

Airport Authority - January 22, 2001

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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, January 22, 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] * * * * *
 [12] BOARD MEMBERS ABSENT:
 [13] JIM BRYANT, County Commissioner/Airport Liaison
 [14] * * * * *
 [15] ALSO PRESENT:
 [16] GEORGE M. McCLURE, Esquire, and SUSAN BLOODWORTH,
 [17] Esquire Rogers, Towers, Bailey, Jones & Gay, P.A., 170
 [18] Malaga Street, St. Augustine, FL, 32084, Attorneys for
 [18] Airport Authority.
 [19] EDWARD WUELLNER, A.A.E., Executive Director.
 [20] BRYAN COOPER, Assistant Airport Director.
 [21] * * * * *
 [22] St. Augustine Court Reporters
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 [23] St. Augustine, FL 32084
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[1] P R O C E E D I N G S
 [2] CHAIRMAN ROSE: Okay. Call the meeting of
 [3] the St. Johns -- St. Augustine-St. Johns County
 [4] Airport Authority to order.
 [5] UPDATE OF COURT CASE
 [6] CHAIRMAN ROSE: First order of business
 [7] placed on the agenda ahead of all other items is,
 [8] if our attorney is here -- here he comes.
 [9] MR. WATTS: Just walked in.
 [10] CHAIRMAN ROSE: I'm going to ask George to
 [11] report to us on the -- on the outcome of the
 [12] hearing that Judge Mathis had concerning the
 [13] issue of seating Mrs. Bosanko on the board.
 [14] George, we'll give you the floor.
 [15] MR. McCLURE: I see that --
 [16] CHAIRMAN ROSE: And here he comes.
 [17] MR. McCLURE: I see that I don't need to
 [18] hand these out, because Ed's made a copy of this
 [19] for each of you as well.
 [20] We conducted a hearing before Judge Mathis
 [21] this past Tuesday morning that went from about
 [22] 9:00 in the morning till about 3:00 or so in the
 [23] afternoon. And at that meeting -- or at that
 [24] hearing, the issues which were debated were,
 [25] first of all, whether or not the charter of the

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[1] St. Augustine-St. Johns County Airport Authority
 [2] was unconstitutional as written; and then
 [3] secondly, even if it were constitutional as
 [4] written, whether it was unconstitutional as
 [5] applied to Mrs. Bosanko.
 [6] The evidence indicated that the charter was
 [7] first adopted in 1963, and the language in the
 [8] charter, which prohibited employees of the state
 [9] from serving on the Airport Authority board,
 [10] existed since the original charter.
 [11] The charter was amended a number of times in
 [12] '65, '67, then again in '69, and in each of those
 [13] amendments, the same language was readopted by
 [14] the legislature in basically the same form. It
 [15] excluded members of the militia, meaning the
 [16] National Guard, and excluded people who were
 [17] simply notaries public from the definition of a
 [18] state employee.
 [19] The -- there is no -- no issue or no
 [20] controversy that the entitlement to be a member
 [21] of a public governmental body is a constitutional
 [22] right; however, the courts draw a distinction
 [23] between what they call fundamental constitutional
 [24] rights and other forms of constitutional rights.
 [25] Fundamental ones are the ones to associate

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[1] freely with whomever we might wish, to express
[2] ourselves candidly on matters of politics and
[3] public affairs, to vote; however, the right to
[4] hold office is not deemed to be one of those
[5] fundamental rights. As such, it can be
[6] reasonably regulated.

[7] And there are in many states what are known
[8] as "little Hatch acts," and that's a term that
[9] refers to the Federal Hatch Act, and I don't know
[10] whether it was Senator Orrin Hatch or a
[11] predecessor who sponsored it, that would preclude
[12] public employees from participating in -- in
[13] partisan political processes, including serving
[14] as chairman of political parties and campaigns.
[15] And there's been a lot of debate about that and a
[16] lot of debate relating to nonpartisan elections,
[17] such as ours.

[18] But what it all boiled down to is that on
[19] the 17th of January -- which would have been the
[20] day after the hearing, on Wednesday, although I
[21] didn't get it in the mail until Friday and was
[22] looking anxiously for it -- on the 17th, Judge
[23] Mathis entered an order in which he reviewed the
[24] facts and the allegations -- or the facts very
[25] carefully, and in which he, I think very

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[1] applied only to elected officers. In fact, the
[2] statute -- the rule was quite clear.

[3] Mrs. Bosanko had indicated her intention to
[4] appear today to request to be sworn in. The
[5] reason why, at least as reported in the paper
[6] that that's the case, is that the temporary
[7] injunction has been -- has been withdrawn or
[8] canceled because the case is over.

[9] We filed a request for temporary -- excuse
[10] me, temporary -- excuse me, temporary injunctive
[11] relief because we didn't want to have a member
[12] sitting while we were uncertain as to her
[13] qualifications. It was only temporary. That
[14] injunction ends as soon as the case ends. When
[15] Judge Mathis entered a Final Judgment, the case
[16] is over and, therefore, the temporary injunction
[17] was resolved.

[18] In this particular case, however, the form
[19] of oath of office that a candidate is required to
[20] sign and take at the time that he or she accepts
[21] office is that he or she will uphold the
[22] Constitution and the laws of the State of
[23] Florida.

[24] In this case, we have a judge who has said
[25] that this is a constitutional statute and that it

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[1] thoughtfully and carefully, articulated the case
[2] law as it applies to this particular case.

[3] And Judge Mathis found two things that were
[4] very important. And those two things were,
[5] number one, that it was a reasonable restriction
[6] on public employees and that it was not overbroad
[7] and that the content of our charter was in fact
[8] constitutional. The second thing that he found
[9] was that there had been no discriminatory
[10] enforcement as against Mrs. Bosanko in comparison
[11] to any other previous members of the board.

[12] And basically what Judge Mathis found as a
[13] matter of fact is that if there had been anyone
[14] on this board who was not qualified at the time
[15] that he took office before, it was simply an
[16] oversight and was not intentional that we were
[17] singling out Mrs. Bosanko and ignoring this
[18] provision with respect to other -- other people
[19] who may not have been qualified.

[20] And the specific issue frankly that we
[21] debated at the hearing is that Mr. Davis was an
[22] employee of the Department of Revenue, I think it
[23] was, at the time that he took office. But it was
[24] the impression of the -- apparently your legal
[25] counsel and -- at the time that the prohibition

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[1] is constitutional as applied to Mrs. Bosanko.
[2] And, therefore, I don't think that we have the
[3] authority to -- to seat her, because to do so
[4] essentially means that the oath is invalid at the
[5] time that it's given.

[6] If you're going to uphold the statutes of
[7] the State of Florida, and the statute says you
[8] can't be a public officer or a public employee,
[9] then it's a difficult thing to correctly fill
[10] out, correctly swear to, and to be seated.

[11] Mr. Bosanko, Mrs. Bosanko's husband, was in
[12] the other room, as was she, and I know that they
[13] were trying to speak to their counsel about this
[14] matter briefly, and they may be in the other
[15] room, and I don't know if we want to wait to see
[16] if there's anything that she has to say.

[17] I was advised by her counsel today that
[18] he -- that she is not going to resign her public
[19] employment and is today and remains an employee
[20] of the State of Florida.

[21] If she presents herself for -- and asks to
[22] be sworn in, then the advice that I give to the
[23] board is that it would be appropriate for someone
[24] to make a motion as to whether or not you choose
[25] to do that or not, and have that considered,

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[1] because I think it needs to be an act of the
[2] board to either say, yes, we're going to do it,
[3] or no, we're not.

[4] And I'm happy to respond to any questions
[5] about the trial or the content of Judge Mathis's
[6] order.

[7] CHAIRMAN ROSE: Do any of the Authority
[8] members have a question for our attorney?

[9] MR. CIRIELLO: I have a question, but I'm
[10] not sure if this is a proper time to ask it, but
[11] I'll do it anyhow.

[12] Mr. McClure, if any member of this board
[13] would make a motion, second it, and then vote to
[14] seat Mrs. Bosanko if she requested it, would
[15] there be any consequences to any one of us
[16] because we took an oath to protect the
[17] Constitution and the charter and everything,
[18] which to me says that you can't do it or --
[19] because you'd be going against your oath. So, is
[20] there any legal consequences if we did it to us
[21] individually or as a board?

[22] MR. McCLURE: I know of no financial
[23] consequence. The only consequence that I think
[24] could apply is that I believe that there are
[25] statutes that deal with what they call willful

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[1] malfeasance or misfeasance in office. And that
[2] means that if you -- if you with knowledge
[3] undertake action which is illegal, then the
[4] Governor can remove you and there may be other
[5] liability for it as well.

[6] Your simple mistakes in judgment are not
[7] things for which you are typically held
[8] accountable in any form. But if you do something
[9] that you know to be wrong and know to be illegal,
[10] there can be consequences.

[11] MR. CIRIELLO: Would it be, boiled down to
[12] the -- say a plain statement of it's a matter --
[13] say in my case, a matter of my own personal
[14] commitment that I took an oath and I don't want
[15] to break it, and I stand on that alone and
[16] nothing personal?

