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[ 1] ST. AUGUSTINE - ST. JOHNS COUNTY AIRPORT AUTHORITY  
 [ 2] Regular Meeting  
 [ 3] held at 4796 U.S. 1 North  
 [ 4] St. Augustine, Florida  
 [ 5] on Monday, October 15, 2001  
 [ 6] from 4:00 p.m. to 5:32 p.m.  
 [ 7] \*\*\*\*\*  
 [ 8] BOARD MEMBERS PRESENT:  
 [ 9] WILLIAM "BILL" ROSE, Chairman  
 [10] CHARLES LASSITER  
 [10] DENNIS R. WATTS, Secretary-Treasurer  
 [11] JOSEPH CIRIELLO  
 [11] JIM BRYANT, County Commissioner/Airport Liaison  
 [12] \*\*\*\*\*  
 [13] BOARD MEMBERS ABSENT:  
 [14] BARBARA BOSANKO (Leave of absence)  
 [15] \*\*\*\*\*  
 [16] ALSO PRESENT:  
 [17] SUSAN BLOODWORTH, Esquire, Rogers, Towers, Bailey,  
 [18] Jones & Gay, P.A., 170 Malaga Street, St. Augustine,  
 [18] FL, 32084, Attorney for Airport Authority.  
 [19] EDWARD WUELLNER, A.A.E., Executive Director.  
 [20] BRYAN COOPER, Assistant Airport Director.  
 [21] \*\*\*\*\*  
 [22] St. Augustine Court Reporters  
 [23] 1510 N. Ponce de Leon Blvd., Suite A  
 [23] St. Augustine, FL 32084  
 [24] (904) 825-0570  
 [25]

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[ 1] P R O C E E D I N G S  
 [ 2] CHAIRMAN ROSE: It's 4 o'clock. We have a  
 [ 3] quorum. The meeting is called to order. We'll  
 [ 4] begin with the Pledge of Allegiance.  
 [ 5] (Pledge of Allegiance.)  
 [ 6] APPROVAL OF MINUTES  
 [ 7] CHAIRMAN ROSE: First order of business is  
 [ 8] approval of the two sets of minutes. One was our  
 [ 9] regular meeting on September 17th and then the  
 [10] budget hearing on September 17th. And they're in  
 [11] your package.  
 [12] Are there any -- we'll take them one at a  
 [13] time. Are there any comments or changes in the  
 [14] regular meeting of September 17th?  
 [15] (No comments or changes.)  
 [16] CHAIRMAN ROSE: If not, those minutes will  
 [17] stand approved as they were distributed. And  
 [18] then we have the second budget hearing that was  
 [19] held on the same day, and are there any changes  
 [20] or additions to those minutes?  
 [21] (No changes or additions.)  
 [22] CHAIRMAN ROSE: If not, they will stand  
 [23] approved as they were distributed. And we'll go  
 [24] to our treasurer for the financial report.  
 [25] ACCEPTANCE OF FINANCIAL REPORTS

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[ 1] MR. WATTS: Yes, sir. Mr. Chairman, I have  
 [ 2] reviewed the statement for the 11 months ended  
 [ 3] August 31st, and everything seems to be in order.  
 [ 4] Unless anyone has any questions, I make the  
 [ 5] motion that we approve the budget as submitted.  
 [ 6] CHAIRMAN ROSE: Are there any -- any  
 [ 7] comments or any...  
 [ 8] (No comments.)  
 [ 9] CHAIRMAN ROSE: The motion's been made that  
 [10] we accept -- accept the financial report. All in  
 [11] favor?  
 [12] MR. CIRIELLO: Aye.  
 [13] CHAIRMAN ROSE: Aye.  
 [14] MR. LASSITER: Aye.  
 [15] MR. WATTS: Aye.  
 [16] CHAIRMAN ROSE: Opposed?  
 [17] (No opposition.)  
 [18] CHAIRMAN ROSE: Motion is carried.  
 [19] MR. WUELLNER: Yeah.  
 [20] CHAIRMAN ROSE: There's an item in there on  
 [21] account adjustments. Is that your item,  
 [22] Mr. Treasurer?  
 [23] MR. WUELLNER: Actually, I'm handling it for  
 [24] him.  
 [25] MR. WATTS: Yes, sir. Mr. Wuellner is

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[ 1] taking care of this, sir.

[ 2] MR. WUELLNER: You have a staff memorandum  
[ 3] on the topic, but basically due to a combination  
[ 4] of things, and primarily attributable to people  
[ 5] skipping on rents, we have need to change -- to  
[ 6] create a write-off for uncollectible rental house  
[ 7] revenues of \$28,198. And we are, just so you  
[ 8] know, making some adjustments internally and  
[ 9] externally to mitigate that in the future and get  
[10] that down to hopefully a very negligible amount  
[11] moving into next year.

[12] And while we -- as far as relevant budget  
[13] impact, revenues for that particular line item,  
[14] we're up about 45 percent over last year, but  
[15] there was \$28,000 that was -- went uncollected in  
[16] addition to that, so that number would have been  
[17] substantially higher had all that money been able  
[18] to be collected.

[19] But unfortunately, middle-of-the-night  
[20] leaves on homes is more common than we like to  
[21] admit, and we're going to make every effort to  
[22] make sure we beat these before they happen, until  
[23] they get out of the reach of most people to pay  
[24] them off.

[25] So, it's our recommendation that the

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[ 1] Authority authorize the \$28,198 as uncollectible  
[ 2] and write it off on last year's -- rather than  
[ 3] continue to carry it as a receivable.

[ 4] CHAIRMAN ROSE: Well, I gather from your  
[ 5] presentation, Ed, that -- that you just see no  
[ 6] way that we can collect these funds at this  
[ 7] point.

[ 8] MR. WUELLNER: Well, we -- we continue to  
[ 9] task the attorneys to pursue all collection  
[10] efforts on it, but the reality is --

[11] CHAIRMAN ROSE: These are people who are  
[12] gone.

[13] MR. WUELLNER: They're gone.

[14] MR. CIRIELLO: Mr. Chairman? Not to be a  
[15] pain in the you know what, but really, shouldn't  
[16] this item be an agenda item and be placed on the  
[17] agenda for discussion? Because we did accept the  
[18] financial reports, and the next thing is approval  
[19] of the meeting agenda. Just for technicality,  
[20] shouldn't this be included as one of our agenda  
[21] items, say like G or whatever?

[22] MR. WUELLNER: That's fine.

[23] CHAIRMAN ROSE: I -- we could do that.

[24] MR. CIRIELLO: I have no problem with it.  
[25] I'm just trying to be technical.

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[ 1] CHAIRMAN ROSE: Well, I think that it's  
[ 2] certainly appropriate that it's discussed under  
[ 3] the heading of the financial report, because it's  
[ 4] a -- it's an issue that deals directly with our  
[ 5] financing.

[ 6] It seems to me there are two issues. One is  
[ 7] we -- we have the staff recommendation that we  
[ 8] write off these accounts as uncollectible, which  
[ 9] is -- and that's what's recommended. The other  
[10] issue is that we want to be sure that our system  
[11] has been adjusted and improved to the point that  
[12] we don't have an oversight like this in the  
[13] future. So --

[14] MR. WATTS: Mr. Chairman, may I speak,  
[15] please, sir?

[16] CHAIRMAN ROSE: Yes, sir.

[17] MR. WATTS: Yes. Ed -- Ed brought this to  
[18] my attention last week. He called me and asked  
[19] me if I could come by, and we -- we sat and  
[20] discussed this at a very lengthy period of time.  
[21] And I think he's done a -- done an excellent job.  
[22] He's recognized it, for one thing, and found it.

[23] And on top of that, he took, you know,  
[24] his -- or put in place procedures to -- that will  
[25] implement new rent collections and basically

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[ 1] handle it with, as you can see there, number 2,  
[ 2] with the replacement of the Jacksonville CPA firm  
[ 3] with that of a local firm. And I think the firm  
[ 4] that he's got to take -- to take over this  
[ 5] project is -- is very good. And I think -- I  
[ 6] think Ed's got a good handle on it. So...

[ 7] CHAIRMAN ROSE: Are you going to make a  
[ 8] motion?

[ 9] MR. WATTS: And I would like to make a  
[10] motion that -- that we do, as Staff recommends,  
[11] to write off the \$28,198 in uncollected rental  
[12] revenues.

[13] CHAIRMAN ROSE: Is there a second to that  
[14] motion?

[15] MR. CIRIELLO: I'll second it.

[16] CHAIRMAN ROSE: Is there any further  
[17] discussion?

[18] (No discussion.)

[19] CHAIRMAN ROSE: Any public comment? Mark?

[20] MR. MARSH: Mark Marsh, 3380 Agricultural  
[21] Center Drive. That's St. Augustine. That's a  
[22] lot of money to be writing off. And in my couple  
[23] of terms on the board, we never, that I can  
[24] remember, ever took a hit like that.

[25] Is -- has all the small claim courts been

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[ 1] exhausted? Have we -- have we taken these  
[ 2] people -- I mean, if it's just \$2- or \$3,000,  
[ 3] that is hard money to collect, because I've been  
[ 4] there, let me tell you. I mean, I run a  
[ 5] business, too. But have we taken any of these  
[ 6] people to small claims or whatever we can do?  
[ 7] MR. WUELLNER: We've instructed our  
[ 8] attorneys to do whatever is necessary to collect  
[ 9] it.  
[10] MR. MARSH: Is there a list of those people?  
[11] MR. WUELLNER: Yeah.  
[12] MR. MARSH: How many are there?  
[13] MR. WUELLNER: Nine.  
[14] MR. MARSH: All individuals?  
[15] MR. WUELLNER: Yes.  
[16] MR. MARSH: Are they no longer on the  
[17] airport?  
[18] MR. WUELLNER: They aren't airport tenants.  
[19] They were housing tenants.  
[20] MR. MARSH: Oh, okay.  
[21] MR. WUELLNER: Rental homes. Not -- not  
[22] hangar tenants. We have no trouble collecting  
[23] hangar tenants.  
[24] CHAIRMAN ROSE: The fact that we write -- we  
[25] write this off, it just cleans our books up. It

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[ 1] doesn't -- it doesn't in any way stop us from  
[ 2] going ahead and trying to collect that money --  
[ 3] MR. WUELLNER: That is true.  
[ 4] CHAIRMAN ROSE: -- through legal or  
[ 5] collection agency or whatever we have to do.  
[ 6] MR. MARSH: I think we should pursue it at  
[ 7] all costs.  
[ 8] MR. WUELLNER: Absolutely.  
[ 9] MR. WATTS: I agree.  
[10] CHAIRMAN ROSE: I think we agree.  
[11] MR. MARSH: Thank you.  
[12] MR. WATTS: Thank you.  
[13] MR. LASSITER: May I ask Ed a question,  
[14] please?  
[15] CHAIRMAN ROSE: Yeah.  
[16] MR. LASSITER: Ed, what is the time period  
[17] this stretches out?  
[18] MR. WUELLNER: Actually, it stretches over a  
[19] ten-month period, during which time we were not  
[20] receiving account -- or aging reports on our  
[21] accounts receivable, which is why it got to the  
[22] point it did.  
[23] MR. LASSITER: Okay.  
[24] CHAIRMAN ROSE: And we don't have that  
[25] accounting firm any longer.

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[ 1] MR. WUELLNER: No, we do not.  
[ 2] CHAIRMAN ROSE: All right. Any other  
[ 3] discussion?  
[ 4] (No discussion.)  
[ 5] CHAIRMAN ROSE: All in favor of the -- of  
[ 6] the staff recommendation concerning the write-off  
[ 7] of \$28,198, signify by saying aye.  
[ 8] MR. CIRIELLO: Aye.  
[ 9] CHAIRMAN ROSE: Aye.  
[10] MR. LASSITER: Aye.  
[11] MR. WATTS: Aye.  
[12] CHAIRMAN ROSE: Opposed?  
[13] (No opposition.)  
[14] CHAIRMAN ROSE: Motion is carried. Okay.  
[15] And I think -- I think, Ed, you understand  
[16] that -- that in -- in taking that action, the  
[17] board intends for you to continue to try to  
[18] collect those funds.  
[19] MR. WUELLNER: Absolutely. Yes, sir.  
[20] CHAIRMAN ROSE: Yeah.  
[21] APPROVAL OF MEETING AGENDA  
[22] CHAIRMAN ROSE: Okay. You have the meeting  
[23] agenda before you. Are there any suggested  
[24] modifications to the agenda?  
[25] (No modifications.)

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[ 1] CHAIRMAN ROSE: If not, it will stand then  
[ 2] as it was distributed, and we'll begin with  
[ 3] reports with Jim Bryant, our county commissioner.  
[ 4] 6.A. - COUNTY COMMISSIONER  
[ 5] COMMISSIONER BRYANT: No report.  
[ 6] CHAIRMAN ROSE: No report. Aero Sport?  
[ 7] Anything from Aero Sport?  
[ 8] 6.B. - AERO SPORT  
[ 9] MS. ANDERSON: Tracine Anderson. Just the  
[10] security issue. As I'm sure you're all aware  
[11] that everybody's been going through, we have  
[12] started using I.D. badges for all the employees.  
[13] We're limiting the access to the ramp as much as  
[14] possible. We still have some major concerns on  
[15] gate access and access in general to the ramp  
[16] area, which I think once the construction is  
[17] done, it's going to be eliminated. And we're  
[18] working with Ed and Bryan.  
[19] CHAIRMAN ROSE: Well, generally, will  
[20] everybody that -- that is out on the ramp have  
[21] a --  
[22] MS. ANDERSON: Yes, sir.  
[23] CHAIRMAN ROSE: -- have a badge on their  
[24] pocket?  
[25] MS. ANDERSON: Yes, sir. And we're doing

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[ 1] those in-house. So, you're more than welcome to  
 [ 2] come over, as I mentioned to Joe, if you want to  
 [ 3] get one for yourselves. There's no problem. We  
 [ 4] can do them in-house.

[ 5] CHAIRMAN ROSE: What are the -- what's the  
 [ 6] criteria for issuing a badge?

[ 7] MS. ANDERSON: Right now, we're just doing  
 [ 8] them on our present employees that we've already  
 [ 9] done the background checks on and on future  
 [10] employees. Obviously, you have gone through your  
 [11] background checks. We're not giving --

[12] CHAIRMAN ROSE: What about --

[13] MS. ANDERSON: We're not giving them to  
 [14] hangar tenants or tie-down tenants at this point.  
 [15] This is just for employees.

[16] MR. WUELLNER: Employee identification.

[17] CHAIRMAN ROSE: Okay. Not for aircraft  
 [18] owners --

[19] MS. ANDERSON: No.

[20] CHAIRMAN ROSE: -- and pilots.

[21] MS. ANDERSON: This is just employee  
 [22] identification, and we're limiting the access to  
 [23] the ramp. We know what aircraft they're going  
 [24] to. We're escorting as much as possible with  
 [25] manpower to the aircraft. But we know which

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[ 1] aircraft they're going to when they come on the  
 [ 2] ramp.

[ 3] CHAIRMAN ROSE: Fine. Thank you.

[ 4] MS. ANDERSON: And that's been a little  
 [ 5] difficult with the roadway being done.

[ 6] CHAIRMAN ROSE: I'm sure.

