

ST. LOUIS AIRPORT COMMISSION

Wednesday, May 5, 2010 - 2:00 P.M.

JoAnne Wayne Conference Room

Members Present: Mr. Bales, Mr. Esterline, Ms. Green, Mr. Kennedy, Mr. Lipman, Mr. McKinney, Ms. Morrell-Charles, Ms. Osborn, Mr. Sonderegger, Mr. Stelzer, Ms. Teitelbaum and Chairperson Hamm-Niebruegge

Members Absent: Mr. Clark, Mr. McNutt, Mr. Nash, Mr. Reed, Mr. Sauget

Airport Staff: Beckman, Brown, DeSha, Kinsey, Korte, Mays, Salarano, Slay, Spencer, Taylor, Ware, and Zell

Legal Department: Niemann, Pandolfo & Stone

Guests: Marvin Anderson, Stern Brothers; Patrick Brown, Mayor's Office; Ollie Dowell, Ollie Dowell Communications; James Garavaglia, Comptroller's Office; Candace Gordon, Comptroller's Office, Judie Wise, Bookmark-InMotion

News Media: None

The Meeting was called to order at 2:03 p.m.

1. Approval is requested for the Minutes of the Wednesday, April 7, 2010 Airport Commission Meeting.

A motion for approval was made by Mr. Sonderegger and seconded by Mr. Stelzer.

There being no discussion, a vote was taken and the motion carried unanimously.

2. **OPERATIONS/MAINTENANCE**

- A. Approval of the Airport's revised rules regulating time, place and manner of expressive activities, literature distribution and solicitation in unsecured areas of Lambert-St. Louis International Airport.

A motion for approval was made by Mr. Esterline and seconded by Mr. Bales.

(OVER)

Mr. Korte provided information on proposed revisions to the rules currently in effect for the exercise of free speech in the non secure areas of the Airport terminals (the “Rules”) as set out in the Briefing Paper included with the agenda items and recommended approval of the motion.

Currently, there are four speech booths positioned in the Airport, located at the entrances to Concourses A, B and C and E. With the closure of the B Concourse, the Rules are being revised to eliminate the free speech booth located at the entrance to that concourse. Three booths will remain in the Airport, located at the entrances to Concourses A and C and E.

Commissioner Morrell-Charles entered the meeting at this time.

Commissioner Teitelbaum expressed concerns regarding the restriction of all First Amendment activities to booths, particularly in the event of the desire some may have to participate in a demonstration when public figures are at the Airport.

Mr. Niemann and Ms. Stone, legal advisors for the Airport, responded that these Rules were established following a 1992 decision by the U. S. Supreme Court affirming similar rules issued by the New York Port Authority. Those rules were directed at regulating random proselytizing, distributing literature and the solicitation of funds throughout its airport terminals from passengers and others in the terminals. The decision held that airport terminals, unlike other publicly owned gathering places, are not public forums for purposes of the exercise of general free speech activities under the First Amendment. However, the owners of airport terminals are to provide some limited, reasonable access to the public for the exercise of these kinds of free speech activities. The Airport’s Rules, which were modeled after the Port Authority rules on this subject, were legally challenged and found by the Missouri Court of Appeals in 1994 to meet constitutional standards.

Commissioner Teitelbaum asked whether there are, in addition to these Rules, other policies or procedures in place for the exercise of First Amendment rights in areas other than the booths provided for that purpose. Mr. Korte responded that protest events have taken place at the Airport, whereby areas termed “protest pens” were set up for those purposes. However, that type of situation falls under Airport security, as opposed to these free speech Rules. Mr. Korte further explained that there is also a “strike and picket” procedure to cover protests by tenants of the Airport.

Commissioner Teitelbaum suggested adding a brief sentence or two in the Rules referencing the procedures Mr. Korte outlined as to other types of free speech activities.

Commissioner Green then suggested that perhaps a directory could be provided as part of the Rules stating which types of First Amendment activities are covered by which policies or regulations. Chairperson Hamm-Niebruegge advised that the issue of a further amendment to the Rules, to reference other Airport policies covering First Amendment rights, would be reviewed and, if the decision is made to amend the Rules, an amendment will be brought before the Commission for its consideration.

Chairperson Hamm-Niebruegge then asked for a vote to be taken concerning the amendment of the Rules as to remove of one of the free speech booths.

There being no further discussion, a vote was taken and the motion carried unanimously.

3. **PROPERTIES**

A. First Amendment to Lease Agreement with Southwest Airlines Co.

A motion for approval was made by Ms. Teitelbaum and seconded by Mr. Sonderegger and the motion carried unanimously.

Mr. Salarano provided the details of the First Amendment to Lease Agreement as set out in the Executive Summary included with the agenda items and recommended approval of the motion.

This First Amendment extends the terms of the current Lease Agreement until June 30, 2011. The property is used for a surface parking lot for employees. It will provide \$3,000 monthly revenue, plus a monthly electrical usage fee of \$35.