[17] MR. McCLURE: Oh, sure. And I mean, for
[18] what this is worth -- I don't know whether it
[19] means a lot in the real world, but for what this
[20] is worth, I certainly have never sensed, and
[21] hopefully have never expressed, any personal
[22] antagonism by anyone with respect to
[23] Mrs. Bosanko. It's a matter of this is what the
[24] charter says and we're upholding it --

[25] MR. CIRIELLO: Okay. Thank you.

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[1] MR. McCLURE: -- so, yes.

[2] MR. LASSITER: George, following up what Joe
[3] was talking about, anybody out there who had an
[4] ax to grind, though, at any time could file a
[5] complaint with the state for just the purpose
[6] that you stated if we knowingly did this. Is
[7] this not true?

[8] MR. McCLURE: That's true. And the other
[9] thing is, that in the event that you were to seat
[10] Mrs. Bosanko, any citizen within the jurisdiction
[11] of the Airport Authority boundaries, which means
[12] the whole county, with or without any stake --
[13] they don't have to own a plane; they don't have
[14] to use the airport; they don't have to do
[15] anything -- can file an action.

[16] And we have kind of gotten away from all of
[17] these Latin terms, but one that remains is you
[18] can file an action for what's called quo
[19] warranto, and that in literal translation means
[20] "by what authority." And that action is -- is
[21] authorized under the state statutes.

[22] As you might expect, there have been a
[23] number of those filed since the last election,
[24] because everybody's focused on election laws.
[25] And that's a proceeding that first requests

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[1] the -- the Attorney General's Office to file an
[2] action that says: By what authority are you
[3] purporting to sit in this office?

[4] If the Attorney General does not file the
[5] action on behalf of the state, the citizen can
[6] elect to proceed on his or her own, and if
[7] successful, the person is removed from office,
[8] and on top of that, the prevailing party gets
[9] their attorney's fees and costs. So, it's a --
[10] it's a fairly high-stakes proceeding.

[11] CHAIRMAN ROSE: George, as far as I know, we
[12] have not had a request to seat Mrs. Bosanko, have
[13] we?

[14] MR. McCLURE: No. That's why I don't want
[15] to --

[16] CHAIRMAN ROSE: So, in the absence of that
[17] request, there's no action for this board to
[18] take, is there?

[19] MR. McCLURE: That's correct. And if -- if
[20] Mrs. Bosanko presents herself at this meeting and
[21] requests to be sworn in, at that time, we would
[22] need to take whatever action that is.

[23] CHAIRMAN ROSE: All right. As -- as the
[24] situation stands now, then, if she doesn't ask to
[25] be seated now, she can still appeal Judge

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[1] Mathis's ruling.
 [2] MR. McCLURE: Correct.
 [3] CHAIRMAN ROSE: And at some point in the
 [4] future, we may be faced with this -- I mean, she
 [5] may come and she may be qualified at that time.
 [6] MR. McCLURE: If Mrs. Bosanko is
 [7] dissatisfied with the -- with the result of Judge
 [8] Mathis's hearing, she has 30 days within which to
 [9] file the notice of appeal.
 [10] There are procedures whereby you can request
 [11] an expedited review of this by the Fifth District
 [12] Court of Appeal, and it may be that she would ask
 [13] that -- well, let me back up a second.
 [14] If a qualified candidate does not appear
 [15] within 30 days of the date that her -- his or her
 [16] term begins, then we can write the Governor and
 [17] say, fill the vacant spot.
 [18] If we appointed somebody and they
 [19] disappeared off the face of the earth, February
 [20] 1st, 30 days from January 2nd, we write -- the
 [21] day after that, we write Governor Bush and say,
 [22] we've got an empty seat, please appoint the
 [23] vacancy.
 [24] If -- if Mrs. Bosanko were to file an
 [25] appeal, she could ask a court to seek to keep us

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[1] MR. LASSITER: Bill, I had just one comment.
 [2] In having sat -- sat through this trial -- and
 [3] this may not be the time, but I'm going to go
 [4] ahead and do it.
 [5] Having sat through this trial and been part
 [6] of it, I did note that much of the points that
 [7] were made by the former attorney was -- or by
 [8] Ms. Bosanko's attorney, was that there was no
 [9] clarified reason why these particular offices
 [10] were excluded.
 [11] I think this points out, as the last
 [12] election pointed out with the fallacies that are
 [13] in the particular counties that had problems,
 [14] that maybe we need to revisit this.
 [15] I know we were, quote, unquote, cleaning up
 [16] the charter when we ran across this thing, but
 [17] maybe we need to give thought to the possibility
 [18] of defining why, in language that Ed can at least
 [19] address these things without going through this
 [20] last matter.
 [21] MR. McCLURE: I think that that's an
 [22] excellent point. It's an excellent point,
 [23] because many statutes these days have a
 [24] legislative history, where there -- there are
 [25] transcripts of hearing that are held before

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[1] from filling the spot until she had gotten a
 [2] hearing by the Fifth District Court of Appeal.
 [3] And, frankly, that might be well-received by an
 [4] appellate court, to want to just preserve the
 [5] status quo, because it only takes three of you
 [6] for a quorum, and we can -- can continue to
 [7] conduct business as required of us under the
 [8] charter.
 [9] It's just that if two of you are gone, we
 [10] can't, instead of if two out of five are gone.
 [11] But it may well be that a court would say, don't
 [12] fill the vacancy until we've had a chance to
 [13] review this, because everyone's entitled to at
 [14] least one round of review of a trial judge's
 [15] decision.
 [16] CHAIRMAN ROSE: Well, the situation then
 [17] requires no action on the board at this time, and
 [18] we might as well move on to the next item. Is
 [19] there any --
 [20] MR. McCLURE: Thank you. Yes, that's
 [21] correct.
 [22] CHAIRMAN ROSE: Is there any reason to
 [23] discuss this further, then, at this point?
 [24] MR. McCLURE: Not at this point, no.
 [25] CHAIRMAN ROSE: All right.

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[1] legislative committees as to why people want
 [2] certain language included, so you can look back
 [3] and see what the reason is.
 [4] We expect to present the proposed charter to
 [5] the legislative delegation a week from tomorrow I
 [6] think it is, January 30th, and then there will be
 [7] hearings in Tallahassee as well, and that's a
 [8] time that the state can revisit the issue of
 [9] whether they think that this an appropriate thing
 [10] to have in the charter and can give reasons. We
 [11] can and they can give reasons as to why it's
 [12] included.
 [13] CHAIRMAN ROSE: Any other board member have
 [14] a comment or a question?
 [15] (No questions.)
 [16] CHAIRMAN ROSE: Very well, gentlemen. Then
 [17] we'll move on with the agenda.
 [18] APPROVAL OF MEETING MINUTES
 [19] CHAIRMAN ROSE: Let's see. Approval of
 [20] minutes. We have two sets of minutes. One is
 [21] the regular meeting from December 18th. They are
 [22] distributed to you. If you will look those over.
 [23] MR. CIRIELLO: Mr. Chairman?
 [24] CHAIRMAN ROSE: Yes, sir.
 [25] MR. CIRIELLO: I'll make a motion that we

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[1] accept the regular meeting minutes of December --
[2] CHAIRMAN ROSE: December 18th, right?
[3] MR. CIRIELLO: Yeah, December 18th.
[4] CHAIRMAN ROSE: Is there a second?
[5] MR. WATTS: I second that.
[6] CHAIRMAN ROSE: All in favor of approving
[7] the minutes as presented, signify by saying aye.
[8] MR. CIRIELLO: Aye.
[9] MR. LASSITER: Aye.
[10] MR. WATTS: Aye.
[11] CHAIRMAN ROSE: Aye.
[12] Opposed?
[13] (No opposition.)
[14] CHAIRMAN ROSE: No opposed. Motion is
[15] passed. Those meetings are approved -- those
[16] minutes are approved. We now move to the special
[17] meeting of January 2nd.
[18] MR. LASSITER: Mr. Chairman, I move that we
[19] approve the organizational meeting of January
[20] 2nd, the minutes, as presented.
[21] CHAIRMAN ROSE: Do I hear a second?
[22] MR. WATTS: Second.
[23] CHAIRMAN ROSE: All in favor?
[24] MR. CIRIELLO: Aye.
[25] MR. LASSITER: Aye.

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[1] those -- that financial report is accepted.
[2] Okay. Reports from individuals. Mr. -- we
[3] have no representative -- anybody from the county
[4] here? Jim Bryant's not here. Richard Weaver,
[5] Aero Sport?
[6] 4.B. - MR. WEAVER
[7] MR. WEAVER: No report.
[8] CHAIRMAN ROSE: No report. Northrop, is
[9] John Leslie --
[10] 4.C. - MR. LESLIE
[11] MR. LESLIE: Yes. No report, sir.
[12] CHAIRMAN ROSE: No report. Wayne George or
[13] someone from the Pilots Association?
[14] (No one present.)
[15] CHAIRMAN ROSE: No one. And, George
[16] McClure, I assume we have received your report.
[17] 4.E. - MR. McCLURE
[18] MR. McCLURE: Yes, sir.
[19] CHAIRMAN ROSE: All right. Into action
[20] items. Ed Wuellner, we'll turn the meeting over
[21] to you.
[22] 5.A. - AIR TRAFFIC CONTROL TOWER
[23] MR. WUELLNER: Yes, Mr. Chairman. The -- I
[24] have just one item for you today that requires --
[25] probably requires some action.