[ 7] MS. ANDERSON: It's been -- it's been very  
 [ 8] difficult. But I think once all the construction  
 [ 9] is done, the biggest issue is the access back to  
 [10] the fuel farm and to PGA, in closing that area  
 [11] off and closing off the walk-through gate at our  
 [12] entrance. And we've already addressed all that  
 [13] with Ed.

[14] CHAIRMAN ROSE: All right. I don't have a  
 [15] badge. If I want to go somewhere on the airport,  
 [16] should I come and ask for an escort?

[17] MS. ANDERSON: You should come ask --

[18] CHAIRMAN ROSE: I mean, I can't just go  
 [19] wandering out on the ramp.

[20] MS. ANDERSON: No. No. Hopefully, they  
 [21] will question you. If they don't question you,  
 [22] please let me know.

[23] CHAIRMAN ROSE: Yeah. Okay.

[24] MS. ANDERSON: But they should be  
 [25] questioning you if you're out walking on the

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[ 1] ramp.

[ 2] CHAIRMAN ROSE: Okay. Any other questions?

[ 3] MR. WATTS: Mr. Chairman, I'd like to -- I'd  
 [ 4] like to address that. I know it came up here in  
 [ 5] a meeting a couple of weeks -- or a couple of  
 [ 6] months ago about issuing the airport board  
 [ 7] members badges for access to the airport.

[ 8] And I think with everything that's happened  
 [ 9] within the past month, I just -- I personally  
 [10] don't want one. Not that I'm afraid you'll do a  
 [11] background check on me, because I'm -- you know,  
 [12] it's -- I did pay all my bills.

[13] But the thing is, I -- you know, any time  
 [14] that I have any questions or want to take a tour  
 [15] of the airport or whatever, y'all have been more  
 [16] than hospitable as far as taking your time, you  
 [17] know, making an appointment to come out.

[18] And I know with the staff here at the  
 [19] airport, anytime I call Ed and I say, Ed, you  
 [20] know, how are things or whatever may be going on  
 [21] the airport, would you mind if I set an  
 [22] appointment and maybe show me some of the things,  
 [23] so -- you know, I just -- personally, I don't  
 [24] want a badge. I really --

[25] MS. ANDERSON: It's just we have to do that.

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[ 1] MR. WATTS: And I really -- you know, it's  
 [ 2] just something else to worry about. And I  
 [ 3] just -- and I really don't think I have any  
 [ 4] business out there walking around the airport,  
 [ 5] even if I do have a badge, as a board member.  
 [ 6] So, I'd just like to -- you know, I'd just like  
 [ 7] to say that.

[ 8] MR. CIRIELLO: Tracy, let me ask you a  
 [ 9] question. Does Aero Sport have any actual powers  
 [10] of enforcement themselves, or the Airport  
 [11] Authority -- say like if I'm up at the  
 [12] restaurant, not just me, but anybody up at the  
 [13] restaurant, and they come out the back door and  
 [14] walk down the steps there on the airport, they  
 [15] don't come through Aero Sport's facility or  
 [16] anything, how --

[17] MS. ANDERSON: Oh, we've stopped -- we've  
 [18] stopped many of that in the last few weeks  
 [19] specifically. I mean, I personally have stopped  
 [20] quite a few people that just come walking down  
 [21] and walk out on the ramp.

[22] MR. CIRIELLO: Well, if you tell them they  
 [23] can't be there, do they just turn around and  
 [24] leave or does anybody give you any trouble?

[25] MS. ANDERSON: They don't question -- they

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[ 1] don't question it at all.  
 [ 2] MR. CIRIELLO: Okay.  
 [ 3] MS. ANDERSON: I just tell them that if they  
 [ 4] do not have an aircraft on the ramp, there's no  
 [ 5] reason for them to be on the ramp, and they don't  
 [ 6] question it at all.  
 [ 7] MR. CIRIELLO: But you do have the authority  
 [ 8] if say somebody wasn't supposed to be there --  
 [ 9] MS. ANDERSON: Oh, definitely.  
 [10] MR. CIRIELLO: -- and they didn't want to  
 [11] leave, that you can call the Sheriff or somebody  
 [12] and have them escorted off?  
 [13] MS. ANDERSON: Definitely. I mean,  
 [14] technically, the ramp apron is our leasehold, so  
 [15] we definitely have --  
 [16] MR. CIRIELLO: Okay.  
 [17] MS. ANDERSON: Yes.  
 [18] MR. CIRIELLO: All right. Thank you.  
 [19] 6.C. - NORTHROP GRUMMAN  
 [20] CHAIRMAN ROSE: Northrop Grumman. Anybody  
 [21] here from --  
 [22] (No one present.)  
 [23] CHAIRMAN ROSE: Nothing from Northrop  
 [24] Grumman.  
 [25] 6.D. - PILOTS ASSOCIATION

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[ 1] doing the job and we'd have a full board until  
 [ 2] the decision comes down? Is there any -- can  
 [ 3] that be done legally, or is that bad -- a bad  
 [ 4] attitude to take?  
 [ 5] MS. BLOODWORTH: There's a provision in the  
 [ 6] statute for a permanent replacement, but not for  
 [ 7] a temporary replacement. So, without researching  
 [ 8] it further, I don't know whether there's any --  
 [ 9] MR. CIRIELLO: Is that our statutes or --  
 [10] MS. BLOODWORTH: Florida Statutes. In terms  
 [11] of a permanent replacement of a board member. If  
 [12] a seat is deemed to be vacant --  
 [13] MR. CIRIELLO: Well, then let me --  
 [14] MS. BLOODWORTH: -- that's a whole procedure  
 [15] to go through.  
 [16] MR. CIRIELLO: Let me ask you: Some few  
 [17] years back, one of our county commissioners was  
 [18] removed from the job until a court case came by,  
 [19] until he was either innocent or guilty, and a  
 [20] replacement was put on temporary, and then when  
 [21] the court case was done and he was okay, he got  
 [22] his job back. That was a temporary thing, wasn't  
 [23] it, Jim?  
 [24] COMMISSIONER BRYANT: I think he was removed  
 [25] because he had some criminal charges filed

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[ 1] CHAIRMAN ROSE: Who's from the Pilots  
 [ 2] Association? Anybody from the Pilots  
 [ 3] Association?  
 [ 4] (No one present.)  
 [ 5] CHAIRMAN ROSE: And Susan, you're up.  
 [ 6] 6.E. - AIRPORT AUTHORITY ATTORNEY  
 [ 7] MS. BLOODWORTH: No report.  
 [ 8] CHAIRMAN ROSE: All right.  
 [ 9] MR. CIRIELLO: Mr. Chairman?  
 [10] CHAIRMAN ROSE: Yes.  
 [11] MR. CIRIELLO: I know you're not going to  
 [12] want to hear it, but I'd like to ask the young  
 [13] lady a couple of questions. One -- and if I get  
 [14] the wrong answer, I won't even ask the second  
 [15] one.  
 [16] Back again on this Bosanko thing. Is there  
 [17] any rules, laws, improper, immoral, or whatever,  
 [18] if -- of course, nobody knew it was going to take  
 [19] this long for a decision, and we don't know how  
 [20] much longer it's going to be. Could be next week  
 [21] or another ten months.  
 [22] But is there anything that says that we as a  
 [23] board, even though technically she's on the  
 [24] board, that we can't ask the Governor to  
 [25] temporarily assign somebody so they would be

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[ 1] against him, and a court of law declared that he  
 [ 2] was not guilty or -- and so they had to reinstate  
 [ 3] him. So, it would have been permanent except for  
 [ 4] the court case. He prevailed in court.  
 [ 5] MR. CIRIELLO: Well, the replacement didn't  
 [ 6] go in as a temporary status, then.  
 [ 7] COMMISSIONER BRYANT: As far as I know, he  
 [ 8] was --  
 [ 9] MR. CIRIELLO: Okay.  
 [10] COMMISSIONER BRYANT: -- he was permanent  
 [11] pending the outcome of the court case, which he  
 [12] did not prevail -- I mean, he did prevail in the  
 [13] court case --  
 [14] MR. CIRIELLO: Yeah.  
 [15] COMMISSIONER BRYANT: -- so he was  
 [16] reinstated.  
 [17] MR. CIRIELLO: Okay. Then there's no second  
 [18] question. Thank you.  
 [19] CHAIRMAN ROSE: All right. Okay. All  
 [20] right. Ed, we'll move into the action items.  
 [21] And we have -- you have the floor.  
 [22] 7.A. - MUTUAL AID AGREEMENT WITH STATE OF FLORIDA  
 [23] MR. WUELLNER: First item I have for you is  
 [24] a state mutual aid agreement. These are being  
 [25] submitted statewide by the Department of

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[ 1] Community Affairs of the state.  
 [ 2] And their whole purpose is to solidify the  
 [ 3] relationships between local governmental entities  
 [ 4] and the DCA and other state agencies in terms of  
 [ 5] mutual aid should a significant disaster occur in  
 [ 6] which we need to employ resources of the state or  
 [ 7] the state needs to employ our resources in  
 [ 8] support of statewide goals and emergency  
 [ 9] management.

[10] And this is simply that agreement or the  
 [11] instrument, the legal instrument to effect the  
 [12] arrangements between the two entities. And  
 [13] all -- as I understand it, all special districts  
 [14] as well as cities and counties are being asked to  
 [15] execute these and return them to DCA so that that  
 [16] relationship's clarified.

[17] CHAIRMAN ROSE: This is a statewide  
 [18] program --

[19] MR. WUELLNER: Yes, it is --

[20] CHAIRMAN ROSE: -- for all --

[21] MR. WUELLNER: Administered by DCA.

[22] CHAIRMAN ROSE: Is there any public comment  
 [23] on this issue?

[24] (No public comment.)

[25] CHAIRMAN ROSE: Board discussion?

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[ 1] MR. CIRIELLO: I'll motion to accept.

[ 2] CHAIRMAN ROSE: Second?

[ 3] MR. LASSITER: Second.

[ 4] CHAIRMAN ROSE: Any discussion?

[ 5] (No discussion.)

[ 6] CHAIRMAN ROSE: All in favor, say aye.

[ 7] MR. CIRIELLO: Aye.

[ 8] CHAIRMAN ROSE: Aye.

[ 9] MR. LASSITER: Aye.

[10] MR. WATTS: Aye.

[11] CHAIRMAN ROSE: Opposed?

[12] (No opposition.)

[13] CHAIRMAN ROSE: Motion is carried. We're  
 [14] now -- continue, please, Ed.

[15] 7.B. - CHARTER CODIFICATION

[16] MR. CIRIELLO: Mr. Chairman?

[17] CHAIRMAN ROSE: Yes.

[18] MR. CIRIELLO: I don't think I've ever seen  
 [19] it happen before that a board member wanted to  
 [20] ask a question on an agenda item coming up before  
 [21] it was presented, but in this case, if there's no  
 [22] rules or laws against it, I have something to say  
 [23] here.

[24] CHAIRMAN ROSE: Please. Please go ahead.

[25] MR. CIRIELLO: Okay. Okay. This charter

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[ 1] codification, I asked Mr. Wuellner about it, and  
 [ 2] he said it's a thing that has to be done legally.  
 [ 3] It was going to be done last year, and it was put  
 [ 4] off. I asked him when it has to be in, and he  
 [ 5] told me that by November the 26th.

[ 6] My personal view on this agenda item, that  
 [ 7] the charter is the rules and regulations by how  
 [ 8] this Authority operates, and I feel that when it  
 [ 9] comes time to go over the charter and make any  
 [10] corrections, additions, or deletions, it should  
 [11] have been the board and the staff sitting down  
 [12] and going over it.

[13] I don't know who did this, but the way it's  
 [14] going to be presented, it will be presented to  
 [15] us, and then the board is going to have to right  
 [16] now, in a matter of a few minutes and  
 [17] discussions, accept it or reject it, and I don't  
 [18] think that's quite fair because there's a lot of  
 [19] pages and there's some questions on additions and  
 [20] deletions, which I -- I already have some, that  
 [21] I'm sure is going to be controversial.

[22] So, I was just wondering if maybe we could  
 [23] table this item for -- maybe make a meeting day  
 [24] one day next week where we could come in and  
 [25] discuss it, let the staff take this page by page,

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[ 1] item by item, chapter -- or paragraph by  
 [ 2] paragraph and -- to get some real good honest  
 [ 3] discussion about whether we want to accept it the  
 [ 4] way it is or not. Because I can tell you right  
 [ 5] now, the way it is right now, I won't accept it.  
 [ 6] So, could I have a tabling to do that rather than  
 [ 7] accept this tonight?

[ 8] CHAIRMAN ROSE: Well, we've heard your  
 [ 9] statement. I think we'll ask the -- Ed to make  
 [10] his presentation and then we'll discuss it.

[11] MR. CIRIELLO: Okay. That's fine. That's  
 [12] fine.

[13] MR. WUELLNER: Okay. This item is the  
 [14] Airport Authority's charter as was submitted last  
 [15] year for -- or we began the process anyway of  
 [16] submittal for the purposes of adoption at the  
 [17] state legislature.

[18] It includes all -- discussed at previous  
 [19] authority meetings, all items, all the elements  
 [20] of concern that were expressed by the board at  
 [21] that time. It was reviewed by -- in fact, it was  
 [22] drafted, the entirety of it, by our counsel, and  
 [23] reviewed with Staff before it was brought forward  
 [24] last year.

[25] As I said, it's essentially -- it is the

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[ 1] exact same agreement that was brought forward and  
 [ 2] moved forward last year by this board. The issue  
 [ 3] that caused it to be pulled off last year, as you  
 [ 4] recall, was the Bosanko matter, which I think  
 [ 5] everyone felt would be resolved long before we  
 [ 6] got to the point of having to actually put this  
 [ 7] document forward again.

[ 8] Since it has yet to be resolved, I believe  
 [ 9] it's both our -- you know, this staff, as well as  
 [10] the attorney's recommendation, that we move this  
 [11] version of the charter forward for codification  
 [12] purposes this year.

[13] You must codify this year. This is your  
 [14] last year to codify under the Florida Statutes.  
 [15] And as Mr. Ciriello properly stated, the 11th --  
 [16] or the 26th of November is the last day to submit  
 [17] a bill or file a bill for purposes of the  
 [18] legislative year; however, the discussions with  
 [19] staff at Doug Wiles' office, who would be the  
 [20] lead in this, indicated they would like it --  
 [21] they would like it as soon as possible because  
 [22] they need to get it down to bill drafting and get  
 [23] it moving, and they would prefer to have it as  
 [24] much time as possible. However, you do have till  
 [25] then. So, don't feel like you absolutely have

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[ 1] to -- absolutely have to rush it.

[ 2] As I said, it was pulled off for that matter  
 [ 3] relative to her qualifications to hold the  
 [ 4] office. That's still hanging in court. It would  
 [ 5] be our recommendation that you move the charter  
 [ 6] through as it is today, and in the event a ruling  
 [ 7] that somehow contradicts your charter or a  
 [ 8] provision of your charter is found to be  
 [ 9] unconstitutional by the appeals court, you would  
 [10] need to make a decision at that point whether  
 [11] you -- of course, the provision at that point is  
 [12] invalid.

[13] We would have an automatic right of appeal  
 [14] if we chose to do that. If we don't, then the  
 [15] provision's canceled and we can go to amend the  
 [16] charter the following year if we'd like.

[17] CHAIRMAN ROSE: Let me ask you a question.  
 [18] Right now, the -- the court of appeals is  
 [19] considering the status of Ms. Bosanko.

[20] MR. WUELLNER: Correct.

