissioners*

C. E. Provine, Secretary/Treasurer

*England Economic and Industrial Development District
Board of Commissioners*