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[1] MR. WATTS: Aye.
[2] CHAIRMAN ROSE: Aye.
[3] Opposed?
[4] (No opposition.)
[5] CHAIRMAN ROSE: Motion is passed and the
[6] meetings of the -- the minutes of the special
[7] meeting are approved.
[8] ACCEPTANCE OF FINANCIAL REPORTS
[9] CHAIRMAN ROSE: We now have the financial
[10] reports, Mr. Watts.
[11] MR. WATTS: Mr. Chairman, board members, I
[12] have reviewed the statement for the three months
[13] ending December 31 -- 31st, 2000, and I'll make a
[14] motion that we approve these -- this statement.
[15] CHAIRMAN ROSE: Is there a second to that
[16] motion?
[17] MR. CIRIELLO: I'll second it.
[18] CHAIRMAN ROSE: All in favor?
[19] MR. CIRIELLO: Aye.
[20] MR. LASSITER: Aye.
[21] MR. WATTS: Aye.
[22] CHAIRMAN ROSE: Aye.
[23] Opposed?
[24] (No opposition.)
[25] CHAIRMAN ROSE: Motion is passed and

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[1] Back in November, the Airport Authority
[2] received qualifications and experience statements
[3] from consulting firms and construction firms
[4] interested in doing the design/build for the air
[5] traffic control tower.
[6] The selection committee met shortly after
[7] that and made a recommendation to the board,
[8] which was subsequently adopted, and we entered
[9] into the next phase, which was development of
[10] conceptual plans with the firms AJT and Haskell.
[11] Those were presented to the Airport
[12] Authority at your December meeting. The
[13] Authority basically selected a concept of a
[14] preference and moved it off dead center back to
[15] AJT and Haskell for a determination of the
[16] contract with airport staff to be brought back to
[17] the Airport Authority.
[18] What has happened is we have basically
[19] broken down at the point of determining the cost
[20] of the facility. A budget was well-known related
[21] to the matter and, quite frankly, the
[22] architectural and construction firm have failed
[23] to even get close to what was allocated or given
[24] to them as a budget number. As such, we met with
[25] them several times during this ensuing

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[1] month-and-a-half time.
[2] Largely -- I provided you some copies, just
[3] so you -- you can try and follow along with me
[4] here. But basically, the project -- I'm going to
[5] just speak in totals, but the project, as
[6] presented by Haskell and AJT, exceeded the budget
[7] allocated for the project by way over a million
[8] dollars. Obviously we were in two different
[9] universes in terms of what this project should
[10] cost.

[11] We attempted to work with Haskell in a way
[12] to -- to get those costs much more consistent
[13] with the budget. We have largely failed to do
[14] so, with Haskell and AJT presenting options that
[15] their -- their method of getting the project
[16] within budget is to literally gut key elements of
[17] the project, still falling way short of budget
[18] expectations with removing options, at least on
[19] paper.

[20] And the problem I have with some of the
[21] options is I don't think they'd survive
[22] permitting when we got to the County. Regardless
[23] of what our desire might be and what our
[24] direction to the contractor might be through the
[25] contract, I don't think they'd survive

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[1] The numbers we gave them were \$900,000 for
[2] the tower facility and \$300,000 related to the
[3] electrical vault, so a total of \$1.2 million.

[4] You can see by the second letter from the
[5] Haskell Company that their revised -- this is
[6] eliminating all those key items that I told you,
[7] plus a few others, eliminating the tile roof and
[8] the like, many of the things that were aesthetic
[9] and interested in by this board, they came --
[10] managed to bring it down from \$2.6 million for a
[11] total price down to \$1.946 million. So, you can
[12] see we're still \$700,000 in round numbers off.

[13] And frankly, I don't know where -- you know,
[14] there doesn't appear to be any additional room to
[15] allow Haskell or AJT, short of a total retreat,
[16] which they have not indicated, to get anywhere
[17] near our budget. And our discussions with DOT
[18] are, largely, we've been able to secure the money
[19] to the \$900,000 and \$300,000 number, but
[20] that's -- that's about it. That's about all
[21] that's going to be available from DOT at this
[22] point. There may be some slight change, but not
[23] to the tune of adding another half a million or a
[24] million dollars of DOT money to this.

[25] The company that was ranked number two, we

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[1] permitting; things like going from a paved
[2] parking lot to a nonpaved parking lot;
[3] eliminating the elevator from a 90-foot building;
[4] eliminating floors that were at this point unused
[5] within the tower itself; things that if you went
[6] back to try and add the floors back in at a later
[7] date, would cost you multiples of the original
[8] figure to add them in the first place. And as I
[9] said, I'm not sure all of those things could even
[10] survive the permitting process, even if we
[11] elected to -- to eliminate them.

[12] Having some understanding of that, they came
[13] up with a second cost estimate. And you can see
[14] on the second letter dated the 19th of January,
[15] that they communicated to me exactly what it was
[16] they were proposing in an attempt to get the
[17] total budget down to something much more close to
[18] what we -- we were asking.

[19] I should tell you that in between these two
[20] times, we formally, via certified letter to these
[21] folks, indicated what the not-to-exceed numbers
[22] were on this budget so that it -- you know, we're
[23] not -- we're not pulling any punches here in that
[24] we're -- we're giving you a surprise number at
[25] this point.

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[1] contacted about ten days ago, gave them a copy of
[2] the architecture that was preferred by the
[3] Airport Authority, because the Airport Authority
[4] owned that work; it was a part of the original
[5] stipulation. Submitted that to a company called
[6] Fannin Danis. As I said, they were the
[7] number-two ranked firm, and asked them to develop
[8] cost estimates based on that.

[9] They -- you have a letter from them that I
[10] received late this afternoon, and it indicates
[11] that they can do the whole thing for \$1.57-.
[12] They indicated to me that there was about -- it's
[13] not in here yet because he didn't have it
[14] formally done, but he told me on the phone that
[15] there's about a \$300,000 line item in there
[16] that's related to the ductwork between the
[17] electric vault out to the manhole that's on the
[18] other side of Runway 6.

[19] We discussed alternatives that were
[20] available, including airport people basically
[21] doing the duct install, because there's no
[22] mirrors or magic in the actual product there, is
[23] allow these folks as a general contractor to set
[24] the manholes that are required as a part of the
[25] project, but basically allow the Airport

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[1] Authority staff to place the pipe in -- open the
[2] ditch and place the pipe in the ditch and close
[3] the ditch back up, which is -- appears to be a
[4] \$300,000 item for some reason.

[5] Now, we have costed the entire materials
[6] effort out, including the equipment rental
[7] necessary to do it, and it's approximately
[8] \$18,000. So, you see we're light years apart on
[9] what -- the only thing we can figure is that
[10] they're being asked to do it as an electrical
[11] item, and as such, they're hiring an electrical
[12] contractor or would be hiring an electrical
[13] contractor, and this area is somewhat out of
[14] their league, so they're -- they're finding other
[15] subsurface contractors to do the actual
[16] installation of the pipe and the like. And the
[17] thing's basically, by the time we've added three
[18] firms' markup on this, plus I think largely a
[19] misunderstanding of what we've been asking to
[20] have done, that the thing is accelerated to about
[21] \$300,000.

[22] They indicated that if that item were
[23] deleted, that they were quite comfortable in
[24] telling me that they felt they could sign a
[25] contract with the Airport Authority at the \$1.2

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[1] up front or identified in the solicitation for
[2] coming up with the architectural concepts and all
[3] that that were presented at last meeting.

[4] They were also, as a part of that, to
[5] provide the detailed cost estimates. So, at this
[6] point, I don't know what the Airport Authority
[7] would be potentially on the hook for in terms of
[8] dollars beyond the original \$10,000 value.
[9] There's nothing that we've asked them to do that
[10] is outside of negotiating a contract at this
[11] point.

[12] MR. WATTS: So, the plans belong to us.

[13] MR. WUELLNER: Absolutely, at this point.

[14] If you remember, the initial 30 percent belonged
[15] to us via -- via -- determined to call you guys
[16] Kaiser these days -- Earth Tech. Then the
[17] concepts themselves, the architectural concepts
[18] and costing, were facilitated in the front end of
[19] that design/build at -- solicitation with a fixed
[20] fee of \$10,000.

[21] They've -- they've done those things.
[22] They've just been unable to get to a number
[23] that's going to allow us to move off the concept
[24] and into the final design and construction.

[25] MR. LASSITER: Ed, I wasn't one of the

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[1] million level and proceed at notice to proceed
[2] from the Airport Authority.

[3] So, as such, we, I guess from a staff side,
[4] are asking that we be granted permission to go
[5] ahead and terminate contract negotiations with
[6] Haskell-AJT and to negotiate a contract not to
[7] exceed \$1.2 million with Fannin Danis, subject to
[8] Florida DOT concurrence, of course, and move this
[9] thing off dead center and get -- get into design
[10] on the project.