[21] CHAIRMAN ROSE: And essentially, her status  
 [22] is that she ran for an office but was not  
 [23] qualified for that office because of the wording  
 [24] in our charter.

[25] MR. WUELLNER: Correct.

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[ 1] CHAIRMAN ROSE: But she ran anyway, and she  
 [ 2] received a majority of the votes.

[ 3] MR. WUELLNER: Correct.

[ 4] CHAIRMAN ROSE: But she cannot be seated  
 [ 5] because it is not in accordance with our -- with  
 [ 6] our charter.

[ 7] MR. WUELLNER: That would be our take on it,  
 [ 8] yes.

[ 9] CHAIRMAN ROSE: And that's what the Court is  
 [10] considering.

[11] MR. WUELLNER: Yes.

[12] CHAIRMAN ROSE: Now, when we get an answer  
 [13] back from the court of appeals, that may require  
 [14] that we change some wording in here. Or it may  
 [15] be that some wording is knocked out because of  
 [16] the legal. Do we take action, or does that  
 [17] happen --

[18] MR. WUELLNER: I think in the instant case,  
 [19] it's -- it takes effect with the judge's order.

[20] CHAIRMAN ROSE: All right. The judge's  
 [21] order --

[22] MR. WUELLNER: If they declare a provision  
 [23] invalid, then that's -- that's it.

[24] CHAIRMAN ROSE: If the judge says it's  
 [25] unconstitutional, then the judge's order removes

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[ 1] that --

[ 2] MR. WUELLNER: In effect, yes.

[ 3] CHAIRMAN ROSE: -- wording from the charter.  
 [ 4] If he says it is constitutional, then the charter  
 [ 5] stays as is.

[ 6] MR. WUELLNER: Correct.

[ 7] CHAIRMAN ROSE: Okay. I just wanted to be  
 [ 8] sure we understood that.

[ 9] MR. WUELLNER: Am I --

[10] MS. BLOODWORTH: No, that's correct.

[11] CHAIRMAN ROSE: All right. Is there any  
 [12] public comment on that issue?

[13] (No public comment.)

[14] CHAIRMAN ROSE: All right. It's open for  
 [15] board discussion. Joe, you wanted to --

[16] MR. CIRIELLO: Yes. I understand what you  
 [17] guys were just saying, but this is one of the  
 [18] things that I'm going to want to address as far  
 [19] as this whole charter goes. But if we were to  
 [20] change the wording -- it says here, "No member of  
 [21] the St. Augustine Airport Authority board shall  
 [22] be an officer or employee of the City of St.  
 [23] Augustine, St. Johns County, or the State of  
 [24] Florida excepting members of the militia or  
 [25] notary public."

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[ 1] If we were to change the wording in that one  
 [ 2] sentence, the way I want it, it would be, "No  
 [ 3] member of the St. Augustine Airport Authority  
 [ 4] board shall hold another elected office," period,  
 [ 5] so that a lot of people who now can't run for  
 [ 6] this office could.

[ 7] If we was to change that tonight, and as  
 [ 8] Mr. Rose said, the courts come down with a  
 [ 9] decision one way or another, could we legally go  
 [10] ahead and change that right now, no matter how  
 [11] they decide that it would be binding, or would it  
 [12] have to be then changed again later on whatever  
 [13] decision they come up with? In other words, do  
 [14] we have the right to change anything now whatever  
 [15] is looking ahead?

[16] MS. BLOODWORTH: It's my understanding that  
 [17] you could change the language that's presented to  
 [18] you now if you're all in agreement. It doesn't  
 [19] affect what the DCA court rules, but any such  
 [20] change could potentially be construed as your  
 [21] changing your mind on whether or not this  
 [22] language is constitutional. And our position has  
 [23] been consistently in fact that it is  
 [24] constitutional and that it doesn't require  
 [25] changing.

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[ 1] And here, this is a little old Airport  
 [ 2] Authority saying a mailman or a sheriff's deputy  
 [ 3] can't run for this job because he works for the  
 [ 4] county. I think it's a bad -- a bad sentence,  
 [ 5] and I'd rather -- even my -- my idea of holding  
 [ 6] another elective office isn't as good as what I'm  
 [ 7] just describing, because a person holding -- say  
 [ 8] a county commissioner, Mr. Bryant, I don't know  
 [ 9] why he'd want to give up a  
 [10] hundred-thousand-dollar-a-year job for one that  
 [11] pays nothing, but -- that's a joke -- but if he  
 [12] wanted to run for this Airport Authority because  
 [13] he's interested in airplanes and owns airplanes  
 [14] and everything, he couldn't do it under my little  
 [15] wording.

[16] But if a guy running for Vice-President can  
 [17] do it and hold another office, I don't see why we  
 [18] should restrict half of the county from even  
 [19] running for a job by our language. And, I mean,  
 [20] I'd like to see it changed.

[21] CHAIRMAN ROSE: All right. Here's where we  
 [22] stand: We have a -- we have a recommendation  
 [23] from Staff that the charter codification document  
 [24] that was -- that was distributed be approved and  
 [25] passed on to Representative Wiles for his

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[ 1] MR. WUELLNER: And the language you have in  
 [ 2] here would -- even if you changed it, wouldn't be  
 [ 3] effective until addressed by the legislature  
 [ 4] anyway.

[ 5] MR. CIRIELLO: Well, but --

[ 6] MR. WUELLNER: So, it has a lead time  
 [ 7] regardless.

[ 8] MR. CIRIELLO: At least it would be done,  
 [ 9] because if we wait until the decision, and then  
 [10] we have to go back and revisit changing the  
 [11] language, then if we're going to be, you know,  
 [12] doing double duty when we can do it right now.  
 [13] And if the hearing comes out right, the language  
 [14] is already changed.

[15] Because the way that language is now, it  
 [16] restricts too many people from the right to run  
 [17] for an elected office, and personally I don't  
 [18] like it.

[19] I just think that if you want to look at it  
 [20] nationally, Lieberman, a senator, sitting  
 [21] senator, ran for Vice-President of the United  
 [22] States and he didn't have to give up his job.  
 [23] And if he'd have won the Vice-Presidency, then he  
 [24] would have. But as it was, he lost and he got to  
 [25] keep his job.

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[ 1] processing in the legislature. That -- that is a  
 [ 2] motion, or it should -- we need a motion to that  
 [ 3] effect.

[ 4] We have a statement now by Mr. Ciriello, who  
 [ 5] would like to modify the wording in this  
 [ 6] document.

[ 7] MR. CIRIELLO: Well, I've got a couple of  
 [ 8] other ones, Mr. Chairman, not just this one. So,  
 [ 9] if you -- you know, I've got two or three other  
 [10] things I want to bring up that I want to see  
 [11] taken out of this thing. So, we don't want to  
 [12] put a motion on to either accept this or modify  
 [13] it or what, until I'm --

[14] CHAIRMAN ROSE: We can put a motion on  
 [15] anytime we want to.

[16] MR. CIRIELLO: Well, I know that. But you  
 [17] don't want to do that until I'm done saying what  
 [18] all I disagree with.

[19] CHAIRMAN ROSE: Well, what I'd like to do --

[20] MR. CIRIELLO: I've got more than one item I  
 [21] disagree with.

[22] CHAIRMAN ROSE: I'd like to go -- if  
 [23] somebody wants to make a motion --

[24] MR. CIRIELLO: Oh, they can do that, yes.

[25] CHAIRMAN ROSE: -- I'd like to get it. Then



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- [ 1] we can discuss the motion in terms of what you  
[ 2] want to do.  
[ 3] MR. CIRIELLO: Okay. All right.  
[ 4] CHAIRMAN ROSE: So, you'll have -- if I have  
[ 5] a motion.  
[ 6] MR. LASSITER: I'd like to make a motion  
[ 7] that we approve Staff's recommendation that the  
[ 8] Authority authorize the proposed charter  
[ 9] codification document be forwarded to our local  
[10] legislation delegate for appropriate action.  
[11] CHAIRMAN ROSE: Okay. Do I have a second to  
[12] that?  
[13] MR. WATTS: I second it.  
[14] CHAIRMAN ROSE: All right. Now --  
[15] MR. LASSITER: Now we can start talking.  
[16] CHAIRMAN ROSE: Yeah.  
[17] MR. CIRIELLO: Are you going to get public  
[18] comment first?  
[19] CHAIRMAN ROSE: I've -- I've already asked  
[20] for it.  
[21] MR. CIRIELLO: Oh, you did? Okay. I'm  
[22] sorry. I'm sorry.  
[23] CHAIRMAN ROSE: All right. Now --  
[24] MR. CIRIELLO: Okay.  
[25] CHAIRMAN ROSE: Now, Joe.

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- [ 1] CHAIRMAN ROSE: Yeah.  
[ 2] MR. CIRIELLO: Yeah. Well --  
[ 3] CHAIRMAN ROSE: Give us the page number so  
[ 4] we can follow you.  
[ 5] MR. CIRIELLO: Okay. The first point I  
[ 6] brought up is on page 1 under section 3. And if  
[ 7] you go about one-third of the way down, it says,  
[ 8] "No member of the St. Augustine Airport Authority  
[ 9] board shall be an officer or employee of the City  
[10] of St. Augustine, St. Johns County, or the State  
[11] of Florida excepting members of the militia or  
[12] notary public."  
[13] I want it to read, "No member of the St.  
[14] Augustine Airport Authority board shall hold  
[15] another elected office." And, of course, it'd  
[16] have to be in St. Johns County or whatever,  
[17] because you have to be a registered voter, you  
[18] know, live in the district. So, that's one  
[19] change I want.  
[20] Of course, now while I'm thinking of it, to  
[21] answer one of the questions Mr. Rose said, if I  
[22] make these changes and you guys would agree that  
[23] some of the changes should be made, then you'd --  
[24] we'd be voting, all of us or whoever, against the  
[25] motion. So, I guess that's how my changes would

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- [ 1] MR. CIRIELLO: I might as well get all my --  
[ 2] CHAIRMAN ROSE: You're going to speak  
[ 3] against the motion.  
[ 4] MR. WUELLNER: Yes.  
[ 5] MR. CIRIELLO: I guess that's what it is,  
[ 6] but I want some changes.  
[ 7] CHAIRMAN ROSE: The motion was to approve  
[ 8] this document.  
[ 9] MR. CIRIELLO: Yeah.  
[10] CHAIRMAN ROSE: And you're speaking against  
[11] that motion. You don't want to approve this  
[12] document.  
[13] MR. CIRIELLO: No, because I want some  
[14] changes made. Now, how are we going to do that?  
[15] If -- if I'm against the motion, and it goes 3 to  
[16] 1, the changes won't even come up. And I want  
[17] these changes mentioned and get on the record.  
[18] CHAIRMAN ROSE: Go.  
[19] MR. CIRIELLO: Okay. You already heard the  
[20] one about the language about the person being  
[21] able to run for this.  
[22] MR. LASSITER: Joe, do us a favor. As you  
[23] bring up these points, bring to the point -- and  
[24] bring to our attention the address of those  
[25] points in this document.

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- [ 1] be made, right?  
[ 2] CHAIRMAN ROSE: That's right.  
[ 3] MR. CIRIELLO: Okay. So, now the next one  
[ 4] is page 2, section 5, second sentence. "The St.  
[ 5] Augustine Airport Authority has -- as hereby  
[ 6] created, is authorized and empowered to own and  
[ 7] acquire property by purchase, lease, eminent  
[ 8] domain, gift, or transfer from the City of St.  
[ 9] Augustine," et cetera, et cetera.  
[10] To me, eminent domain is one of the vilest,  
[11] dirtiest words you could mention, and I'd like to  
[12] see that eminent domain scratched out. All the  
[13] rest of it's okay. I just want to see eminent  
[14] domain scratched out of that. So, do you guys  
[15] got that?  
[16] Okay. Now, let me go over -- there's not a  
[17] page number, but it's -- yeah, page 5. Page 5.  
[18] This -- the one I'm going to mention now is more  
[19] or less for discussion, because I'm not sure one  
[20] way or another. Ed will have to straighten it up  
[21] for me. But it says, All property of all -- and  
[22] all revenues derived from the properties and  
[23] facilities, the Authority shall be exempt from  
[24] all taxation by the state or by the county.  
[25] And it's my understanding that some of the

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[ 1] corporate hangars are qualified under the ad  
[ 2] valorem to pay taxes and the private hangars  
[ 3] aren't. And if we go with this language to  
[ 4] exempt everybody on the airport from airport  
[ 5] property from paying ad valorem taxes, we're not  
[ 6] only hurting ourselves on our ad valorem tax  
[ 7] rate, but the county also gets benefit from ad  
[ 8] valorem taxes. So, I -- I don't see the where  
[ 9] with -- why we're trying to exempt getting some  
[10] tax money. And so, what I guess this whole  
[11] paragraph, I guess, I'd like to see taken out.

[12] If anybody has any comment on it -- Ed, you  
[13] might have to bring me up to date, because I  
[14] thought there was some -- something in the courts  
[15] in some other county or something about this kind  
[16] of a subject?

[17] MR. WUELLNER: Yeah. There have been a  
[18] couple of significant cases. One -- you have two  
[19] contrary opinions in appeals court related to the  
[20] treatment of special districts, such as airport  
[21] authorities and seaports and the like, relative  
[22] to the application of ad valorem taxation, with  
[23] one court ruling that authorities were -- or  
[24] special districts were more like counties than  
[25] cities and were therefore immune versus exempt;

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[ 1] the other appeals court finding exactly the  
[ 2] opposite, that they were more like cities than  
[ 3] counties, and as such were subject to exemption  
[ 4] law, versus immunity as a subset of the state.

[ 5] Finally made it to the Supreme Court of the  
[ 6] state which ruled that they were more like cities  
[ 7] than states, which set up a series of requests of  
[ 8] the legislature to define what is municipal  
[ 9] purpose within the legislation.

[10] Because the Constitution is completely  
[11] silent on special districts and their treatment  
[12] within ad valorem, the tax appraisers generally  
[13] within the state have taken the position that  
[14] they don't really care what the legislature has  
[15] determined to be exemptions from ad valorem  
[16] taxation, that they're not subject to that  
[17] because the authority has no -- excuse me, the  
[18] legislature has no authority to grant exceptions  
[19] to special districts under the current language  
[20] in the -- in the Constitution.

[21] The ad valorem tax commission that was  
[22] appointed in the last legislative session has met  
[23] on the topic and is making recommendations to the  
[24] legislature and the Governor this year as to what  
[25] they suggest. And they're -- they have fallen

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[ 1] short of actually making recommendations as to  
[ 2] how to change, but they have provided some  
[ 3] specific statements depending on which track the  
[ 4] legislature wants to take.

[ 5] It's my understanding, from talking to some  
[ 6] of the legislators, they don't think they're  
[ 7] going to do anything with it this year because  
[ 8] it's just not the year to kick airports and  
[ 9] seaports and the like while they're down with the  
[10] revenue issues and the like that have gone on  
[11] since -- since the events in September. So, I'm  
[12] not too sure it's going anywhere.

[13] But I think ultimately what we're being --  
[14] they're being asked to do is create a -- an item  
[15] to go back to the voters that specifically asks  
[16] the question as to whether the -- the -- adds the  
[17] provision within the Constitution that allows the  
[18] legislature to create the exemption as it relates  
[19] to special districts and ad valorem taxation.  
[20] You know, whether that passes or not, I don't  
[21] know. It was the only constitutional amendment  
[22] that did not pass last time, but it was tied to  
[23] mobile home improvements.

