THE HARDEN LAW GROUP, P.A.

December 15, 2023

Lakeland City Commission

228 S. Massachusetts Ave.

Lakeland, Fl., 33801

Re: **Public Comment for December 18, 2023 City Commission Meeting – Avelo Airlines Operating Agreement**

Dear Mayor Mutz and City Commissioners,

Please allow this letter to serve as my public comment regarding the approval of the Airline Operating Agreement, Air Carrier Incentive Program Agreement and other ancillary contracts associated with Avelo Airlines, Inc.'s, ("Avelo"), planned operations at Lakeland Linder International Airport.

As you are aware, in July 2016, the airport submitted an environmental assessment to the FAA seeking approval for the construction of a "Maintenance, Repair and Overhaul Facility. In response, the FAA made a finding of no significant impact based on Lakeland Linder's representation that the facility would only attract 1 large cargo aircraft approach and departure per day, with a second large aircraft departure per day during peak periods.

The City, however, began clandestine negotiations with Amazon, and the maintenance and repair facility turned into an Amazon air cargo hub. Additionally, the 1 aircraft approach and departure immediately turned into approximately 20-22 approaches and departures per day. Moreover, the FAA has concluded that

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Amazon's continued expansion will ultimately lead to 5840 annual flight operations, involving both Boeing 737's and 767's into and out of Lakeland Linder.

Private studies regarding Lakeland Linder's current aircraft operations indicate that, on average, approximately 581 Amazon Boeing 737's and 767's fly into and out of the airport each month. Noise modelling technology also indicates that many of these flights exceed 75 decibels over several densely populated areas within the Lakeland city limits. These numbers are sufficient to create a nuisance to Lakeland residents that reside in the affected areas.

The new "Parkway Approach" developed by Hughes Aircraft attempts to abate the noise caused by the Amazon jets, but in reality, this approach merely shifts the existing approach approximately one-quarter of a mile to the north of the old approach. As a result, it still causes aircraft to fly at low altitudes over densely populated areas of the City. Further, no hard data exists to support the City's position that noise from jet aircraft will be abated.

On December 14, 2023, The Lakeland Ledger and Lkldnow both published articles indicating that the City has again been involved in clandestine negotiations with Avelo to enter into an agreement for Avelo to operate a passenger airline service from Lakeland Linder. To my knowledge, the newspaper articles were the first notice given to the residents of Lakeland of the proposed agreement. Four days later, on December 18, 2023, the City Commission is poised to approve the agreement.

The operating agreement is for a term of 15 years, and it provides Avelo with an option to extend the agreement for an additional 5 years. Additionally, the Air Carrier Incentive Program Agreements essentially waives all of the fees Avelo would pay Lakeland Linder to operate, and it requires the City to pay $30,000.00, annually, to Avelo to help it market its airline. In all, the City is set to expend approximately $3.4 million to bring Avelo to Lakeland Linder, while Avelo pays nothing.

Of great concern is the fact that the Operating Agreement between the City and Avelo, leaves the number of daily airline operations entirely to the discretion of Avelo. (According to the newspaper articles, this figure may be up to 5 flights per

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day). Further, the operating agreement leaves approaches and departures solely to the discretion of Avelo.

Lakeland Linder's Director, Kris Hallstrand, "hopes" that Avelo "will choose" to use the "Parkway Approach," but nothing in the operating agreement makes use of this approach a requirement. Additionally, there is no language in the operating agreement requiring Avelo to use prescribed departure routes.

The bottom line is that wide-body jet operations into and out of Lakeland Linder are about to dramatically expand by up to 1,825 flights per year, and the City has no language in the proposed agreement with Avelo to mitigate noise and emissions issues that, according to Ms. Hallstrand, will increase.

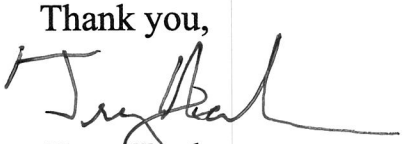
I have heard Ms. Hallstrand and other Lakeland Linder employees say on several different occasions that the airport cannot tell the FAA or airlines how to fly into and out of Lakeland. Ms. Hallstrand, however, misses the point. The City could have controlled Amazon's flight operations by addressing the noise issues created by Amazon's operations before executing the agreement with Amazon.

The City should address the same noise issue and emission issues that will be created by Avelo jets before signing the Avelo agreements, rather than relying on Ms. Hallstrand's "hopes" that Avelo and the FAA will choose one option over another. The City should not give Avelo an open-ended agreement that will cause an increase in the already existing public nuisance that has been created by the Amazon jet aircraft noise.

I understand that economics drive both Amazon and Avelo. The City, however, should look to more than just economic impact. It should also take into consideration the welfare of its citizens before executing this agreement.

My e-mail is: tharden@hardenlawgroup.com. My address and phone number are below.

Thank you,



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