[11] CHAIRMAN ROSE: Any questions of Ed?

[12] MR. WATTS: Mr. Chairman? Ed, does this
[13] mean that Haskell Company will forfeit their bond
[14] on the bid?

[15] MR. WUELLNER: No. I think the -- it was
[16] really up to the Airport Authority. This is
[17] more -- the bond requirements would have had to
[18] have been exercised before we moved into that
[19] initial conceptual design phase. So, I don't
[20] think there's any -- my personal opinion is
[21] they're not going to find anything actionable on
[22] the bond related to the tower.

[23] MR. WATTS: Okay.

[24] MR. WUELLNER: We paid for the design.
[25] They've been paid the -- the \$10,000 fee that was

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[1] members of the interviewing team, but I did speak
[2] to one of those members. Refresh my memory as
[3] far as if there was any dropoff in quality of the
[4] firms involved.

[5] I remember a discussion that there -- there
[6] was definitely a group that was high and a group
[7] that was not so high. Do -- do you feel that
[8] there's a fall-off in deliverable quality by the
[9] Fannin group?

[10] MR. WUELLNER: Actually, no. The --
[11] Mr. Davis sat on that -- that committee, as well
[12] as several other people, but my -- my
[13] understanding and remembrance of it was that
[14] these two firms were basically at the same level.

[15] The -- the difference for us came in that
[16] the team had -- the primary Haskell corporation
[17] had a long reputation of design/build, and that
[18] effectively swayed -- swayed the committee
[19] (sic) -- the committee to rank them number one.
[20] But it was largely those two firms were roughly
[21] equal in all other respects. And you're indeed
[22] right; then there were two in the middle and then
[23] two that we felt were definitely below the other
[24] four firms.

[25] So, yes, there were some grouping in the

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[1] thought process, but these two firms came very
[2] highly thought of by the committee.

[3] And I would add that Florida DOT -- this
[4] Fannin Danis is the company that built or did the
[5] design/build effort at Lake City for their tower
[6] that was just recently completed, and by all
[7] accounts, by our Florida DOT representative, Mr.
[8] Roland Lester, that they did an outstanding job
[9] and everyone was well pleased with the work that
[10] was done by them. So, I don't -- I don't think
[11] there's anything --

[12] CHAIRMAN ROSE: Is there any -- go ahead.

[13] MR. CIRIELLO: Mr. Chairman, we're just
[14] asking a question now, but we do have a chance to
[15] discuss further after the question. Mr.
[16] Wuellner, could you give me in round numbers how
[17] much money has been invested up to this point
[18] into this control tower?

[19] MR. WUELLNER: Didn't -- didn't carry it out
[20] with me, but we -- we reserved the equipment
[21] budget. The equipment aspect of this is in
[22] addition to the numbers that I said. But that's
[23] already been held aside from the total that was
[24] in the grants. So, there's a \$420,000 in round
[25] numbers.

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[1] against the idea of a control tower; I just
[2] really didn't think it was needed.

[3] And from all of the expertise that I've
[4] heard from Grumman and everybody else about the
[5] mix of traffic, military, ultralights, general
[6] aviation, corporate jets -- I have personally
[7] flown into some airports while military jets were
[8] landing, and I've been in airports where they
[9] have this kind of mix, and we really, really
[10] don't have that much traffic that -- where this
[11] control tower at this particular time is needed.

[12] And I have been trying to get through
[13] this -- through this board for eight years a way
[14] of getting a control tower where it practically
[15] wouldn't cost us anything, and nobody seemed to
[16] want to listen.

[17] So, if it's a done deal and nothing can be
[18] done, that's one thing, but I'm asking if it's --
[19] project could at this particular time be
[20] deep-sixed and maybe a couple of years down the
[21] road when things change, where the traffic is
[22] really heavier, if it gets heavier, that maybe we
[23] could reopen it. That's -- that's what I want to
[24] know.

[25] MR. WUELLNER: If you're asking Staff? Yes.

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[1] MR. CIRIELLO: You mean, you've already --
[2] not you, but you and the State and everybody has
[3] else has spent 400-and-some-odd --

[4] MR. WUELLNER: No. It's committed for the
[5] equipment.

[6] MR. CIRIELLO: No. I want to know what the
[7] actual amount of money --

[8] MR. WUELLNER: I think it's --

[9] MR. CIRIELLO: -- that has been spent up to
[10] this point --

[11] MR. WUELLNER: I want to say --

[12] MR. CIRIELLO: -- in round numbers.

[13] MR. WUELLNER: -- \$110,000.

[14] MR. CIRIELLO: Ooh, okay. All right. I've
[15] got comments for later.

[16] CHAIRMAN ROSE: Is there any public comment?

[17] (No public comment.)

[18] CHAIRMAN ROSE: Very well. I'll open up --
[19] we'll have a final discussion before the vote.

[20] MR. CIRIELLO: Okay. This hundred thousand
[21] dollars might sound like a lot of money, but in
[22] the long term maybe not. And I don't know if at
[23] this point we could deep-six the project.

[24] As anybody might know that since I've been
[25] attending these meetings for years, I've not been

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[1] From a -- from a -- from the standpoint of could
[2] it? Yes, it could.

[3] You know, I would remind the Board again of
[4] the basic facts related to it, which include that
[5] the FAA's already difficult criteria to satisfy
[6] to even get in the Contract Tower Program, this
[7] airport qualifies more than three times the
[8] activity and fleet mix required to even qualify
[9] for the Contract Tower Program, and we are
[10] already accepted into the Contract Tower Program,
[11] which means the cost of operating that tower is
[12] going to be covered by the Federal Government, by
[13] FAA.

[14] The other is, I know personally, because
[15] I've spoken to these individuals who have called
[16] me, people not based at this airport, who have
[17] already notified us that they have no intention
[18] of coming back to this airport until a tower is
[19] established. They have -- they have determined
[20] among themselves that it is not safe for them to
[21] operate their corporate aircraft into this
[22] facility. So, yeah -- and I'm sure Richard would
[23] love to comment on that.

[24] MR. CIRIELLO: Why then is there a bunch of
[25] them out there all the time?

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[1] MR. LESLIE: Is the floor open for public
 [2] comment?
 [3] MR. WUELLNER: It's not up to me. That
 [4] would be up to the Chairman.
 [5] MR. LESLIE: Is the floor open for public
 [6] comment on this?
 [7] CHAIRMAN ROSE: Yes. Go ahead.
 [8] MR. LESLIE: My name's John Leslie, and I
 [9] represent Northrop-Grumman. I'm the chief pilot,
 [10] and I've -- I've flown out of this facility for
 [11] the last six years on a fairly full-time basis.
 [12] And maybe the safety of the control area is
 [13] viewed from the perspective of the type of
 [14] airplane you're in, and if you're in a small
 [15] airplane, you may not think of it as being
 [16] particularly unsafe.
 [17] But coming into this facility in a
 [18] high-performance military aircraft is -- without
 [19] a control tower is probably the single most
 [20] dangerous element of the missions we fly out of
 [21] here, and if we don't get a control tower, it's
 [22] my professional opinion that the next accident
 [23] that Northrop-Grumman has, if we ever have
 [24] another one, is going to be in this landing
 [25] control zone. Thank you.

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[1] about that jet.
 [2] But like I've said, I've flown into
 [3] Springfield, Ohio at different times when they
 [4] have four or five 104s landing or taking off
 [5] while I was landing or taking off in my Cardinal.
 [6] Washington County Airport had a National
 [7] Guard helicopter place there. They didn't have a
 [8] tower; Springfield did. But Washington didn't
 [9] have a control tower. And I've gone down there
 [10] numerous times from my place, and National Guard
 [11] helicopters are flying all around and there's no
 [12] control tower, and it had no problems.
 [13] But I know -- and this -- this tower is
 [14] getting out of hand. It started off a few
 [15] years -- a while back, \$1.2 million. Then
 [16] aesthetics would make it go up to \$1.4 million to
 [17] put on a fancy roof and all of that. And now
 [18] it's getting more and more expensive, and they
 [19] haven't even started it yet.
 [20] And I just think it's -- yeah, it'd be nice
 [21] to have, no doubt about it. As a pilot, it's
 [22] convenient. It'd be nice to have. But I just
 [23] think the expense and for the actual need -- and
 [24] I don't really think -- nobody's convinced me yet
 [25] that the need is really there and it's that

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[1] CHAIRMAN ROSE: Joe, did you want to say
 [2] something?
 [3] MR. CIRIELLO: I know when it comes to
 [4] flying, safety is always a big magic word, but --
 [5] you know, one day I was out here taking dual
 [6] instruction in a Cessna Cardinal, and I was
 [7] turning from downwind to final, and I heard on
 [8] the Grumman's control UNICOM man up there -- I
 [9] looked out to my -- my left and here's an A-6 in
 [10] the pattern. He's in -- downwind, about to turn,
 [11] base and everything, and I told the instructor, I
 [12] said, "Why don't I just pull up and go around and
 [13] let that A-6 come in, seeing that it's a jet and
 [14] it's faster and uses more gas and all of that.
 [15] And I'll get out of his way since I'm in a little
 [16] puddle-jumper." He said, "No, you just stay
 [17] where you're at. You just make your landing.
 [18] He'll take care of himself. Don't you worry
 [19] about him."
 [20] I mean, that was the instructor's opinion of
 [21] that guy in the jet. I wanted to pull away. And
 [22] if I'd have been by myself, I would have told the
 [23] guy I'm going to pull off and let the jet have
 [24] the right-of-way. The instructor said, "No, let
 [25] him take care of himself." He wasn't concerned