[24] So, that's the history on it. All you're  
[25] saying in the charter is you believe anything you

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[ 1] own to be tax exempt. That doesn't mean anybody  
[ 2] has to believe it at this point.

[ 3] MR. CIRIELLO: Okay. Thanks for the  
[ 4] explanation. Let me see. Well, this is a -- now  
[ 5] I'm getting into the second part here that was  
[ 6] rewritten. Oh, okay. Go over to what they call  
[ 7] page 3. That's after the -- you know, the  
[ 8] proposed charter part. On page 3.

[ 9] MR. WUELLNER: Is this the lined-out  
[10] version, Joe?

[11] MR. CIRIELLO: Huh?

[12] MR. WUELLNER: Which version? What --

[13] MR. CIRIELLO: The second version. The  
[14] second version.

[15] MR. WUELLNER: Okay.

[16] MR. CIRIELLO: Page 3. Item 6 and 7. Item  
[17] 6, "The St. Augustine-St. Johns County Airport  
[18] Authority is authorized and empowered to conduct  
[19] activities necessary to create and support a  
[20] multimodal transportation system to interconnect  
[21] with and support the airport activities," and so  
[22] forth.

[23] To me, that is strictly a business decision.  
[24] This -- this charter is actually the rules or the  
[25] laws on how this board operates, and that item is

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[ 1] actually a business decision as such and  
[ 2] shouldn't be in the charter, in my opinion. So,  
[ 3] I think that ought to be taken out.

[ 4] And then item 7, again, goes to that dirty  
[ 5] word eminent domain. So, as long as that word  
[ 6] eminent domain's in there, I'd like to see that  
[ 7] stricken, too. Item 6 and 7.

[ 8] Now -- okay. I guess the one other thing  
[ 9] that I thought about, because the rest of my  
[10] underlining is repeating everything I said, is  
[11] this Authority, as far as I know, has no  
[12] bylaws -- separate bylaws, do we, Ed, to operate  
[13] under? We operate under this charter only?

[14] MR. WUELLNER: Correct.

[15] MR. CIRIELLO: We don't have a separate set  
[16] of bylaws?

[17] MR. WUELLNER: That's your authority to  
[18] operate.

[19] MR. CIRIELLO: Yeah.

[20] MR. WUELLNER: You set any policies within  
[21] yourselves.

[22] MR. CIRIELLO: Well, since we don't have a  
[23] separate set of bylaws on procedures and such, I  
[24] was wondering if -- if it would be possible or if  
[25] it would be legal or whatever to insert one of

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[ 1] the items in our charter that the Authority would  
[ 2] operate under Roberts Rules -- Rules of Order and  
[ 3] Parliamentary Procedure.

[ 4] We do most of the time, or pretty -- pretty  
[ 5] much, but we don't follow it explicitly to the  
[ 6] letter. And I just thought that maybe if it  
[ 7] would be allowed, that we could enter one of the  
[ 8] items on this charter to -- the board would  
[ 9] operate under Roberts Rules of Order and  
[10] Parliamentary Procedure.

[11] Those are my comments on this thing, and so  
[12] I guess you guys should be allowed to speak.  
[13] Thank you.

[14] CHAIRMAN ROSE: Thank you. Do I have any  
[15] comments from the board?

[16] MR. LASSITER: Do you want me to go first?

[17] CHAIRMAN ROSE: You can go first.

[18] MR. LASSITER: I think that the items that  
[19] Joe brought up, specifically the one concerning  
[20] Ms. Bosanko and that part of it, I feel that if  
[21] we're in error as far as this and needs to be  
[22] modified and changed, we need the guidelines of  
[23] the court to tell us where we're going on this  
[24] thing or not.

[25] If it's just because your gut feeling is, is

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[ 1] that we're cutting a lot of people out, these  
[ 2] were put in here specifically to prevent  
[ 3] conflict-of-interest situations, and I can see --  
[ 4] I can in my mind walk through a scenario where we  
[ 5] would see just what would happen that this is  
[ 6] trying to prevent, where there's conflicts of  
[ 7] interest.

[ 8] Therefore, I don't feel that I'm -- I'm not  
[ 9] agreeing with Joe in the sense that I think that  
[10] we need to say, well, we're just -- because we're  
[11] taking out people from holding this elected  
[12] office, without looking further down the road,  
[13] saying, yes, we are, but this is what we're  
[14] preventing, trying to be -- shall we say, present  
[15] ourselves to the county in the best -- and the  
[16] citizens of this and to provide them the service  
[17] the best we can.

[18] So, on the first point that Joe brought up,  
[19] I do in fact feel that we need to be led by the  
[20] courts, and we are deeply involved in that right  
[21] now and waiting the final reaction.

[22] The second item was the eminent domain. And  
[23] I understand Joe's aversion to it, as -- as we  
[24] have already walked, shall we say, down the path  
[25] of this once before on it. It is something that

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[ 1] you do not take lightly.

[ 2] But in the same token, if you are to weigh  
[ 3] the individual's rights with the whole of the  
[ 4] public, the concept of eminent domain is just  
[ 5] that, that the whole of the public at some time  
[ 6] has to be served in -- in regards to the  
[ 7] individual rights. And this is probably one of  
[ 8] the few cases where this in fact is held by our  
[ 9] government. And again, I know that it's  
[10] something not to be dealt with lightly and to  
[11] take lightly, but at the same time, it is  
[12] something that I think in the interest of the  
[13] public, it just has to be there.

[14] I mean, it's almost like the "when  
[15] everything else fails" type category. And  
[16] running a body like this, you almost have to have  
[17] that. And the state recognizes it, and it's  
[18] something that has been available to our -- our  
[19] type entities for many, many years. And I'm sure  
[20] there's case law that backs it up for probably, I  
[21] would guess, at least a hundred years, if not  
[22] further back.

[23] So, again, I think, Joe, in that area, I  
[24] stand -- I stand with you, but I have a different  
[25] opinion of why it's in our charter.

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[ 1] The ad valorem taxes, well, that one -- that  
 [ 2] one is something that I would really have to chew  
 [ 3] on a little bit. I think that it's in essence to  
 [ 4] prevent the cost of serving the public from being  
 [ 5] charged the tax. And I can see there's a  
 [ 6] position there.

[ 7] I'm really kind of -- I don't really take a  
 [ 8] position on that. I think that if it's in the  
 [ 9] courts again and being decided in the courts, it  
 [10] behooves us to wait for that decision. If we  
 [11] find out that we in fact are against court  
 [12] rulings, then we can go back and modify this.

[13] And I guess the last is the Robert Rules of  
 [14] Order. If we live totally by the Roberts Rules  
 [15] of Order --

[16] MR. CIRIELLO: No, 6 and 7, items 6 and 7.

[17] MR. LASSITER: Oh, I'm sorry. Well, let me  
 [18] finish Roberts Rules of Orders.

[19] MR. CIRIELLO: Okay.

[20] MR. LASSITER: If we live totally by Roberts  
 [21] Rules of Order, our meetings would not have in  
 [22] many cases the fluidity that's required for us to  
 [23] work up here as a body.

[24] We would be formalized to the point that the  
 [25] meetings, I don't think, would move at a

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[ 1] comfortable pace. Yes, we use it because it's a  
 [ 2] standard form that allows these meetings, in many  
 [ 3] times, when we can fall back to them.

[ 4] But to -- to put it in the codification that  
 [ 5] we will at all times use Roberts Rules of  
 [ 6] Order -- and I know you read through it -- but  
 [ 7] it's a pretty stilted way of approaching things.  
 [ 8] And if we get into that, an hour's meeting might  
 [ 9] be three hours meeting if we truly got into some  
 [10] of these discussions and how they had to be  
 [11] handled by Roberts Rules of Order.

[12] CHAIRMAN ROSE: I want to just interrupt.  
 [13] Roberts Rules of Order is designed primarily for  
 [14] a large body.

[15] MR. LASSITER: Yes.

[16] CHAIRMAN ROSE: When you've got four or five  
 [17] people in a discussion, they really don't fit.  
 [18] You have to bend those rules.

[19] MR. LASSITER: It becomes very stilted --

[20] CHAIRMAN ROSE: Yeah.

[21] MR. LASSITER: -- is what it amounts to.

[22] CHAIRMAN ROSE: Okay. 5 -- 6 and 7 are the  
 [23] items on the multimodal transportation.

[24] MR. LASSITER: Again, we went through this  
 [25] meeting earlier in the workshop, and the idea

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[ 1] was -- and the question was brought up as to, in  
 [ 2] fact, could we even talk about being involved in  
 [ 3] a multimodal. And -- because if our charter  
 [ 4] doesn't include it, then we're precluded from  
 [ 5] talking about it. And I think that to -- if it's  
 [ 6] in here, it's obvious that there was a need to --  
 [ 7] for this body even to talk about it.

[ 8] Now, as it stands, I know, Joe, that your  
 [ 9] position to -- as far as the multimodal -- and  
 [10] quite frankly, I share many of your positions on  
 [11] this thing. I think it's got to be proven a lot  
 [12] further and whatever. But in the same token, I  
 [13] don't think that we need to be excluded only  
 [14] because we did not allow the flexibility of our  
 [15] charter for us even to discuss it.

[16] And I'm assuming, by the inclusion in this,  
 [17] that this is what it was included for, was  
 [18] discussion only; not that we have to do it, but  
 [19] it just allows us the ability to take the steps  
 [20] that are necessary to look at it and see if in  
 [21] fact it would be something; i.e., the case of the  
 [22] parking lot that we're talking about.

[23] If we don't have that in this code, we have  
 [24] absolutely no ability at all. We just can't  
 [25] enter into the discussion. It keeps us out of

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[ 1] it. And I don't want to do that. I don't want  
 [ 2] to be left out.

[ 3] CHAIRMAN ROSE: I think as Joe points out,  
 [ 4] this -- it's still a business decision; we just  
 [ 5] are --

[ 6] MR. LASSITER: Absolutely.

[ 7] CHAIRMAN ROSE: -- authorized to discuss and  
 [ 8] take action in this area.

[ 9] MR. CIRIELLO: Well, Mr. Chairman, item 5 on  
 [10] page 2 -- or section 5 on page 2 allows all that.  
 [11] If you read section 5, it says -- 87-508 on page  
 [12] 2, we really can do just about any darn thing we  
 [13] want.

[14] We can have a gas station. We can own  
 [15] airplanes. We can have a flight school. We can  
 [16] own an airplane for our own self. It says  
 [17] "Property of St. Augustine Airport Authority may  
 [18] be utilized for purposes which are not related to  
 [19] aviation."

[20] Right there, that -- that section or that  
 [21] paragraph allows us to do what we're wanting to  
 [22] do without making it a specific issue.

[23] CHAIRMAN ROSE: It's not a specific issue.  
 [24] It just authorizes it if we want to -- if we want  
 [25] to pursue it.

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[ 1] MR. LASSITER: In specificity.  
 [ 2] CHAIRMAN ROSE: We don't have to pursue it.  
 [ 3] MR. LASSITER: The specificity of this is  
 [ 4] saying, okay, we have something here that is  
 [ 5] inter -- intergovernmental related, and where  
 [ 6] this is operating a business, even though what  
 [ 7] you're talking about is correct.  
 [ 8] But I don't think that the spec -- the  
 [ 9] specifics of our code now allows us to go in and  
 [10] act as a combining party of the different bodies.  
 [11] We're specific -- like you said, we're  
 [12] specifically for the airport, but we can operate  
 [13] businesses on the airport or we can do what's  
 [14] necessary to run the airport. But we're moving  
 [15] into a different area.  
 [16] CHAIRMAN ROSE: Have you got any more?  
 [17] MR. LASSITER: That's -- that's my --  
 [18] CHAIRMAN ROSE: Okay. Dennis, you're next.  
 [19] MR. WATTS: Mr. Chairman, I -- not having my  
 [20] own mind and representing the people, but I feel  
 [21] exactly the same way Mr. Lassiter does. I  
 [22] think -- I think he explained it very well.  
 [23] And -- especially the part about the intermodal  
 [24] system. It's just -- it's in there because of  
 [25] the authorization to discuss the situation. And

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[ 1] township, took the farmland to build a high  
 [ 2] school, because it was nice and level and flat,  
 [ 3] and they took part of his farm to build a high  
 [ 4] school. And they could have built it somewhere  
 [ 5] else. Again, it was convenience and money.  
 [ 6] So, when I say eminent domain, I don't see a  
 [ 7] benefit to the public. It's all convenience and  
 [ 8] money. And so, I still think it's a dirty word,  
 [ 9] but I understand what you're saying and --  
 [10] CHAIRMAN ROSE: All right.  
 [11] MR. CIRIELLO: -- I'm done.  
 [12] CHAIRMAN ROSE: All right. If -- if you  
 [13] agree with Mr. Ciriello that portions of this  
 [14] need to be modified, then you need to vote  
 [15] against the motion and we need to go through it  
 [16] item by item.  
 [17] If you want to -- if you agree with the  
 [18] motion and want to submit this as it was  
 [19] distributed, then you vote for the motion. So,  
 [20] I'm ready for the vote unless there's something  
 [21] else to say.  
 [22] All those in favor of the motion to accept  
 [23] Staff recommendation and submit this to our  
 [24] legislative representative --  
 [25] MR. LASSITER: Aye.

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[ 1] I -- but I do agree with Mr. Lassiter  
 [ 2] wholeheartedly.  
 [ 3] CHAIRMAN ROSE: Okay. Any other discussion?  
 [ 4] MR. CIRIELLO: Yeah. I just want to clear  
 [ 5] up one -- one thing. Of course, what Dennis and  
 [ 6] Mr. Lassiter said makes sense to a point. I  
 [ 7] think what I said makes sense.  
 [ 8] But this eminent domain thing, I personally  
 [ 9] knew two people who lost land through eminent  
 [10] domain up in Pennsylvania, and all eminent domain  
 [11] is for -- and he says benefit of the public. And  
 [12] I know that if you look into the eminent domain,  
 [13] it always comes down to the benefit of the  
 [14] public, the public, not the individual owners.  
 [15] And it comes down to two words: Convenience and  
 [16] money.  
 [17] The state wanted to put in a road, and they  
 [18] wanted to go straight instead of bending it, and  
 [19] they took a guy's farm and cut it straight in  
 [20] half to put the straight -- straight-in road.  
 [21] That was convenience. And then naturally  
 [22] money-wise, it would be a little cheaper going  
 [23] straight than putting a bend in a road.  
 [24] And then the other one was a guy who had a  
 [25] farm, and they -- it wasn't the state; it was a

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[ 1] MR. WATTS: Aye.  
 [ 2] CHAIRMAN ROSE: Aye. Opposed?  
 [ 3] MR. CIRIELLO: No.  
 [ 4] CHAIRMAN ROSE: The motion is carried.  
 [ 5] Mr. Wuellner?  
 [ 6] 7.C. - LEASE ACTION - NORTH AMERICAN TOP GUN  
 [ 7] MR. WUELLNER: The next item I have is lease  
 [ 8] action related to North American Top Gun. You  
 [ 9] have an overview by Staff. For expedience sake,  
 [10] I'll run through that quick.  
 [11] As you recall, the Authority took action to  
 [12] facilitate a 30-day extension of the lease  
 [13] agreement with North American Top Gun at your  
 [14] last meeting. The action was accomplished to  
 [15] allow the market rental appraisal consistent with  
 [16] adopted lease policy to be accomplished. And the  
 [17] results of the appraisal were attached to the  
 [18] agenda memorandum which indicates a value of  
 [19] \$3.50 per square foot of rental value.  
 [20] When we contacted NATG for the purposes of  
 [21] discussing that and coming to some negotiations  
 [22] moving forward, we were told that they wished to  
 [23] only pursue at this point renewing their old  
 [24] lease agreement and did not wish to negotiate a  
 [25] lease at this time, subject to your action

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[ 1] relative to that request, and has not entered  
[ 2] into any substantive negotiations with us  
[ 3] relative to moving forward beyond that action.