Chairperson Hamm-Niebruegge advised that the space covered by this Lease Agreement is currently vacant; however, if it is needed for another purpose in the future, there is a 30-day cancellation clause in this lease.

There being no discussion, a vote was taken and the motion carried unanimously.

B. First Amendment to Cargo City Lease Agreement with Brendan Airways, LLC
d/b/a USA 3000 Airlines

A motion for approval was made by Mr. Esterline and seconded by Mr. Stelzer and the motion carried unanimously.

Mr. Salarano provided the details of the First Amendment to the Lease Agreement as set out in the Executive Summary included with the agenda items and recommended approval of the motion.

The First Amendment to the Cargo City Lease extends the term of the lease until June 30, 2011 and provides for \$35,088.57 annual revenue.

There being no discussion, a vote was taken and the motion carried unanimously.

C. First Amendment to Space Permit with Trans States Airlines, Inc.

A motion for approval was made by Ms. Osborn and seconded by Ms. Teitelbaum and the motion carried unanimously.

Mr. Salarano provided the details of the First Amendment to the Space Permit as set out in the Executive Summary included with the agenda items and recommended approval of the motion.

The First Amendment to the Space Permit extends the term of the Permit until June 30, 2011, providing an annual rental rate of \$27,475.

There being no discussion, a vote was taken and the motion carried unanimously.

D. Space Permit with Jett Pro Line Maintenance LLC

A motion for approval was made by Mr. Bales and seconded by Mr. Stelzer and the motion carried unanimously.

Mr. Salarano provided the details of the Space Permit as set out in the Executive Summary included with the agenda items and recommended approval of the motion.

This space is used for the service and repair of ground service equipment. The term of this Permit is three years, from July 1, 2010 to June 30, 2013, and will provide annual revenue of \$13,489.67.

There being no discussion, a vote was taken and the motion carried unanimously.

E. Lease Agreement with Millstone Bangert, Inc.

A motion for approval was made by Mr. Sonderegger and seconded by Ms. Teitelbaum and the motion carried unanimously.

Mr. Salarano provided the details of the Lease Agreement as set out in the Executive Summary included with the agenda items and recommended approval of the motion.

The Lease Agreement covers property that is currently unimproved. It is located adjacent to property owned by Millstone Bangert. It is a three-year Agreement running from July 1, 2010 to June 30, 2013, providing annual revenue of \$16,000.

There being no discussion, a vote was taken and the motion carried unanimously.

4. **OTHER BUSINESS**

- A. Presentation of the Outstanding Supervisor of the Quarter and Outstanding Employee of the Quarter.

Corina Taylor of the Airport's Public Relations Department was chosen as Employee of the Quarter due to the enormous amount of time and effort she has invested in the Catch Us Giving Program and the institution of customer service training programs for all Airport employees. To date Corina has instructed over 300 Airport employees in customer service training.

Vaughn DeSha of the Airport's Airfield Maintenance Department was nominated as Supervisor of the Quarter due to dedicated customer service provided in March of 2010 whereby a plane was diverted to St. Louis because of an emergency. Mr. DeSha led the effort to evacuate the passengers to safety. Mr. DeSha received compliments from both airline employees and passengers for his assistance and professionalism.

Chairperson Hamm-Niebruegge advised that the new terminal signs and roadway signs are currently being installed and should be completed in the next 3-4 weeks.

Dunkin Donuts has opened a location in Terminal 2 (East Terminal), with a combination Dunkin Donuts/Baskin Robbins currently under construction on the A Concourse.

The new roof has been installed on the C Concourse. Construction of the new roof on the A Concourse has now begun, which should be completed in 4 – 6 weeks.

A biotech and development delegation from China was recently in St. Louis and met with the Mayor of the City of St. Louis, the St. Louis County Executive, members of the Regional Commerce and Growth Association ("RCGA") and many civic leaders. A reception was held for the delegation at The Missouri Vineyards, which continues to market itself as a venue for receptions and/or luncheons. The Vineyards currently has twenty days in June, 2010 booked with various events.

The Picture of the Week program, which has been in effect for two years showcasing various activities around the Airport, is now available in book format.

The March 2010 Catch-Us-Giving winners were Janice Moore of the Transportation Safety Agency and Gregory McLemore of ABM Janitorial Services.

On May 9, 2010 Southwest Airlines will be adding flights to Los Angeles, Minneapolis, New Orleans, Raleigh-Durham, San Diego and Seattle. Southwest will also increase one flight per day to Houston Hobby and Minneapolis.

Frontier and Midwest Airlines have been moved to the C Concourse. Air Tran and Cape Air will also be moved to the C Concourse during May, 2010.

5. **NEXT MEETING**

Wednesday, June 2, 2010 at 2:00 P.M.

6. **ADJOURNMENT**

The meeting adjourned at 2:35 P.M.