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[1] critical. And I'd just as soon not put it up
 [2] right now. But I'm only one person.
 [3] MR. WUELLNER: Mr. Chairman, just to
 [4] clarify -- clarify the facts on it. I mean, the
 [5] tower itself, because we were use -- because I
 [6] was using totals in the explanation, the tower
 [7] itself remains at \$900,000.
 [8] There is a separate Florida DOT project
 [9] related to the vault that's included in that
 [10] total, which is a \$300,000 item, so the total
 [11] being \$1.2 million. The actual tower
 [12] construction cost is still under \$1 million in
 [13] this total.
 [14] MR. LASSITER: I have a few questions. I
 [15] think -- I don't agree with Joe. I've talked to
 [16] some of my friends who are pilots that come in
 [17] here, and they've told me that it -- if you don't
 [18] know the field and you try to move in and land in
 [19] here, you have to look, I mean, it's eyes
 [20] everywhere and get down and get out of the sky as
 [21] quickly as possible.
 [22] How long has Staff worked with DOT and the
 [23] Feds and all to get this thing to where we are
 [24] now?
 [25] MR. WUELLNER: In excess of three years, I

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[1] can tell you that.
 [2] MR. LASSITER: So, if we wait another three
 [3] years, we're talking six years, right? What
 [4] is -- what is the percentage of growth of events
 [5] that occur? Are we talking three, five percent
 [6] increase yearly? I don't know. Richard, you --
 [7] MR. WUELLNER: Our guess is three -- three
 [8] to five percent normal growth; however, there are
 [9] key elements of our growth that have --
 [10] MR. LASSITER: Right --
 [11] MR. WUELLNER: -- way exceeded those --
 [12] those parameters. I mean, there are some great
 [13] measures to help frame the activity, such as fuel
 [14] volume. I mean, the volume of jet fuel has
 [15] basically doubled in the last two years, I think,
 [16] two and a half.
 [17] I mean, you know, just things that -- that
 [18] really say, look, obviously we're doing a lot
 [19] more high-end corporate activity in here, higher
 [20] performance, higher dollar value. And much --
 [21] MR. LASSITER: Is it not true -- and I've
 [22] heard this statement batted around, and Richard
 [23] might be able to answer this. Is it not true
 [24] that there are many of the corporate fliers that
 [25] will not come in here because the insurance

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[1] the road and we're desperately in need of this
 [2] tower? Not just we need the tower, but we
 [3] desperately need the tower. So, my position is,
 [4] is that we need to take this project, understand
 [5] what it is, and move it ahead.
 [6] MR. CIRIELLO: I understand what you're
 [7] saying, but you asked a question about insurance,
 [8] and Mr. Weaver answered it.
 [9] If it's an insurance issue with corporate
 [10] jets, answer me this: Jackson Hole, Wyoming,
 [11] doesn't have a control tower but they have
 [12] scheduled airline service in there. And why
 [13] would a scheduled airliner -- we're not talking
 [14] little corporate jets, we're talking airliners --
 [15] why would they go into Jackson Hole, Wyoming
 [16] without a control tower if it's an insurance
 [17] agency?
 [18] MR. LASSITER: What I did, I brought up the
 [19] insurance as just one of multiple facets on the
 [20] reason why we're projecting this thing. If -- if
 [21] it is an insurance problem with one carrier but
 [22] not another, does that mean that we ignore the
 [23] fact that someone is being denied through the
 [24] lack of this particular availability because
 [25] their company says they won't allow us to land in

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[1] company's saying they will not fly in unless
 [2] there's a tower controlling?
 [3] MR. WEAVER: I've had a large number of
 [4] corporations who have ceased flying into the
 [5] airport because it's too dangerous, both
 [6] insurance requirements and their own operations
 [7] requirements.
 [8] MR. LASSITER: That confirms what I've
 [9] heard. Joe, my -- my position, what I'm saying
 [10] here is very simple. We're not in a static
 [11] situation. This is a very dynamic airport as far
 [12] as growth, as our whole county is.
 [13] If we delay this thing and table it and say,
 [14] well, think of how much money it costs, just
 [15] looking at the money side, if we put this off and
 [16] we go back to the back of the line with DOT, FDOT
 [17] and the Feds, and try to get back into these
 [18] programs, there's no guarantee we're going to get
 [19] back in.
 [20] And so the delay becomes a point to where,
 [21] yes, we're able to get along now, but what
 [22] happens if we wait the two years, get out of
 [23] line, get back in line, the money disappears, we
 [24] stand in line for another three, five years, and
 [25] then all of a sudden we're five, six years down

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[1] St. Johns County, so therefore, St. Johns
 [2] County's off the map for them?
 [3] MR. CIRIELLO: No, that's not what I was
 [4] getting at. I was getting at the point that if a
 [5] corporate jet has to have insurance things about
 [6] a control tower or not, why then can an airliner,
 [7] which is on the -- on the ladder higher than a
 [8] corporate jet, why can they go into a place
 [9] without -- without insurance -- I mean, without a
 [10] control tower? Why is their insurance different?
 [11] CHAIRMAN ROSE: We can't answer that.
 [12] MR. CIRIELLO: I'm just saying, the logic
 [13] doesn't make sense to me.
 [14] CHAIRMAN ROSE: Gentlemen, I need a motion
 [15] to focus this discussion.
 [16] MR. LASSITER: I make a motion that we
 [17] direct Staff to move -- to close, terminate the
 [18] discussion with the Haskell group and open
 [19] discussion with the Fannin group to progress with
 [20] the tower development.
 [21] CHAIRMAN ROSE: Do I have a second to that
 [22] motion?
 [23] MR. WATTS: I second that, please.
 [24] CHAIRMAN ROSE: All right. Gentlemen, we
 [25] have a motion and a second to cancel our

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[1] negotiations with Haskell and move to
 [2] negotiations with Fannin Danis.
 [3] MR. WUELLNER: Mr. Chairman, just for
 [4] purposes of clarification, Staff had asked to be
 [5] able to negotiate a contract not to -- yeah,
 [6] basically enter into a contract --
 [7] CHAIRMAN ROSE: Not to exceed \$1.2.
 [8] MR. WUELLNER: -- not to exceed that. If
 [9] you're doing something different, that's fine. I
 [10] just want to make sure we don't do something that
 [11] wasn't what you thought we would do.
 [12] CHAIRMAN ROSE: All right. We better put
 [13] that, your --
 [14] MR. LASSITER: I'll make that modification.
 [15] CHAIRMAN ROSE: To not to exceed a million,
 [16] two, right, Ed?
 [17] MR. WUELLNER: Yes, sir. I'm sorry.
 [18] CHAIRMAN ROSE: Not to exceed a million --
 [19] MR. WUELLNER: For the two elements. Yes,
 [20] sir.
 [21] CHAIRMAN ROSE: Right. Is there any further
 [22] discussion on this -- on this motion, then? Joe,
 [23] do you want to --
 [24] MR. CIRIELLO: No.
 [25] CHAIRMAN ROSE: -- comment anymore?

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[1] So, I expect you'll see significant activity here
 [2] in the next few days.
 [3] Also, we expect to issue the notice to
 [4] proceed for the aircraft wash rack by Wednesday
 [5] of this week. We're just waiting on the
 [6] construction bonds. Once those are in place,
 [7] everybody else has signed off on it, so we'll
 [8] execute the contract and issue a notice to
 [9] proceed. We're expecting Wednesday.
 [10] Oh, we also, just so you know, too, spent a
 [11] better part of an hour this morning with the
 [12] folks at AMTRAK, courtesy of the City Hall --
 [13] City of St. Augustine, and they informed us that
 [14] they are very close to executing an agreement
 [15] with FEC for rail use.
 [16] They indicated a possible time line was to
 [17] be in a position to final that agreement by the
 [18] end of February of this year, at which time they
 [19] estimated about a 10- to 11-month lead time
 [20] before they begin establishing service along the
 [21] east side of Florida.
 [22] So, with that, that's a very ambitious time
 [23] line and they're aware of it, but it does call
 [24] into focus that that project does appear to be
 [25] imminent and obviously will be a focus of the

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[1] (No discussion.)
 [2] CHAIRMAN ROSE: Any other dis -- all in
 [3] favor?
 [4] MR. CIRIELLO: Aye.
 [5] MR. LASSITER: Aye.
 [6] MR. WATTS: Aye.
 [7] CHAIRMAN ROSE: Aye.
 [8] Opposed?
 [9] (No opposition.)
 [10] CHAIRMAN ROSE: Motion is passed.
 [11] Mr. Wuellner, have you got any other action
 [12] items?
 [13] MR. WUELLNER: No, sir. I did have a couple
 [14] of items which I'm not -- a couple of things just
 [15] to call your attention to just so you're aware
 [16] of.
 [17] Anybody on the board who wishes to attend
 [18] the midyear meeting of FAMA needs to let me know
 [19] in the next day or so, so that I can take care of
 [20] the final arrangements. That's the 6th, 7th, and
 [21] 8th of February.
 [22] The -- I'm happy to announce that we have
 [23] begun construction efforts in the terminal area.
 [24] They are beginning the dismantling. They're
 [25] locating the trailers, doing that kind of stuff.