[ 4] At this time, they've asked it -- asked to  
[ 5] just simply continue the lease and renew it and  
[ 6] overlook the requirement to comply with the  
[ 7] agreed-upon renewal notification that was in the  
[ 8] original lease.

[ 9] We would argue -- Staff would argue that  
[10] there is no lease agreement at this point. The  
[11] Authority took action to simply extend or go to a  
[12] month-to-month arrangement at the expiration of  
[13] the existing lease, and that the Authority should  
[14] direct us -- should direct Staff to notify NATG  
[15] that they are either -- at this point either  
[16] negotiate a lease agreement or cease all  
[17] operations relative to the leasehold at this  
[18] point and move along. And the Authority could  
[19] begin negotiations at their request at any time  
[20] for that space.

[21] So, it's Staff recommendation that the  
[22] Authority deny NATG request, that the terms of  
[23] the request are inconsistent with your adopted  
[24] policy and the prior lease agreement, and your --  
[25] we're requesting you direct Staff to notify NATG

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[ 1] that they are to cease all operations and vacate  
[ 2] the premises prior to the close of business  
[ 3] October 31st, 2001, if they fail to negotiate a  
[ 4] lease agreement.

[ 5] CHAIRMAN ROSE: Okay. Have you --

[ 6] MR. WUELLNER: I think he's here, if you  
[ 7] wish to --

[ 8] CHAIRMAN ROSE: Have you reviewed this with  
[ 9] our legal counsel?

[10] MR. WUELLNER: They have been apprised of  
[11] it, yes.

[12] CHAIRMAN ROSE: Okay. Is there any -- do  
[13] you have any comments on that before we get into  
[14] the discussion? Is what we're doing, what Ed is  
[15] recommending legal and proper and --

[16] MS. BLOODWORTH: Yes. Once they failed to  
[17] exercise the requirement under the lease to  
[18] renew --

[19] CHAIRMAN ROSE: Then there's no lease.

[20] MS. BLOODWORTH: -- you have no binding  
[21] commitment.

[22] CHAIRMAN ROSE: And it needs to be  
[23] renegotiated.

[24] MS. BLOODWORTH: Right.

[25] CHAIRMAN ROSE: Okay. Public comment?

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[ 1] MR. MOORE: Bruce Moore, president of North  
[ 2] American Top Gun.

[ 3] In reading over the language of the lease,  
[ 4] it seemed obvious to me that the intent of the  
[ 5] clause was to provide a six-month or greater  
[ 6] window for the Airport Authority to replace the  
[ 7] tenant if North American Top Gun chose to leave  
[ 8] and not continue in operation there.

[ 9] When we first wanted to get a hangar, we  
[10] wanted a long-term lease. And I'd always  
[11] considered this a 20-year lease, not a 5-year  
[12] lease. It's very easy to get your lease and then  
[13] put it in a filing cabinet and not look at it  
[14] again, and all of a sudden, you find a clause  
[15] that says, gee, you've got to notify us six  
[16] months prior to wanting to leave.

[17] Within that six-month period, we were  
[18] talking to the Airport Authority, letting them  
[19] know outside improvements that needed to be made  
[20] and made all -- made it known to the Airport  
[21] Authority that we were planning to stay there.  
[22] The Airport Authority didn't even know about this  
[23] clause when it first expired. So, when it was  
[24] brought to our attention, we said, "Yeah, we want  
[25] to stay. We never planned to leave."

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[ 1] And so, I was out of town and I sent a  
[ 2] letter to the board, care of Mr. Wuellner,  
[ 3] requesting that prior to the expiration of the  
[ 4] five-year term, that we do continue this. And  
[ 5] that's what I'd like to do.

[ 6] Financially, and especially in the uncertain  
[ 7] environment of aviation right now, I can't afford  
[ 8] to stay in the hangar at an increased rent. I'd  
[ 9] very much like to keep operating under the terms  
[10] of the original lease.

[11] And I think it all comes down to fairness.  
[12] It's good business policy to keep a good tenant,  
[13] someone that's been there paying the rent for  
[14] five years, that contributes to the airport. If  
[15] you continue the existing terms of the first  
[16] lease, nobody's harmed; the Airport Authority  
[17] continues to have a tenant and continues to make  
[18] income; North American Top Gun continues in  
[19] business. If you change the terms and  
[20] renegotiate a new lease, now the Airport  
[21] Authority is not harmed, but North American Top  
[22] Gun is.

[23] So, you've got a choice here: Do you want  
[24] to keep a tenant? Do you want to participate in  
[25] an environment where fairness is important? And

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[ 1] I think that's the basic thing.

[ 2] We're not asking for favors. We're just  
[ 3] asking to continue on as everybody on the airport  
[ 4] planned us to continue on. The existing board,  
[ 5] everybody, the administrators, North American Top  
[ 6] Gun, we all saw ourselves staying here as a  
[ 7] community business.

[ 8] And we'd like the board to consider, since  
[ 9] you do have the authority to grant continuance of  
[10] the lease under the previous terms, I would  
[11] request that -- that you do so. And that's my  
[12] request.

[13] CHAIRMAN ROSE: Wait just a minute, because  
[14] somebody may have some questions on the points  
[15] you made.

[16] MR. MOORE: Sure.

[17] CHAIRMAN ROSE: Any questions?

[18] MR. CIRIELLO: I don't know if I have a  
[19] question of him, but I have a statement. He made  
[20] a statement. I can understand what he's saying.  
[21] But you understand that the people elected to  
[22] this board are to run and manage this airport,  
[23] not so much as a popularity thing but as a  
[24] business. And down the road, different people  
[25] have said they're going to try to make this

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[ 1] airport pay for itself.

[ 2] And if we let you or anybody else use the  
[ 3] facilities at less than what they're valued at,  
[ 4] indirectly what you're saying is that you're  
[ 5] asking the taxpayers to subsidize your business.  
[ 6] And of course I understand what you're  
[ 7] saying. You're a tenant. You buy fuel. We get  
[ 8] some money out of that and we get some -- or  
[ 9] whoever gets some hangar fees and everything. It  
[10] may be not as much as we like, but you can't --  
[11] it's not just you and us; it's the taxpayers out  
[12] there, too.

[13] And anything that we give away -- and I say  
[14] "we." I don't mean particularly members of this  
[15] board, because boards have sat here over the six  
[16] years or so I've been coming and I've seen them  
[17] give things away.

[18] What they're doing is asking the taxpayers  
[19] to subsidize whatever they're giving away. So,  
[20] we have to take that into consideration, too.

[21] MR. MOORE: Sure. But for us, we wouldn't  
[22] have entered into the original lease at the  
[23] numbers that Mr. Wuellner's proposing now. We  
[24] would have done something else, gone to another  
[25] airport or not started leasing a facility here of

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[ 1] that extent.

[ 2] You know, we're talking small numbers in  
[ 3] terms of an overview of a community. You're just  
[ 4] writing off \$28,000 because it's hard to collect.  
[ 5] \$28,000, what's that, two years' increase of what  
[ 6] they want in the rent?

[ 7] Okay. In two years, that's a big difference  
[ 8] to me and my family. And I don't want to be  
[ 9] forced off the airport. I would like to continue  
[10] here. And it's a tough decision for me to say,  
[11] "Well, you know, I can afford to stay here on  
[12] what we had agreed on five years ago," but at  
[13] double that or almost, it doesn't become viable.

[14] MR. CIRIELLO: Well, let me ask you a  
[15] question.

[16] MR. MOORE: And who do you -- do you have  
[17] somebody else that wants to go in there now at  
[18] that rate?

[19] MR. CIRIELLO: You're here six months out of  
[20] the year, right?

[21] MR. MOORE: We're here year-round.

[22] MR. CIRIELLO: Well, I thought in the  
[23] summer, you went up north; and in the winter, you  
[24] came back here.

[25] MR. MOORE: I have four airplanes, and a lot

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[ 1] of the year, they're on tour. The rest of the  
[ 2] time, the hangar's still full. I've got tenants.  
[ 3] I operate a business out of the office portion.

[ 4] MR. CIRIELLO: You're making money off of  
[ 5] our hangars?

[ 6] MR. MOORE: I'm making money off of a  
[ 7] business arrangement we made. I did leasehold  
[ 8] improvements. I put another, you know, \$4,000 in  
[ 9] sealing the floor, built offices, built  
[10] maintenance rooms on there, continued to maintain  
[11] the hangar, put in water. You know, this is a  
[12] long-term proposition for me.

[13] MR. CIRIELLO: What's your square footage  
[14] rent to the people you sublease to compared to  
[15] what we're charging you? I don't even know what  
[16] we're charging.

[17] MR. MOORE: Yeah. I do it by the size of  
[18] the airplane. So, just like when I'm flying my  
[19] airplanes at this airport, I'm earning my living  
[20] with airplanes based in there. As a side  
[21] business, if I've got room, I can put in another  
[22] tenant. You know, that's what I do. I make my  
[23] money out of aviation. Whether I sell a flight  
[24] to a student or rent some space to a tenant, it's  
[25] still making money through aviation.

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[ 1] CHAIRMAN ROSE: Any other questions?  
 [ 2] MR. LASSITER: Yeah. Mr. Moore, I -- I  
 [ 3] understand your plight, and I appreciate it. But  
 [ 4] again, as Mr. Ciriello has said, we have -- we're  
 [ 5] negotiating for the whole of the county with you.

[ 6] The original lease called for five-year  
 [ 7] increments with notice of renewal. So, going  
 [ 8] into this lease, there were certain stipulations:  
 [ 9] You'll pay your rent; you'll maintain your  
 [10] facilities; and you'll let us know at five years.

[11] Now, in fairness to us, we didn't trick you  
 [12] or we didn't try to -- to subterfuge in the  
 [13] middle of the night move away from you --

[14] MR. MOORE: Right. It was really a bad  
 [15] clause. It should have required both parties to  
 [16] agree at six months what should be done.

[17] MR. LASSITER: But you can look at it  
 [18] another way. It was a bad clause when we wrote  
 [19] the original lease with you and didn't go ahead  
 [20] and stipulate the CPI index or some other index  
 [21] or something of that nature. So, because of the  
 [22] negotiations that were held originally, you --  
 [23] you fairly agreed to a rent and you fairly agreed  
 [24] to terms.

[25] Now, what you're asking us -- and again,

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[ 1] we're sitting on the civilian side of this deal.  
 [ 2] You're saying I want the good part of this lease,  
 [ 3] but I don't want the bad part. And the bad part  
 [ 4] is I missed my threshold. And that's where I'm  
 [ 5] having trouble saying -- and I understand,  
 [ 6] because I run businesses and I understand; you  
 [ 7] have overhead and you have changing competition  
 [ 8] and all.

[ 9] But the simple fact is, we all play by the  
 [10] rules of the game, and the only time that we ask  
 [11] for an exception to the rule is if it truly is a  
 [12] fair deal on both sides. At least, that's the  
 [13] way I try to do it.

[14] MR. MOORE: Well, at the five-year point,  
 [15] there is a rent increase, so -- and we started to  
 [16] pay that, too.

[17] MR. LASSITER: But what I'm saying is, is  
 [18] that the progression of the lease and the way  
 [19] that I'm sure in your dealing with your tenants  
 [20] and all, you don't give them blocks of time,  
 [21] which you negotiate in good faith, and we did,  
 [22] too.

[23] What I'm trying to say is, is that if there  
 [24] is a situation which is beneficial to you and  
 [25] then another situation that's not as beneficial,

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[ 1] and you meet everything but the one that's not,  
 [ 2] and then you're asking us to forgive that but  
 [ 3] keep the other in effect -- now, I think that  
 [ 4] there is potential -- and I have to talk to Ed  
 [ 5] about this -- about negotiation.

[ 6] What we have on the table is a -- an  
 [ 7] assessment of fair rent values. And I don't  
 [ 8] know, but I'm sure that if there is a need for  
 [ 9] understanding that a business can't go from this  
 [10] point to this point without having some kind of  
 [11] relief -- I'm sure that there's some flexibility  
 [12] on this board. But to say, forgive us for what  
 [13] we've done, but by the way, we want to stay with  
 [14] just what we got five years ago, I have problems  
 [15] accepting that, quite frankly.

[16] MR. MOORE: Yeah. But you wouldn't have had  
 [17] a problem if I just sent you the letter.

[18] MR. LASSITER: We would have lived by our  
 [19] end of the bargain, and that's what I'm trying to  
 [20] say. We would have stuck to it if you had stuck  
 [21] to it.

[22] But the situation is, is that there's a  
 [23] section that wasn't to your benefit that you  
 [24] didn't live up to, and now you're asking us, you  
 [25] want to keep what you've got but you want us to

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[ 1] forgive what you didn't do --

[ 2] MR. MOORE: Well, it's a nitpicking little  
 [ 3] thing. It's like, in my lease, it says I can  
 [ 4] have a sign on U.S. 1, but I've been prevented  
 [ 5] from having a sign on U.S. 1 because it requires  
 [ 6] the board's approval.

[ 7] And I haven't made a real big stink about  
 [ 8] that, but it loses me business every month,  
 [ 9] because no one can find my business unless I've  
 [10] advertised and brought them in first. They don't  
 [11] see the sign. They don't come in. And that used  
 [12] to get me, you know, a thousand dollars a month  
 [13] of income, people seeing my sign that I was  
 [14] required to take down.

[15] MR. LASSITER: Well, maybe that's our  
 [16] solution; we'll let you have a sign, you make  
 [17] your thousand dollars, and you pay your rent  
 [18] increase.

[19] MR. MOORE: Well, that could be a  
 [20] negotiation.

[21] MR. LASSITER: And that's what I'm saying.  
 [22] The negotiation side of the thing -- and I don't  
 [23] know about this, Ed; I'm sitting here negotiating  
 [24] for Ed, and I can't do that. I'm a board member.  
 [25] I'm not --



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[ 1] MR. MOORE: There's complications because --

[ 2] MR. WUELLNER: In fairness, that's not quite

[ 3] what the lease says, but okay.

[ 4] MR. MOORE: No, no. The sign being --

[ 5] MR. LASSITER: I'm being facetious about it.

[ 6] MR. MOORE: Yeah.

[ 7] MR. WUELLNER: I understand what he's trying

[ 8] to say.

[ 9] CHAIRMAN ROSE: Let's -- Dennis, do you have

[10] any questions?

[11] MR. WATTS: No. No, sir.

[12] CHAIRMAN ROSE: Do you have anything else

[13] you want to say?

[14] MR. MOORE: Unless anybody has questions.

[15] CHAIRMAN ROSE: Okay. Is there any further

[16] discussion?

[17] MR. CIRIELLO: Something is running in my

[18] mind, and I'm trying to -- I thought I heard

[19] somebody say a minute ago about Staff's

[20] recommendation, that if we go with Staff's

[21] recommendation, that there would be negotiations

[22] reopened up. Didn't I hear something to that

[23] effect?