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[1] intermodal study group, the citizens' advisory
 [2] group, as well as the technical advisory group
 [3] over the next month or so.
 [4] CHAIRMAN ROSE: Okay. Thank you, Ed. I
 [5] notice Mrs. Bosanko came in. We -- we discussed
 [6] your -- the court results. Do you have anything
 [7] you want to say to us or any comment that you'd
 [8] like to make?
 [9] FURTHER DISCUSSION OF COURT CASE
 [10] MS. BOSANKO: My attorney does.
 [11] MR. McLEOD: Gentlemen, I wasn't here at
 [12] that time. I had instructed -- as apparently has
 [13] become public at this point, I instructed my
 [14] client to attend today's meeting as a member.
 [15] If you -- I think your attorney will tell
 [16] you, while our declaratory action, Judge Mathis
 [17] has ruled on, he -- there was no action before
 [18] him at that time that survive his ruling that
 [19] would keep her from this board.
 [20] In fact, the only thing that was keeping her
 [21] from the board was the temporary injunction, the
 [22] temporary restraining order, which was in that
 [23] order dissolved as of the order, and thus there's
 [24] nothing keeping her from the board. In fact, she
 [25] is providing today to the Secretary of State her

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[1] oath of office and certification for that office.
[2] The Secretary of State has advised her that
[3] those election results have been certified, and
[4] there, from a legal point of view and as your
[5] attorney had indicated at the trial and as has
[6] been correctly reported by the local media, there
[7] was never any affirmative relief requested by the
[8] Authority to keep her from the board. And
[9] therefore, frankly, I'm advising my client to
[10] take her seat and for you to make her a
[11] nameplate, and to -- that she become a member and
[12] begin.

[13] Now, in truth, gentlemen, I have offered --
[14] so as to obviate any potential for problems that
[15] you felt may come about as a result of her
[16] sitting and which resulted apparently in the
[17] temporary restraining order, I have offered an
[18] alternative that I think will once and forever
[19] resolve this and not subject the Airport
[20] Authority to any action, or frankly, to
[21] Ms. Bosanko to any action which I feel is an
[22] appropriate way to remedy the situation.

[23] First and foremost, we're mailing our oath
[24] of office today, and she becomes a member. I
[25] have reviewed your charter. Your lawyer can

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[1] of office required to be held is the one you send
[2] in to Kathleen (sic) Harris, the Secretary of
[3] State.

[4] It is a nice demonstration to do that, but
[5] not required. So, frankly, she should be up
[6] there now, and frankly is within her rights to
[7] walk up there and sit in her seat.

[8] However, she's not doing that because what
[9] we're offering is that she will be officially
[10] sworn in and she will immediately take a leave of
[11] absence. That leave of absence would last so
[12] long as it takes to have the expedited appeal
[13] heard by the Fifth District Court of Appeal.

[14] There is nothing in your charter that
[15] disallows a leave of absence. There's frankly
[16] nothing in your charter that says a member has to
[17] show up at the meetings. And therefore, she has
[18] every intent to do that.

[19] We would do that also with a further
[20] understanding, and that is, if she loses her case
[21] on appeal at the Fifth District Court of Appeal,
[22] she will resign her commission as a member of the
[23] Airport Authority and will take that Court's
[24] ruling as -- as the final decision.

[25] I have great respect for Judge Mathis. I've

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[1] advise you about your charter. You requested no
[2] affirmative relief. There's frankly nothing
[3] keeping Ms. Bosanko from serving.

[4] Irrespective of Judge Mathis's order, that
[5] order doesn't keep her off. That was our
[6] lawsuit. And the order does not keep her off of
[7] the Authority. Therefore, she needs to sit.

[8] And I have told Mr. McClure that so that --
[9] because she doesn't want -- Mrs. Bosanko doesn't
[10] want to do anything that also would jeopardize
[11] things that this board does. We agree with you
[12] on that position. And I know that we haven't had
[13] some agreement on these issues, but we agree with
[14] you on there. She's here to serve the public,
[15] and it obviously would not be a service to the
[16] public to subject acts to potential suit, as
[17] frankly may come anyway because of acts that
[18] Mr. Davis voted on.

[19] However, what -- what we offer is this: Is
[20] that this woman will assume her position, will be
[21] sworn in. That's going to occur today.

[22] My understanding in reading your charter --
[23] charter is while it's a nice demonstration for
[24] Mr. Ciriello to be sworn in last week, that's not
[25] a requirement to hold this office. The only oath

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[1] practiced in front of him for almost 18 years --
[2] actually 18 years; however, I disagree with this
[3] decision that he's made. And I think he would be
[4] the first to tell you that I've disagreed with
[5] other decisions that he's made and may again in
[6] the future, and we wish to appeal that. That's
[7] the process of law. That's -- that's the way
[8] those -- I've also agreed many times with him.

[9] So, what I would like to do is to have an
[10] understanding with the board, and this lady, if
[11] nothing else you may think of her, she's a person
[12] and a woman of her word.

[13] She will take her office today and submit a
[14] leave of absence as well, pending the final
[15] decision of the Fifth District Court of Appeal.
[16] There's a process by which that can be heard in
[17] an expedited fashion. And we'll engage in that
[18] process in an expedited fashion.

[19] That way, she will not be voting during this
[20] time, because she will not be at meetings through
[21] the leave of absence, and therefore, your
[22] decisions will not be subject to the fear that
[23] you expressed earlier, and that is of quo
[24] warranto.

[25] I'd like to offer that to you. It's an

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[1] offer that I guess is a little bit seasoned, and
 [2] that's the only way we know from here to go
 [3] forward.

[4] If she doesn't send her certification today,
 [5] she runs the -- the oath today, she runs the
 [6] possibility of losing the seat, and she cannot
 [7] not sit on the board and appeal and still gain
 [8] the seat. She will lose it as a matter of law
 [9] within 30 days of the time that she could have
 [10] taken office, which was January 2nd. So, she has
 [11] to do that today.

[12] CHAIRMAN ROSE: Thank you. George, can
 [13] you --

[14] MR. McCLURE: If Mr. McLeod is correct --
 [15] and I don't have any reason at the moment to
 [16] disagree with him -- that the oath is merely an
 [17] oath that one takes before a notary public that
 [18] doesn't have to be administered here or by us and
 [19] only needs to be filed with the Secretary of
 [20] State, then the action that Mr. McLeod proposes
 [21] is one that he can take whether we agree or not.

[22] And frankly, I would hope that that is what
 [23] would happen. Because if the objective is the
 [24] integrity of the Authority's actions -- and I
 [25] recognize that just as we heard, that reasonable

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[1] people can differ on what those actions should
 [2] be, but that once that decision is made, that
 [3] that decision is the decision of the Authority
 [4] and we do it in a way that is intended to keep it
 [5] as -- as defensible and as valid as possible.

[6] I would hope that somebody who seeks that
 [7] office seeks to influence the policy the way all
 [8] of you do, and not to take any action that
 [9] would -- would put those decisions in jeopardy.
 [10] So, I would hope that that would happen, anyway.

[11] I don't know that there's anything that you
 [12] need to agree to do that. I think that there
 [13] are -- number one, I have indicated -- and if my
 [14] instructions are to the contrary, you need to
 [15] tell me. I have indicated to Mr. McLeod that I
 [16] would intend to cooperate with him in expediting
 [17] this proceeding before the Fifth District Court
 [18] of Appeal. Everybody's entitled to a review of a
 [19] trial court decision. And it's in all of our
 [20] interest to expedite that, and I'll do everything
 [21] I can to not try this case tactically, because I
 [22] think all of us want to get to whatever the
 [23] answer is.

[24] The -- in the event that the oath is filed,
 [25] then what I need to do is to determine whether or

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[1] not that satisfies as to whether there's any
 [2] vacancy in office or not. And we can make a
 [3] decision about that at a subsequent meeting based
 [4] upon that research.

[5] So, I think my advice is that the -- the
 [6] agreement -- I'm not sure what the -- it usually
 [7] takes a quid pro quo, and I'm not sure what --
 [8] there's nothing in that that asks us to do
 [9] anything. If she's filing her oath today and
 [10] taking a leave of absence, then that's fine, and
 [11] we'll proceed with the appeal as quickly as
 [12] possible.

[13] CHAIRMAN ROSE: Do any of you have a
 [14] question of Mr. McClure?

[15] MR. LASSITER: I do. I have one.

[16] CHAIRMAN ROSE: Let us --

[17] MR. LASSITER: Well, I just have a question.
 [18] My question is, is what I'm hearing our attorney
 [19] say is, is basically you have every right to do
 [20] that and the appeals process is a normal
 [21] constitutional right and that's what you're going
 [22] to progress with. What are you asking from us in
 [23] the deal? What's the deal?