[24] MR. WUELLNER: The actual recommendation has

[25] to do with the request that was made, which was

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[ 1] CHAIRMAN ROSE: Okay. We need a motion

[ 2] then.

[ 3] MR. LASSITER: Well, I think that we need to

[ 4] give all opportunity to our citizens that operate

[ 5] businesses out here to work something that is

[ 6] fair and equitable for both themselves as well as

[ 7] the people that this airport serves, so I'd make

[ 8] a motion that we follow Staff's recommendation up

[ 9] to a point, and that would be to allow further

[10] negotiations if Mr. Moore and Top Gun would like

[11] to continue the negotiations for an extended

[12] one-month period, and at that time, if they

[13] cannot reach an agreement, then we follow the

[14] termination of the relationship.

[15] CHAIRMAN ROSE: So, you're recommending that

[16] we allow -- we allow them to continue at the

[17] existing rental rate for a period of 30 days,

[18] with the possibility of renegotiating the lease

[19] arrangement.

[20] MR. LASSITER: Correct.

[21] CHAIRMAN ROSE: If we don't -- if we don't

[22] reach an agreement, then in 30 days, the

[23] recommendation of the staff becomes effective.

[24] MR. LASSITER: Correct.

[25] MR. MOORE: And who approves the terms of

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[ 1] to -- that their request was inconsistent with

[ 2] your policy and was outside of the terms of the

[ 3] original lease agreement, and as such, there was

[ 4] no latitude within that.

[ 5] So, our -- Staff's statement is relative to

[ 6] your policy. However, if -- you know, if

[ 7] Mr. Moore wants to, you know --

[ 8] MR. CIRIELLO: In other words --

[ 9] MR. WUELLNER: -- open up that direction and

[10] that's the direction you folks want us to take,

[11] then that's perfectly fine. I have no problem

[12] with that.

[13] MR. CIRIELLO: If we make a motion, Ed, to

[14] go with what Staff recommends --

[15] MR. WUELLNER: I think you need to modify it

[16] if you want to negotiate something.

[17] MR. CIRIELLO: If we okayed it, he's gone.

[18] But if it's remodified, it would be that --

[19] MR. WUELLNER: It'd extend it another 30

[20] days and negotiate something. And failing that,

[21] then it terminates. You can do whatever you want

[22] language-wise.

[23] MR. CIRIELLO: Okay. All right. Thank you.

[24] MR. WUELLNER: You can extend it five more

[25] days. You can do whatever you want there.

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[ 1] the new lease? Does the board approve the terms?

[ 2] MR. WUELLNER: It will come back to here,

[ 3] yes.

[ 4] MR. MOORE: Okay. And is there only

[ 5] negotiation at the monthly meeting, or can there

[ 6] be --

[ 7] MR. WUELLNER: We can negotiate anytime, and

[ 8] then we'll collectively bring something back --

[ 9] MR. LASSITER: Mr. Moore, what would happen

[10] is Staff would negotiate with y'all and hopefully

[11] reach agreeable terms. And those -- those would

[12] be brought back to us for approval. Is that not

[13] what you're envisioning, Ed?

[14] MR. WUELLNER: Yes, sir.

[15] MR. LASSITER: Okay.

[16] MR. WUELLNER: That's consistent with your

[17] policy.

[18] MR. LASSITER: We -- the board itself would

[19] not do the negotiations.

[20] CHAIRMAN ROSE: We would approve.

[21] MR. LASSITER: We would only approve what's

[22] brought to us by Staff.

[23] MR. WUELLNER: Yeah.

[24] MR. MOORE: But since you gentlemen are the

[25] ones that approve the final lease, there would be

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[ 1] opportunity to meet with you at more often than  
 [ 2] once a month.  
 [ 3] MR. LASSITER: Well, you would be doing your  
 [ 4] negotiate -- you would not be doing your  
 [ 5] negotiation say with us. You would be doing the  
 [ 6] negotiations with Staff.  
 [ 7] MR. MOORE: Right.  
 [ 8] MR. LASSITER: That's -- that -- they would  
 [ 9] bring to us whatever net results, whether it be a  
 [10] firm, completed negotiated lease agreement or  
 [11] come back and say, "We have failed to reach an  
 [12] agreement," one or the other.  
 [13] CHAIRMAN ROSE: I think we need to modify  
 [14] your motion to -- don't use the 30-day figure.  
 [15] Say until the next commission meeting --  
 [16] MR. WUELLNER: Airport Authority meeting.  
 [17] MR. WATTS: The board meeting.  
 [18] CHAIRMAN ROSE: The board meeting.  
 [19] MR. LASSITER: That would be fine.  
 [20] MR. CIRIELLO: Something else that's crossed  
 [21] my mind since we're in discussion. Wait. Well,  
 [22] he had a motion. Did we have a second?  
 [23] MR. LASSITER: I was forming a motion.  
 [24] MR. CIRIELLO: Okay.  
 [25] MR. LASSITER: An extended formation of a

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[ 1] motion.  
 [ 2] MR. CIRIELLO: Okay. I have to wait for a  
 [ 3] second before I can say anything.  
 [ 4] MR. LASSITER: I modify my motion to say  
 [ 5] until the next board meeting.  
 [ 6] MR. WATTS: I second.  
 [ 7] CHAIRMAN ROSE: All right. We have a motion  
 [ 8] on the floor then to continue at the existing  
 [ 9] rental rate for a period up until our next board  
 [10] meeting. In the interim, we look for negotiation  
 [11] between Ed and Top Gun to come to the board with  
 [12] a recommendation.  
 [13] MR. CIRIELLO: Okay.  
 [14] CHAIRMAN ROSE: And it's been seconded.  
 [15] MR. CIRIELLO: Let me be a little bit nasty  
 [16] here. Let's -- let me ask you a direct question.  
 [17] Are you dead set on not moving off of square  
 [18] one and just going with the deal you have now, or  
 [19] do you think you personally have some room for  
 [20] negotiating?  
 [21] MR. MOORE: Well, I mean, if you're going to  
 [22] let me put up a sign, you're going to fix the  
 [23] door so one person can open them and things like  
 [24] that, well, that makes the property more  
 [25] valuable. But I don't think the numbers I'm

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[ 1] looking at are affordable to me, so there'd have  
 [ 2] to be a lot of give at both sides.  
 [ 3] MR. CIRIELLO: Well, you're talking about  
 [ 4] your doors being fixed; I think that's the  
 [ 5] responsibility of the airport maintenance. If  
 [ 6] you have a problem with your property, it should  
 [ 7] be fixed, and there should be nothing --  
 [ 8] MR. MOORE: That, I consider also a design  
 [ 9] problem.  
 [10] MR. CIRIELLO: Okay. Well, what I'm getting  
 [11] at, Mr. Moore, is that I have seen this Authority  
 [12] in the past come in here month after month after  
 [13] month for over a year negotiating with somebody  
 [14] to build a hangar, do this or do what, back and  
 [15] forth, back and forth, back and forth, and I  
 [16] don't like that.  
 [17] Now, last month, I believe we gave you an  
 [18] extension -- I'm not -- you know, 30 days. Now  
 [19] we're doing it again. So, what I'm going to say  
 [20] is, if we go along with this motion to give you  
 [21] another 30 days and if you're dead set of not  
 [22] moving off of square one, period, and it's just  
 [23] going to go back and forth, that's not going to  
 [24] happen, because this is going to be the last  
 [25] shot.

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[ 1] MR. MOORE: Well, I -- I didn't ask for an  
 [ 2] extension.  
 [ 3] MR. CIRIELLO: No, I know you didn't. I'm  
 [ 4] not jumping on you. I'm just saying that I'm not  
 [ 5] going to sit here as a board member and get into  
 [ 6] negotiation with you or anybody else for month  
 [ 7] after month after month. It's either one way or  
 [ 8] another. And if you're dead set about  
 [ 9] renegotiating, why continue?  
 [10] But if -- if you think you might have some  
 [11] latitude with Mr. Wuellner, then I'm willing to  
 [12] give you the 30 days. But the next time, it's  
 [13] either one way or the other. It won't be any  
 [14] cooperation.  
 [15] CHAIRMAN ROSE: All right. We have a motion  
 [16] on the floor. Are we ready to vote? All those  
 [17] in favor of the motion, say aye.  
 [18] MR. CIRIELLO: Aye.  
 [19] CHAIRMAN ROSE: Aye.  
 [20] MR. LASSITER: Aye.  
 [21] MR. WATTS: Aye.  
 [22] CHAIRMAN ROSE: Opposed?  
 [23] (No opposition.)  
 [24] CHAIRMAN ROSE: The motion's carried. We'll  
 [25] expect an item on the agenda --

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[ 1] MR. WUELLNER: Yes, sir.

[ 2] CHAIRMAN ROSE: -- at -- next month to --

[ 3] well, you'll -- you'll make a recommendation.

[ 4] Thank you. Okay. Next item. Prestige

[ 5] Refinishing.

[ 6] 7.D. - LEASE ACTION - PRESTIGE REFINISHING

[ 7] MR. WUELLNER: Yes, sir. Same general

[ 8] circumstances since the leases were written

[ 9] approximately the same time and approved by the

[10] board originally. They took occupancy, which

[11] started the clock.

[12] You extended this lease 30 days, also, in

[13] order to accommodate the appraisal, which was

[14] accomplished. You have generally the results of

[15] that appraiser -- appraisal. Rental rate was

[16] established via appraisal at \$7 per square foot,

[17] contrasted against the existing appraised value

[18] of \$1.57 a square foot. Obviously there's a

[19] significant difference between the two, the

[20] existing and -- existing market value rate.

[21] We were asked to entertain two specific

[22] things. The first question to the Airport

[23] Authority, based on the request of the tenant

[24] Prestige Refinishing, is they had the same exact

[25] request that North American Top Gun had, which

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[ 1] don't have a lease to renew as such and, you

[ 2] know, some -- some negotiation would be

[ 3] appropriate.

[ 4] Since that time, I've been approached with

[ 5] additional alternatives that, you know, perhaps

[ 6] could be explored, but, I will say this, that,

[ 7] you know, he has been very cooperative and very

[ 8] proactive in sitting down and attempting to come

[ 9] to something that solves both problems, that is,

[10] a place for him to conduct business and us to get

[11] to market value related to that lease.

[12] And I would not be opposed to either, A,

[13] approving it; or B, allowing him the additional

[14] 30 days, also, to explore some additional options

[15] that may be -- you know, may ensure his success

[16] long term on the airport, too.

[17] CHAIRMAN ROSE: You're suggesting it might

[18] be appropriate to modify this recommendation --

[19] MR. WUELLNER: Correct.

[20] CHAIRMAN ROSE: -- to permit negotiations

[21] until our next meeting.

[22] MR. WUELLNER: Yes, sir. That's exactly it.

[23] CHAIRMAN ROSE: Is there anybody here from

[24] Prestige Refinishing?

[25] MR. EVANS: Yes.

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[ 1] was to renew the existing lease under the

[ 2] existing terms.

[ 3] Again, it would be Staff's recommendation

[ 4] that that request would be inconsistent with

[ 5] policy and should be denied. If that's your

[ 6] determination, then they have, since that time,

[ 7] sat down and met with us and have come to some

[ 8] basic discussions on a second proposal, which in

[ 9] and of itself is right now, as we discussed, was

[10] a 15-year lease agreement which would bend the

[11] balance of the lease term under -- had they

[12] availed themselves of all options appropriately.

[13] After adjusting at the 5- and 10-year points

[14] a -- an effective change of about 2 percent per

[15] year, or 10 percent each time, we came to a

[16] stair-stepped fixed-amount adjustment to be

[17] accomplished over the 15-year period.

[18] In other words, there would be a specific 45

[19] cents per square foot per year adjustment each

[20] year over the 15 years of the lease.

[21] CHAIRMAN ROSE: That's the schedule we have?

[22] MR. WUELLNER: That's the schedule you have

[23] attached, correct. And the balance of the

[24] standard form lease agreement terms would --

[25] would apply. Obviously it's our contention they

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[ 1] CHAIRMAN ROSE: Do you want -- do you want

[ 2] to speak?

[ 3] MR. EVANS: How are you doing? I'm Richard

[ 4] Evans.

[ 5] CHAIRMAN ROSE: What was that, Richard?

[ 6] MR. EVANS: Yes.

[ 7] CHAIRMAN ROSE: Evans.

[ 8] MR. EVANS: Yes. Yeah, I did talk with Ed

[ 9] about this, and what we came to was better than

[10] nothing, but as far as being able to carry that

[11] for 15 years, unless people that own airplanes

[12] get a different attitude about needing to paint

[13] them for value and what have you, I can never

[14] turn that kind of money to pay that kind of rent.

[15] And I'd be more than happy to show you the last

[16] five-year corporate returns to see what we've

[17] done.

[18] We've stayed busy. It's just people will do

[19] maintenance on their plane long before they'll

[20] ever paint it. Because, I mean, you can scratch

[21] corrosion and brush paint on it for as long as

[22] you want, but you have to get annuals done and --

[23] so I'm, you know, I'm kind of -- I'm a luxury.

[24] CHAIRMAN ROSE: Ed, any questions or --

[25] MR. LASSITER: Mr. Evans, do you feel that

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[ 1] the extra time might work something out between  
 [ 2] you and Ed and the Airport Authority?  
 [ 3] MR. EVANS: I would hope so. I mean, we've  
 [ 4] gotten along good all these years. I've, you  
 [ 5] know --  
 [ 6] MR. WATTS: Mr. Evans, you've -- I guess you  
 [ 7] have a pretty good rapport with Ed and the staff  
 [ 8] here?  
 [ 9] MR. EVANS: Yes.  
 [10] MR. WATTS: Okay.  
 [11] CHAIRMAN ROSE: Joe?  
 [12] MR. CIRIELLO: Mr. Chairman, I appreciate  
 [13] Mr. Evans wanting to cooperate as much as he can  
 [14] to preserve and save his business. I understand  
 [15] that. Ed, this \$7 a square foot, is that the  
 [16] appraisal for what the property is worth now?  
 [17] MR. WUELLNER: Yes, sir, based on its use.  
 [18] MR. CIRIELLO: Okay. When I looked at  
 [19] this -- and I looked down through year 1 through  
 [20] 15 -- that's unattainable. I don't know what  
 [21] kind of a business he has, but he'd have to paint  
 [22] three or four airplanes a day by year 15 to come  
 [23] up with \$78,000 in rent. But if you look at the  
 [24] appraisal, the \$7 a square foot is what it's  
 [25] worth. And by this chart -- I don't know. Did

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[ 1] MR. CIRIELLO: More? Boy, I'd go to Kmart  
 [ 2] and get some spray cans.  
 [ 3] MR. EVANS: That's my problem.  
 [ 4] MR. CIRIELLO: Now, I'm saying -- no, in all  
 [ 5] seriousness, I think that some of these figures  
 [ 6] are kind of unattainable, and they're pretty --  
 [ 7] they'll be a burden on you, and then you're going  
 [ 8] to be hurting. And I don't want to cut you off  
 [ 9] at the legs right now.  
 [10] And if we can extend you for another couple  
 [11] of years to let your business go another couple,  
 [12] I guess that'd be okay, too. But like I said to  
 [13] Mr. Moore, anything that we do giving you a break  
 [14] is more or less asking the taxpayers to subsidize  
 [15] you, and that doesn't come back to Mr. Ed or  
 [16] yourself; that comes back to the board as far as  
 [17] the taxpayers are concerned. "You guys are  
 [18] throwing our money away." You know, "These guys  
 [19] aren't paying their share."  
 [20] So, it's -- but I appreciate you're willing  
 [21] to sit down and talk. And I -- I appreciate  
 [22] that. But these figures I find a little --  
 [23] little hard to swallow. And I'm not so sure the  
 [24] first couple of years are a little bit too low.  
 [25] If maybe there was some room for upping it a