[24] MR. McLEOD: I wanted to answer
 [25] Mr. McClure's quid pro quo, which is words we

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[1] lawyers use so that nobody knows what we're
 [2] talking about it. What you get for it.

[3] What -- I do in fact want an affirmative
 [4] response that that arrangement is appropriate and
 [5] agreeable by the board, because what you get in
 [6] response is rather -- is that I believe
 [7] Ms. Bosanko has the right now, and there's
 [8] nothing in your charter, nor did you ask for
 [9] affirmative relief, that prohibits her from
 [10] getting out of her chair and walking up there now
 [11] and voting on everything that you're voting on.

[12] What we're agreeing to do out of the -- out
 [13] of an abundance of caution, and frankly
 [14] deferential to the concerns of the board about a
 [15] possibility of challenge, as Mr. McClure so
 [16] eloquently provided that -- that resulted in the
 [17] temporary injunction. What we would like is an
 [18] agreement that this process will in fact be the
 [19] way that it comes.

[20] If we don't get that agreement, then
 [21] Ms. Bosanko has at her option the ability to come
 [22] to every meeting from now until such time as the
 [23] hearing's heard, sit next to Mr. Ciriello over
 [24] there with or without a name tag, and frankly
 [25] vote on every one of your things.

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[1] Now, whether or not you accept her votes or
 [2] reject them, might result in something else. I
 [3] would presume that if she attempts to do that,
 [4] that perhaps Mr. McClure would advise you or not
 [5] to seek further -- to seek affirmative relief, to
 [6] somehow move for injunction.

[7] We want to stop the litigation, take this on
 [8] a one-time effort on our attack on the statute to
 [9] the Fifth District Court of Appeal. So, what you
 [10] get for it is you don't have to pay Mr. McClure
 [11] further to do these things. There's no further
 [12] litigation beyond the appeal.

[13] We won't go through the court process
 [14] anymore of the injunctive proceedings, and you do
 [15] what you said you -- you have always done, and
 [16] that is, you're not seeking to enforce it, you're
 [17] not seeking to enjoin anything. We're agreeing
 [18] to do what you want until we get a final
 [19] decision.

[20] Now, I must also tell you candidly that if
 [21] the Fifth District Court of Appeal was to rule
 [22] your statute unconstitutional, that is reverse
 [23] Judge Mathis, that goes on appeal as a matter of
 [24] right to the Florida Supreme Court, because any
 [25] time any statute in the State of Florida is ruled

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[1] unconstitutional, the ultimate reviewing body is
 [2] the Supreme Court. You don't have to take it to
 [3] the Supreme Court, but you have an appeal as a
 [4] matter of right.

[5] However, if it rules against her -- if
 [6] Ms. Bosanko loses at the Fifth District Court of
 [7] Appeal, that is that Court affirms Judge Mathis's
 [8] order, her case is over, unless she wanted to
 [9] take some sort of relief in Federal Court, which
 [10] I'm telling you now she's not going to.

[11] She's going to take the Fifth District
 [12] decision as the ultimate outcome in this case,
 [13] and she's agreeing to take a leave of absence
 [14] until such time as that court rules. That's what
 [15] you get for it.

[16] MR. McCLURE: May I ask -- Mr. McLeod, the
 [17] thing that I don't understand -- and maybe it's
 [18] just that I'm dense, is --

[19] MR. McLEOD: Would that that would be true,
 [20] Mr. McClure.

[21] MR. McCLURE: I'm asking -- you say I'm
 [22] asking you to approve the propriety of what we're
 [23] proposing. Does that mean -- I mean, it's not up
 [24] to us to say, hey, that's a good idea or it's not
 [25] a good idea.

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[1] MR. McLEOD: I'm not asking that.

[2] MR. McCLURE: Is it that what you're asking
 [3] is that we not take a position that the leave of
 [4] absence represents a vacancy --

[5] MR. McLEOD: I am.

[6] MR. McCLURE: -- of office?

[7] MR. McLEOD: I am.

[8] MR. McCLURE: Okay.

[9] MR. McLEOD: Because if you -- if you
 [10] take -- if you take the position that it does,
 [11] then I would have to advise my client --

[12] MR. McCLURE: To participate.

[13] MR. McLEOD: -- in order to salvage, that
 [14] she come sit and participate. I'd like -- in my
 [15] review -- in my review of your charter, you have
 [16] a quorum with four.

[17] MR. LASSITER: This keeps the door open.

[18] MR. McLEOD: Correct. Correct. And I
 [19] think -- and I think the -- the biggest guess
 [20] that either Mr. McClure or I would have was how
 [21] long this would take.

[22] MR. McCLURE: You're saying we won't -- we
 [23] won't push this in terms of making -- of trying
 [24] to coerce the participation of the meeting if
 [25] you'll agree that the -- that the leave of

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[1] absence -- that you're not going to challenge
 [2] that the leave of absence in and of itself --

[3] MR. McLEOD: As a vacation.

[4] MR. McCLURE: -- means that she's vacated
 [5] her office.

[6] MR. McLEOD: Correct.

[7] MR. CIRIELLO: Mr. Chairman?

[8] CHAIRMAN ROSE: Yes, Joe?

[9] MR. CIRIELLO: Let me -- Mr. McLeod, let me
 [10] put this simple so I can understand it. You guys
 [11] using all that Latin and me being Italian, I
 [12] don't even know what you're saying. In effect,
 [13] what you're saying is if we accept your proposal
 [14] about the leave of absence and everything for
 [15] Mrs. Bosanko, she would, until the thing is
 [16] finally settled, would be here in spirit and not
 [17] in body?

[18] MR. McLEOD: Well, she won't be here in
 [19] body, because if she's here in body, my view is
 [20] she'd have to vote. And she's agreeing that
 [21] she'll take --

[22] MR. CIRIELLO: I mean, that's what you're
 [23] saying, until the thing is settled --

[24] MR. McLEOD: Correct.

[25] MR. CIRIELLO: -- for us to accept --

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[1] MR. McLEOD: Yes, sir.
 [2] MR. CIRIELLO: -- her leave of absence means
 [3] that she just won't be seated here --
 [4] MR. McLEOD: Yes, sir.
 [5] MR. CIRIELLO: -- but she's considered a
 [6] board member.
 [7] MR. McLEOD: We won't even object that you
 [8] don't put a name tag up there for her. But to
 [9] answer your question, yes, Mr. Ciriello, you have
 [10] it correct.
 [11] MR. CIRIELLO: Okay. Thank you.
 [12] MR. WATTS: Yes, sir. Mr. Chairman, I'd
 [13] like to ask a question of Mr. McClure, please.
 [14] George, when I was sworn in and took the oath up
 [15] here, one of the things that was said, that we
 [16] would uphold the charter/constitution of the
 [17] airport.
 [18] Now, if I -- if I vote for this, and vote
 [19] yea, in reality, I am breaking the constitutional
 [20] rule that I took the oath to go along with.
 [21] MR. McCLURE: I -- let me tell you what I
 [22] think the -- the spin on this that's a little bit
 [23] different. And I'll tell you that we noodle a
 [24] lot in the office about what does it mean to take
 [25] seat? What do you have to do? You know, do you

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[1] matters like this so that we don't disclose our
 [2] tactical positions, I'll tell you quite frankly,
 [3] I don't have a problem with that.
 [4] He's not asking you to say to adjudicate
 [5] yourself whether she's qualified or not. He's
 [6] asking you to say that for those period of months
 [7] that she's not going to be there, that we won't
 [8] say that in and of itself that represents her --
 [9] her -- her abandonment, thank you, of her office.
 [10] And frankly, it's going to take a while
 [11] before the Governor would do anything. I think
 [12] if we expedite this proceeding -- if anyone had
 [13] challenged the results of the election, there was
 [14] a procedure that existed after the election.
 [15] There are procedures in the statute for very
 [16] expedited hearings on this, and I frankly think
 [17] that this is the kind of thing that another
 [18] branch of the government and the judicial system
 [19] will be responsive to our concerns and her
 [20] concerns about we need a quick answer, and I'll
 [21] bet you we get an answer pretty quickly.
 [22] CHAIRMAN ROSE: Mr. McLeod --
 [23] MR. McLEOD: Yes, sir.
 [24] CHAIRMAN ROSE: -- a yes-or-no answer,
 [25] you're not a lot of talk. Do you agree with the

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[1] show up and say, "Here's my commission; I'm
 [2] sitting down," or, you know, what is it?
 [3] And Mr. McLeod's right; there's no process
 [4] in the charter that says we have to vote or -- as
 [5] for example, the U.S. Constitution includes a
 [6] provision that only the legislature is the judge
 [7] of the qualifications of its members. You can
 [8] have the legislature say, "I'm not recognizing
 [9] your election," or, "I'm not seating you."
 [10] We don't have that. So, if Mr. McLeod is
 [11] taking that -- taking that conflict away from us
 [12] so that we don't have to take any action to say,
 [13] "Yes, you're qualified," or, "No, you're not."
 [14] We're not saying, "We vote to seat you," or,
 [15] "don't vote to seat you."
 [16] She's sending her oath to Tallahassee and
 [17] saying I think that takes care of it.
 [18] Ms. Harris, after she does her hair, can come in
 [19] and look at my acceptance.
 [20] The only thing he's asking us to do is, not
 [21] to agree to seat her. He's asking us to agree
 [22] that her absence is not going to be the basis of
 [23] the challenge. And although we have the
 [24] privilege to retire into executive session for
 [25] purposes of discussing lawsuits or sensitive