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[ 1] you make this chart, Ed, or did he make it?  
 [ 2] MR. WUELLNER: The rate chart?  
 [ 3] MR. CIRIELLO: Yeah.  
 [ 4] MR. WUELLNER: I did.  
 [ 5] MR. CIRIELLO: Okay. So, it's not your  
 [ 6] fault (indicating). But if you come down there  
 [ 7] and you look at that \$7-a-foot appraisal, not  
 [ 8] till you get to the year 12 and 13 do you even  
 [ 9] approach it.  
 [10] At year 12, it's \$6.97 and year 13, it's  
 [11] \$7.42, a little over. So, you're going to be  
 [12] about twelve and a half years to get to the rate  
 [13] that it's -- the property is valued at. And by  
 [14] that time, it's going to be double that; you know  
 [15] how inflation is. And the first three years, it  
 [16] goes from \$2.02 to \$2.92. That's not even half  
 [17] of the \$7.  
 [18] So, that's -- these figures are very, very  
 [19] generous. And, of course, I can understand your  
 [20] plight. You know, I mean, people that have an  
 [21] airplane just can't go out and plunk down a  
 [22] couple hundred -- or what is it, a couple  
 [23] thousand dollars to paint a little 150 or so?  
 [24] MR. EVANS: Well, no, it's more than that,  
 [25] but --

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[ 1] little bit, I might be more acceptable to a  
 [ 2] program of maybe in a five-year increment, not  
 [ 3] 15. No, that would be -- so, if somebody wants  
 [ 4] to make a motion to give you another 30 days,  
 [ 5] I'll go along with that.  
 [ 6] CHAIRMAN ROSE: Dennis, do you want to say  
 [ 7] something?  
 [ 8] MR. WATTS: Mr. Evans, how many -- how many  
 [ 9] aircraft do you paint a year, would you say?  
 [10] MR. EVANS: I don't have a count. You know,  
 [11] we keep the hangars full. Like he was saying,  
 [12] you know, to meet this, we'd have to do three a  
 [13] day, and that's impossible. It takes -- a plane,  
 [14] like a 152, it takes 450 hours to do it,  
 [15] manhours, to do it right, which is what we do.  
 [16] And that's -- you know, we have people out  
 [17] there that are undercutting us in half, because  
 [18] they're on some grass strip somewhere, not  
 [19] disposing correctly and -- and just not doing the  
 [20] job right. So, that -- that cuts us out of what  
 [21] we should really be making.  
 [22] CHAIRMAN ROSE: I'll entertain a motion to  
 [23] authorize negotiation until the next -- until the  
 [24] next Authority meeting, at which time we'll  
 [25] expect a recommendation to either approve

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[ 1] what's -- what Ed has presented or whatever else  
 [ 2] is worked out.  
 [ 3] MR. LASSITER: Mr. Chairman, I'll make that  
 [ 4] motion.  
 [ 5] CHAIRMAN ROSE: Is there a second?  
 [ 6] MR. WATTS: I second.  
 [ 7] CHAIRMAN ROSE: Any further discussion?  
 [ 8] (No discussion.)  
 [ 9] CHAIRMAN ROSE: All those in favor, say aye.  
 [10] MR. CIRIELLO: Aye.  
 [11] CHAIRMAN ROSE: Aye.  
 [12] MR. LASSITER: Aye.  
 [13] MR. WATTS: Aye.  
 [14] CHAIRMAN ROSE: Opposed?  
 [15] (No opposition.)  
 [16] CHAIRMAN ROSE: The motion is carried.  
 [17] Thank you, sir.  
 [18] 7.E. - SUPPLEMENTAL AGREEMENT 01-05  
 [19] MR. WUELLNER: Okay. Next item I have is --  
 [20] which would be item 7.E., is the proposed  
 [21] supplemental agreement 01-05 with Earth Tech for  
 [22] the design of what would be corporate hangar  
 [23] number 7, which is the replacement hangar for  
 [24] Regency Electric, which would be located in the  
 [25] northeast area. At the completion of

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[ 1] among the board?  
 [ 2] (No discussion.)  
 [ 3] CHAIRMAN ROSE: Let's vote on the motion.  
 [ 4] All in favor, say aye.  
 [ 5] MR. CIRIELLO: Aye.  
 [ 6] CHAIRMAN ROSE: Aye.  
 [ 7] MR. LASSITER: Aye.  
 [ 8] MR. WATTS: Aye.  
 [ 9] CHAIRMAN ROSE: Opposed?  
 [10] (No opposition.)  
 [11] CHAIRMAN ROSE: The motion's carried.  
 [12] 7.F. - SUPPLEMENTAL AGREEMENT 01-06  
 [13] MR. WUELLNER: Next item, item 7.F., which  
 [14] is another supplemental agreement with Earth  
 [15] Tech, this time to develop the replacement  
 [16] airport maintenance facility. This is to do the  
 [17] engineering-related work.  
 [18] This is a currently budgeted project and  
 [19] would be supplemental, unlike the recommendation,  
 [20] we need to adjust it to Supplemental Agreement  
 [21] 01-06, and would be in the amount of \$48,510 for  
 [22] that. And authorize the Executive Director's  
 [23] signature to the required contract and documents,  
 [24] and would again be subject to concurrence of  
 [25] Florida DOT.

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[ 1] construction, the existing Regency hangar would  
 [ 2] be available. We would have that available to  
 [ 3] lease, too. So, it's an additional asset to the  
 [ 4] airport.  
 [ 5] The contract with Earth Tech is in the  
 [ 6] amount of \$62,900 for the work. And  
 [ 7] recommendation would be to allow the Executive  
 [ 8] Director's signature to the required contracts  
 [ 9] and project-related documents. And as always,  
 [10] these are subject to concurrence by Florida DOT.  
 [11] CHAIRMAN ROSE: Any Staff comment? I mean,  
 [12] any public comment? Excuse me.  
 [13] (No public comment.)  
 [14] CHAIRMAN ROSE: Comment, discussion of the  
 [15] board?  
 [16] (No board comments or discussion.)  
 [17] CHAIRMAN ROSE: Entertain a motion to  
 [18] approve Staff recommendation.  
 [19] MR. WATTS: Go ahead.  
 [20] MR. LASSITER: I'll make the motion to  
 [21] approve Staff's recommendation on item number  
 [22] 7.E.  
 [23] CHAIRMAN ROSE: 7.E.  
 [24] MR. WATTS: And I will second it.  
 [25] CHAIRMAN ROSE: Is there any discussion

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[ 1] CHAIRMAN ROSE: Any public comment?  
 [ 2] (No public comment.)  
 [ 3] CHAIRMAN ROSE: Any discussion by the board?  
 [ 4] Joe?  
 [ 5] MR. CIRIELLO: Yeah. I got a note here, and  
 [ 6] I don't know why I put it down. So, since I have  
 [ 7] a note here, I guess I have to say something. On  
 [ 8] page A1, under "Task 1.0 Design Services," a  
 [ 9] couple of sentences down it says, "This building  
 [10] is envisioned as cement block or prefabricated  
 [11] metal construction."  
 [12] And I have down here, "Will we get to  
 [13] choose?" I mean, it says one or the other. Now,  
 [14] who's going to make the decision on which way  
 [15] will it be? Will we the board get to decide that  
 [16] or would you or --  
 [17] MR. WUELLNER: I think ultimately you do by  
 [18] how much you're willing to spend when it comes in  
 [19] for bid.  
 [20] MR. CIRIELLO: So, when the bid comes in, it  
 [21] will be for a cement block construction and  
 [22] another one for metal.  
 [23] MR. WUELLNER: Correct.  
 [24] MR. CIRIELLO: It'll be two distinct --  
 [25] okay.

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[ 1] MR. WUELLNER: Right. You may not have a  
 [ 2] bidder that bids both, but you will have --  
 [ 3] MR. CIRIELLO: Yeah. But they'll be  
 [ 4] distinct. Okay. Thank you.  
 [ 5] CHAIRMAN ROSE: Any other questions? I'll  
 [ 6] entertain a motion.  
 [ 7] MR. WATTS: Mr. Chairman, I make a motion  
 [ 8] that the board accept Staff's recommendation for  
 [ 9] item 7.F., the Building Design Airport  
 [10] Maintenance.  
 [11] MR. LASSITER: Second.  
 [12] CHAIRMAN ROSE: All in favor, say aye.  
 [13] MR. WATTS: Aye.  
 [14] CHAIRMAN ROSE: Aye.  
 [15] MR. CIRIELLO: Aye.  
 [16] MR. LASSITER: Aye.  
 [17] CHAIRMAN ROSE: Opposed?  
 [18] (No opposition.)  
 [19] CHAIRMAN ROSE: No? Motion is carried. Do  
 [20] you have anything else, Ed?  
 [21] MR. WUELLNER: No, sir. Just a reminder of  
 [22] your meeting on the 19th of November.  
 [23] CHAIRMAN ROSE: 19th of November. All  
 [24] right.  
 [25] 8.A. - CHAIRMAN BILL ROSE

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[ 1] MR. CIRIELLO: For the love of me, I can't  
 [ 2] think of something to say.  
 [ 3] MR. WUELLNER: Whoa.  
 [ 4] CHAIRMAN ROSE: Joe, you're going to get a  
 [ 5] reprimand.  
 [ 6] MR. LASSITER: Are you feeling okay, Joe?  
 [ 7] MR. CIRIELLO: I can't think of anything to  
 [ 8] say.  
 [ 9] CHAIRMAN ROSE: I tell you what; I wanted to  
 [10] thank you for your lesson in civics. I thought  
 [11] your discussion about how our -- how our charter  
 [12] worked and everything -- you could teach Civics  
 [13] 101.  
 [14] MR. WATTS: Isn't that the truth?  
 [15] MR. LASSITER: Thank you, Mr. Chairman.  
 [16] MR. WUELLNER: I do have one other thing we  
 [17] need to -- as a result of the -- we went to the  
 [18] Board of County Commissioners last -- get my  
 [19] dates right -- I think it was last Tuesday,  
 [20] relative to impact fees. And the issue has  
 [21] finally reared its ugly head and is going to get  
 [22] some resolution. The Board of County  
 [23] Commissioners basically agreed to agree with us  
 [24] to let a judge basically decide the issue of  
 [25] impact fees and their relevance to the Airport

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[ 1] CHAIRMAN ROSE: I have -- really have no  
 [ 2] comments. I thought that our session with the  
 [ 3] County Commission went well, and we both  
 [ 4] understand how each other feels about things.  
 [ 5] And I had -- I thought we had some healthy  
 [ 6] discussion on some of our issues today. And I  
 [ 7] commend everybody on the board. I think it was  
 [ 8] a -- it's been a good session. Dennis, you're  
 [ 9] next.  
 [10] 8.B. - DENNIS WATTS  
 [11] MR. WATTS: Ed, any update on the electrical  
 [12] vault for the control tower? Where do we stand  
 [13] on that?  
 [14] MR. WUELLNER: They are in final permitting.  
 [15] The zoning was approved. So, we should be under  
 [16] construction before the end of the month.  
 [17] MR. WATTS: Thank you, Mr. Bryant.  
 [18] COMMISSIONER BRYANT: Did I do that?  
 [19] CHAIRMAN ROSE: Is that it?  
 [20] MR. WATTS: Yes, sir. That's it.  
 [21] CHAIRMAN ROSE: All right. Mr. Lassiter.  
 [22] 8.C. - MR. LASSITER  
 [23] MR. LASSITER: No comment.  
 [24] CHAIRMAN ROSE: Mr. Ciriello?  
 [25] 8.D. - MR. CIRIELLO

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[ 1] Authority.  
 [ 2] At the heart of it is -- I just want to make  
 [ 3] sure everybody understands the issue, because at  
 [ 4] some point we're going to need to move it off  
 [ 5] dead center and start that legal process of  
 [ 6] getting a determination. But at the core of it  
 [ 7] is the Airport Authority is subject to a number  
 [ 8] of restrictions that came with the federal  
 [ 9] government. This relates to the property. And  
 [10] you further agreed to some each time you've taken  
 [11] federal grant funds.  
 [12] It -- it greatly limits the use of revenues  
 [13] that are derived from the property. As such, the  
 [14] FAA has made a determination that all of the  
 [15] revenues derived from the Airport Authority's  
 [16] existence, including the assessment of ad valorem  
 [17] taxes, constitute airport revenue. As such,  
 [18] airport revenue cannot be diverted for the  
 [19] purposes of impact fees as the ordinance is  
 [20] currently constructed within the county.  
 [21] We can pay for impacts, but they have to be  
 [22] specific to what impact we've created. We can't  
 [23] pay them generically into something for disbursement  
 [24] at some unknown date for some unknown project.  
 [25] FAA limits us to that.

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[ 1] The county has not -- generally their legal  
 [ 2] staff has come back and said, "We don't agree  
 [ 3] with your interpretation of the element as it  
 [ 4] relates to ad valorem tax." They're making the  
 [ 5] position that ad valorem taxes are not airport  
 [ 6] revenue, and as such, do not have the  
 [ 7] limitations, and as such, the Airport Authority  
 [ 8] can simply appropriate money out of ad valorem  
 [ 9] receipts to pay impact fees, and as such, remain  
 [10] in compliance.

[11] Obviously FAA disagrees with them. We --  
 [12] while we have a dog in the fight in that it's  
 [13] ultimately our problem, there are significant  
 [14] things on the table, and it's not -- it has to do  
 [15] with the ability of the federal government to  
 [16] withhold all federal transportation dollars from  
 [17] the county in total if we're found to be  
 [18] deliberately disobeying, if you want to call it  
 [19] that --

[20] CHAIRMAN ROSE: Well, it doesn't just affect  
 [21] the airport; it would affect --

[22] MR. WUELLNER: The secretary of  
 [23] transportation could suspend any transportation  
 [24] funds to the community, especially if the  
 [25] offending agency, that is, the county's

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[ 1] insistence that we violate a law, in their  
 [ 2] opinion, would constitute the same as them  
 [ 3] violating it. So -- with that understanding.

[ 4] Now, we all know we can get past it and get  
 [ 5] something constructed that allows us to stay  
 [ 6] generally compliant with the ordinance and do  
 [ 7] that, but it's going to -- at this point, it's  
 [ 8] going to have to run through the court process.  
 [ 9] And it's probably going to be more like the  
 [10] county against FAA versus the Airport Authority.  
 [11] The Airport Authority's kind of neutral in this.  
 [12] We're being told we can't do something, and the  
 [13] county's saying, yes, you will. We're kind of in  
 [14] the middle of it.

[15] But I wanted to make you aware of what was  
 [16] going to go on, and unless you tell me we're not  
 [17] going to do it and we're going to pay it and  
 [18] disobey them, then that's probably the direction  
 [19] we need to keep going.

[20] CHAIRMAN ROSE: Okay. Is there any public  
 [21] comment?

[22] MR. WUELLNER: Susan, did you need --

[23] MS. BLOODWORTH: If I can -- if I could just  
 [24] add something to that. Based on the resolution  
 [25] that the Board of County Commissioners passed to

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[ 1] suspend temporarily the payment of impact fees so  
 [ 2] you can continue on with construction projects is  
 [ 3] contingent upon our designing an interlocal  
 [ 4] agreement that lets that resolution carry forward  
 [ 5] on everything resulting with the airport until we  
 [ 6] get a ruling out of the federal court.

[ 7] CHAIRMAN ROSE: Yeah.

[ 8] MS. BLOODWORTH: And just to amend what Ed  
 [ 9] said, rather than sometime here in the future,  
 [10] the interlocal agreement is going to put a date  
 [11] on it by which we need to file some sort of an  
 [12] action to ask for a decision.

[13] CHAIRMAN ROSE: Thank you.

[14] MR. WUELLNER: And I appreciate  
 [15] Mr. Bryant's -- Commissioner Bryant's leadership  
 [16] in making sure that that happened last Tuesday so  
 [17] that the terminal project could continue on  
 [18] track. I do appreciate that. It's a good  
 [19] short-term solution to get us all to an answer  
 [20] that we can live with. Thank you.

[21] 9. - PUBLIC COMMENT

[22] MR. HARVEY: Yeah. Mel Harvey, 417 Indian  
 [23] Bend Road. First of all -- I've got a couple of  
 [24] things. You're doing a real nice job out here on  
 [25] Estrella, keeping the grass cut. And the flowers

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[ 1] and all, they look real good. But every time it  
 [ 2] rains, there's a couple of kids out there on  
 [ 3] four-wheelers that use that corner down there for  
 [ 4] a mud pull. Now, I don't know if there's  
 [ 5] anything you can do about it or put a sign up --  
 [ 6] I run them off one day.

[ 7] MR. WUELLNER: On Estrella?

[ 8] MR. HARVEY: And it didn't do any good. But  
 [ 9] one of them took off so mad. You know how kids  
 [10] are. I don't know if we were that way or not.

[11] CHAIRMAN ROSE: Not me.

[12] MR. HARVEY: No, I wasn't, either. And the  
 [13] second thing is, you were talking about security  
 [14] a while ago. This walk-through gate down here by  
 [15] your paint shop --

[16] MR. WUELLNER: Yes.

[17] MR. HARVEY: -- has been open day and night  
 [18] forever. So, you might want to do something  
 [19] about that in today's society. You know, you  
 [20] don't know -- if I was the last one out, if I had  
 [21] a plane down there, I would close the gate.  
 [22] Thank you.

[23] CHAIRMAN ROSE: Any others? Mark?

[24] MR. MARSH: Mark Marsh. I'd like to know  
 [25] when the ILS is going to be cranked up. This

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[ 1] time of the year, the weather's getting bad,  
 [ 2] and -- and it would make me a lot more  
 [ 3] comfortable to use that ILS when I'm coming in  
 [ 4] here.

[ 5] MR. WUELLNER: To update the progress, all  
 [ 6] of the conduit's in the ground. Most of the  
 [ 7] cable's in the ground. Temporary power's  
 [ 8] supposed to be on-site here very shortly. I  
 [ 9] mean, in the next week or two. It's kind of tied  
 [10] to the construction of the vault and tower.  
 [11] Ultimately, it all ties into the tower and the  
 [12] backup generator and all that stuff, so that, you  
 [13] know, we'll have a real stable power supply one  
 [14] way or the other.

[15] The delay in getting the tower vault  
 [16] project's kind of delayed it. The equipment's  
 [17] been on-site and basically ready to plug in a  
 [18] wall, in a sense, waiting power, which would all  
 [19] come into the vault.

[20] It didn't make a lot of sense to us to take  
 [21] it someplace else, plug it in, knowing full well  
 [22] we were going to rip it out of the ground and  
 [23] take it somewhere else two months later. So, we  
 [24] kind of have delayed the plug-in, if you will,  
 [25] until we had power available at the site. It's

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[ 1] going to, so we didn't have to redo all those  
 [ 2] home run cables and all that stuff.  
 [ 3] So, I -- I'm optimistic. The short answer,  
 [ 4] I think we'll be ready within 30 days. Then it  
 [ 5] will have to be flight-checked and published,  
 [ 6] which is on FAA's schedule, not ours. I think  
 [ 7] it'll go pretty quick from that point.

[ 8] MR. MARSH: So, December, hopefully?

[ 9] MR. WUELLNER: I'm optimist. It'll be -- at  
 [10] that point, after 30 days, it won't be us holding  
 [11] it up; it'll be how it times in that 53- or 58-  
 [12] or 56-day cycle of publication of the Fed -- Fed  
 [13] side.

[14] MR. WATTS: Mark, what he's trying to say in  
 [15] layman's terms is that he's waiting for that sale  
 [16] from Home Depot on extension cords.

[17] CHAIRMAN ROSE: Okay.

[18] MR. MARSH: I know the equipment's been  
 [19] there for months.

[20] MR. WUELLNER: And the contractor check-out  
 [21] is -- it's beautiful on it. Everything looks  
 [22] great. It's just we can't do the FAA until it's  
 [23] on permanent power. That's the -- it runs fine  
 [24] on the generator. We just can't do the FAA  
 [25] certification until it's on permanent power.

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[ 1] MR. MARSH: Okay.

[ 2] NEXT REGULAR BOARD MEETING

[ 3] CHAIRMAN ROSE: The next meeting is on  
 [ 4] Monday, November 19th. And with that, we are  
 [ 5] adjourned.

[ 6] MR. WATTS: Thank you.  
 [ 7] (Whereupon, the meeting adjourned at 5:32 p.m.)

[ 8]  
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## REPORTER'S CERTIFICATE

[ 1]  
 [ 2]  
 [ 3] STATE OF FLORIDA )  
 [ 4] COUNTY OF ST. JOHNS )  
 [ 5]  
 [ 6] I, JANET M. BEASON, RPR-CP, RMR, CRR, certify that I  
 [ 7] was authorized to and did stenographically report the  
 [ 8] foregoing proceedings and that the transcript is a true  
 [ 9] record of my stenographic notes.

[10]  
 [11] Dated this 1st day of November, 2001.  
 [12]

[13]  
 [14] JANET M. BEASON, RPR-CP, RMR, CRR  
 [15] Notary Public - State of Florida  
 [16] My Commission No.: CC 705710  
 [17] Expires: April 30, 2002  
 [18]  
 [19]  
 [20]  
 [21]  
 [22]  
 [23]  
 [24]  
 [25]



REGULAR MEETING - OCT. 15, 2001

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|   |  |   |
| \$  | 5  | administrators 57/5<br>admit 5/21<br>adopted 52/16, 53/23<br>adoption 24/16<br>advertised 64/10<br>Aero 2/8, 12/6, 12/7, 12/8, 16/9, 16/15<br>Affairs 21/1<br>affect 29/19, 89/20, 89/21<br>afford 56/7, 59/11<br>affordable 71/1<br>afraid 15/10<br>agencies 21/4<br>agency 10/5, 89/25<br>AGENDA 2/6, 6/16, 6/17, 6/19, 6/20, 11/21, 11/23, 11/24, 22/20, 23/6, 52/18, 72/25<br>aging 10/20<br>agree 10/9, 10/10, 35/22, 50/1, 51/13, 51/17, 61/16, 87/23, 89/2<br>agreeable 68/11<br>agreed 59/12, 61/23, 87/23, 88/10<br>agreed-upon 53/7<br>agreeing 43/9<br>Agreement 2/12, 2/14, 20/22, 20/24, 21/10, 25/1, 29/18, 52/13, 52/24, 53/10, 53/16, 53/24, 54/4, 66/3, 67/13, 67/22, 69/10, 69/12, 74/10, 74/24, 81/18, 81/21, 83/12, 83/14, 83/20, 91/4, 91/10<br>Agricultural 8/20<br>Aid 2/12, 20/22, 20/24, 21/5<br>aircraft 13/17, 13/23, 13/25, 14/1, 17/4, 80/9<br>airplane 48/16, 60/18, 78/21<br>airplanes 31/13, 48/15, 59/25, 60/19, 60/20, 76/11, 77/22<br>AIRPORT 1/1, 1/18, 1/20, 9/17, 9/18, 14/15, 15/6, 15/7, 15/15, 15/19, 15/21, 16/4, 16/10, 16/14, 18/6, 24/14, 28/21, 29/3, 31/1, 31/12, 35/8, 35/14, 36/5, 37/4, 37/20, 40/17, 40/21, 48/17, 49/12, 49/13, 49/14, 55/6, 55/18, 55/20, 55/22, 56/14, 56/16, 56/20, 57/3, 57/22, 58/1, 58/25, 59/9, 60/19, 67/7, 69/16, 71/5, 73/22, 75/16, 77/2, 82/4, 83/16, 85/9, 87/25, 88/7, 88/15, 88/17, 88/18, 89/5, 89/7, 89/21, 90/10, 90/11, 91/5<br>airports 39/8<br>ALLEGIANCE 2/3, 3/4, 3/5<br>allow 47/14, 52/15, 67/9, 67/16, 82/7<br>allowed 42/7, 42/12<br>allowing 75/13<br>allows 39/17, 46/2, 47/19, 48/10, 48/21, 49/9, 90/5<br>alternatives 75/5<br>amend 26/15, 91/8<br>amendment 39/21<br>American 2/13, 52/6, 52/8, 52/13, 55/2, 55/7, 56/18, 56/21, 57/5, 73/25<br>amount 5/10, 82/6, 83/21<br>amounts 46/21<br>Anderson 2/8, 12/9<br>annuals 76/22<br>answer 18/14, 27/12, 35/21, 91/19, 94/3<br>appeal 26/13<br>appeals 26/9, 26/18, 27/13, 37/19, 38/1<br>application 37/22<br>apply 74/25<br>appointed 38/22<br>appointment 15/17, 15/22<br>appraisal 52/15, 52/17, 73/13, 73/15, 73/16, 77/16, 77/24, 78/7<br>appraised 73/17<br>appraiser 73/15<br>appraisers 38/12<br>appreciate 61/3, 77/12, 79/20, 79/21, 91/14, 91/18<br>apprised 54/10<br>approach 78/9<br>approached 75/4<br>approaching 46/7<br>appropriate 7/2, 33/10, 75/3, 75/18, 89/8<br>appropriately 74/12<br>APPROVAL 2/4, 2/6, 3/6, 3/8, 6/18, 11/21, 64/6, 68/12<br>approve 4/5, 33/7, 34/7, 34/11, 68/1, 68/20, 68/21, 68/25, 80/25, 82/18, 82/21<br>approved 3/17, 3/23, 31/24, 73/9, 86/15<br>approves 67/25<br>approving 75/13<br>apron 17/14<br>area 12/16, 14/10, 44/23, 48/8, 49/15, 81/25<br>argue 53/9<br>arrangement 53/12, 60/7, 67/19<br>arrangements 21/12<br>assessment 63/7, 88/16<br>asset 82/3 |
| \$1.57 73/18<br>\$2 9/2<br>\$2.02 78/16<br>\$2.92<br>\$28,000 5/15, 59/4, 59/5<br>\$28,198 5/7, 6/1, 8/11, 11/7<br>\$3,000 9/2<br>\$3.50 52/19<br>\$4,000 60/8<br>\$48,510 83/21<br>\$6.97 78/10<br>\$62,900 82/6<br>\$7 73/16, 77/15, 77/24, 78/17<br>\$7-a-foot 78/7<br>\$7.42 78/11<br>\$78,000 77/23  | 5 2/6, 36/4, 36/17, 46/22, 48/9, 48/10, 48/11, 74/13<br>5-year 55/11<br>52 2/13<br>53 94/11<br>56-day 94/12<br>58 94/11<br>5:32 1/6, 95/7  |   |
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|   | 6 2/7, 40/16, 40/17, 41/7, 45/16, 46/22<br>6.A 12/4<br>6.B 12/8<br>6.C 17/19<br>6.D 17/25<br>6.E 18/6  |   |
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| & 1/17  | 7 2/11, 40/16, 41/4, 41/7, 45/16, 46/22, 81/23<br>7.A 20/22<br>7.B 22/15<br>7.C 52/6<br>7.D 73/6<br>7.E 81/18, 81/20, 82/22, 82/23<br>7.F 83/12, 83/13, 85/9<br>73 2/13  |   |
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| 1 1/3, 34/16, 35/6, 64/4, 64/5, 77/19<br>1.0 84/8<br>10 2/20, 74/15<br>10-year 74/13<br>101 87/13<br>11 2/6, 2/21, 4/2<br>11th 25/15<br>12 2/8, 78/8, 78/10<br>13 78/8, 78/10<br>15 1/5, 74/20, 76/11, 77/20, 77/22, 80/3<br>15-year 74/10, 74/17<br>150 78/23<br>1510 1/22<br>152 80/14<br>17 2/9<br>170 1/17<br>17th 3/9, 3/10, 3/14<br>18 2/10<br>19th 85/22, 85/23, 95/4<br>1st 96/11 | 9 2/19, 91/21<br>904 1/23<br>91 2/19<br>94 2/20, 2/21  |   |
| 2   | A  |   |
| 2 2/3, 8/1, 36/4, 48/10, 48/12, 74/14<br>20 2/12<br>20-year 55/11<br>2001 1/5, 54/3, 96/11<br>22 2/12<br>26th 23/5, 25/16   | A.A.E 1/19<br>A1 84/8<br>ability 47/19, 47/24, 89/15<br>absence 1/14<br>ABSENT 1/13, 2/9<br>accept 4/10, 6/17, 22/1, 23/17, 24/3, 24/5, 24/7, 32/12, 51/22, 85/8<br>acceptable 80/1<br>ACCEPTANCE 2/5, 3/25<br>accepting 63/15<br>access 12/13, 12/15, 13/22, 14/9, 15/7<br>accommodate 73/13<br>accomplished 52/14, 52/16, 73/14, 74/17<br>account 4/21, 10/20<br>accounting 10/25<br>accounts 7/8, 10/21<br>acquire 36/7<br>act 49/10<br>ACTION 2/11, 2/13, 11/16, 20/20, 27/16, 33/10, 48/8, 52/6, 52/8, 52/11, 52/14, 52/25, 53/3, 53/11, 73/6, 91/12<br>activities 40/19, 40/21<br>add 90/24<br>additions 3/20, 3/21, 23/10, 23/19<br>address 15/4, 28/18, 34/24<br>addressed 14/12, 30/3<br>adds 39/16<br>adjourned 95/5, 95/7<br>ADJOURNMENT 2/21<br>adjust 83/20<br>adjusted 7/11<br>adjusting 74/13<br>adjustment 74/16, 74/19<br>adjustments 4/21, 5/8<br>Administered 21/21 |   |
| 3   |  |   |
| 3 2/3, 2/4, 2/5, 34/15, 35/6, 40/7, 40/8, 40/16<br>30 66/19, 67/17, 67/22, 71/18, 71/21, 72/12, 73/12, 75/14, 80/4, 94/4, 94/10<br>30-day 52/12, 69/14<br>31st 4/3, 54/3<br>32084 1/18, 1/23<br>3380 8/20   |  |   |
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| 4 2/5, 3/2<br>417 91/22<br>45 5/14, 74/18<br>450 80/14<br>4796 1/3<br>4:00 1/6  |  |   |

assign 18/25  
 Assistant 1/20  
 ASSOCIATION 17/25, 18/2, 18/3  
 attached 52/17, 74/23  
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