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[1] explanation that Mr. McClure just gave us?
 [2] MR. McLEOD: Yes.
 [3] CHAIRMAN ROSE: Thank you. All right.
 [4] MR. WATTS: You did that quite well.
 [5] MR. LASSITER: I have one more quick
 [6] question.
 [7] CHAIRMAN ROSE: All right. Yeah, you go
 [8] ahead. I just wanted to be sure --
 [9] MR. LASSITER: Educated -- educated guess on
 [10] time?
 [11] MR. McCLURE: If we expedite this thing, the
 [12] Court will shorten the time frames for the filing
 [13] of briefs, and then if there's oral argument,
 [14] expedite that. Once they get it, we don't have
 [15] any control over how long it takes them to make a
 [16] decision. But I'm thinking that it's probably 90
 [17] to 120 days to a final answer.
 [18] So, there -- there would be four meetings
 [19] that we wouldn't have a vacancy -- that we would
 [20] have a vacancy. Not a vacancy. It's four
 [21] people.
 [22] CHAIRMAN ROSE: To focus this, I'd like to
 [23] have a motion, because I think the board needs to
 [24] vote on this --
 [25] MR. McCLURE: I agree.

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[1] CHAIRMAN ROSE: -- as a whole. But would
[2] you help me frame that motion?

[3] MR. McCLURE: I think the motion -- if the
[4] motion is -- is cooperative with the request,
[5] then the motion is that "I would move that we --
[6] that we instruct counsel to -- that in the event
[7] that Mrs. Bosanko files her oath of office and
[8] perfects an appeal, that the fact that she takes
[9] a leave of absence will not be asserted by our
[10] counsel to represent an abandonment of her
[11] office.

[12] In exchange for that, it's my understanding
[13] that Ms. Bosanko has committed that if she
[14] receives an adverse ruling from the Fifth
[15] District Court of Appeal, that she will resign
[16] her office and not appeal further."

[17] CHAIRMAN ROSE: Are there any questions or
[18] discussion among the board members?

[19] MR. LASSITER: Well, there was one other
[20] thing. Was there anything -- I heard somewhere
[21] in the comments to the effect that we won't
[22] pursue an appeal of the appeal? Is that --

[23] MR. McCLURE: No.

[24] MR. LASSITER: -- not part of it?

[25] MR. McCLURE: No, that was not a part of it.

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[1] We can elect -- it goes automatically to the
[2] Florida Supreme Court, if we wish it to, and we
[3] have not been asked to give up that right. And
[4] inasmuch as we have a verbatim transcript of
[5] this, if any of you would simply like to adopt
[6] that as your motion, I think you can do that.

[7] CHAIRMAN ROSE: Gentlemen, you heard the
[8] motion.

[9] MR. LASSITER: I second.

[10] MR. McCLURE: No. I don't get to make a
[11] motion, as much as I might like to.

[12] CHAIRMAN ROSE: Who'll make the motion?

[13] MR. WATTS: I'll make the motion that we go
[14] with Mr. McClure, our legal gentleman, as a
[15] supplement --

[16] MR. McCLURE: Yeah, that thing I said.

[17] MR. WATTS: I'll make that motion that we --

[18] CHAIRMAN ROSE: You may -- you so-move.

[19] MR. LASSITER: And I will second.

[20] CHAIRMAN ROSE: All right. Any further
[21] discussion? Joe?

[22] (No discussion.)

[23] CHAIRMAN ROSE: All in favor? Aye.

[24] MR. CIRIELLO: Aye.

[25] MR. LASSITER: Aye.

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[1] MR. WATTS: Aye.

[2] CHAIRMAN ROSE: Opposed?

[3] (No opposition.)

[4] CHAIRMAN ROSE: Gentlemen, the motion has
[5] passed.

[6] MR. McCLURE: If there's more of the
[7] meeting, Ms. Bloodworth will cover it.

[8] CHAIRMAN ROSE: Now, Ms. Bosanko, would you
[9] please take a leave of absence?

[10] MR. McLEOD: Well, let me -- let me announce
[11] that. She, by me, will announce now that she is
[12] taking a leave of absence pursuant to the
[13] agreement. And I thank you, gentlemen, for
[14] listening to us today.

[15] CHAIRMAN ROSE: All right.

[16] MR. WATTS: Thank you.

[17] CHAIRMAN ROSE: All right. Let's -- back to
[18] our agenda.

[19] MR. FORRESTER: Bill, I'd like to comment.

[20] CHAIRMAN ROSE: All right. Go ahead.

[21] MR. FORRESTER: This same issue came up
[22] about 10 or 15 years ago on the board, and in all
[23] honesty, I thought our legislative delegation had
[24] erased that, because there's -- there's no reason
[25] why a state or federal employee should be

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[1] withheld from any board that is nonpartisan.
[2] Years ago when we couldn't find people to run for
[3] this board, we'd talk it up around town to try to
[4] get somebody to run. And it's too bad it has
[5] surfaced like this with Ms. Bosanko.

[6] But, anyways, I -- in all honestly, I
[7] thought it had been taken care of years ago, and
[8] I know you all will take care of it now and
[9] prevent this from happening in the future,
[10] because it's sad. If she's won the election, she
[11] belongs on this board.

[12] CHAIRMAN ROSE: Well, I think we recognize
[13] that, and we're in the process of reviewing our
[14] charter right now. So --

[15] MR. FORRESTER: Anyway. I thought Gus Craig
[16] took care of this, I really did.

[17] 6.A. - CHAIRMAN ROSE

[18] CHAIRMAN ROSE: Okay. All right. We're
[19] down to final comments. About the only comment I
[20] have, I just -- Joe, at the last meeting, you --
[21] I've forgotten how it came up, but you asked
[22] about how we get items processed to -- for
[23] workshop sessions and so on.

[24] I've gotten with our -- with Ed Wuellner,
[25] and we're going to prepare a draft of kind of

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[1] operating procedures as to how these things take
 [2] place, how you get something on the agenda, or
 [3] how you -- you know, the actions that we take.
 [4] And we'll put it with the package next -- next
 [5] month, and we'll have a chance to review it and
 [6] vote on it next month so that we all agree on the
 [7] process.

[8] MR. CIRIELLO: Well, Mr. Chairman, when I
 [9] get my turn -- excuse me, Dennis -- I was going
 [10] to ask for some meetings for a special reason.
 [11] So, I'm not going to want to wait for that. But
 [12] when I get to my point...

[13] CHAIRMAN ROSE: All right. Dennis?

[14] MR. WATTS: No, no, no, no. I'll -- are you
 [15] asking for comments now?

[16] CHAIRMAN ROSE: No. I --

[17] MR. WATTS: No, I was just leaning forward.

[18] CHAIRMAN ROSE: It will be in your package
 [19] and we'll -- we can do it next week (sic) --

[20] MR. WATTS: That's fine. Sounds good.

[21] CHAIRMAN ROSE: -- next month, I mean.

[22] MR. WATTS: Yeah. Okay.

[23] CHAIRMAN ROSE: Okay. Dennis, have you got
 [24] any comments?

[25] 6.B. - MR. WATTS

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[1] the gavel.

[2] And the second thing is I just -- after
 [3] reading the paper yesterday about the Super Bowl
 [4] going to Tampa and how people in Jacksonville are
 [5] going down there to see how they arrange things,
 [6] and there was a little paragraph about the
 [7] concern of the aviation impact on Tampa. And I'm
 [8] just -- my question is, has this -- not the
 [9] airport, but the aviation community in St. Johns
 [10] County, has it given any thought in being
 [11] prepared or a part of the coming Super Bowl in
 [12] 2005 with Jacksonville?

[13] In other words, this would be a chance for
 [14] us to maybe be a reliever -- of course, we are a
 [15] reliever airport -- reliever of Jacksonville,
 [16] maybe get some tourists, people to come down here
 [17] and come in our airport and stay at our hotels
 [18] and use our facilities for the Super Bowl? And
 [19] it's not too early to start thinking in that
 [20] light. And I just don't know. Mr. Wuellner
 [21] could probably tell me if anybody's thought about
 [22] this at all. But if not, it's something to think
 [23] about.

[24] But the third thing, I was going to ask if
 [25] we could set up either some workshops, a

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[1] MR. WATTS: I would just like to say good
 [2] meeting for your first -- first full meeting
 [3] here, Mr. Chairman.

[4] CHAIRMAN ROSE: Yeah, thanks. Thank you.

[5] MR. WATTS: Did a -- did an excellent job.

[6] CHAIRMAN ROSE: It's a pleasure working with
 [7] you.

[8] MR. WATTS: Thank you.

[9] CHAIRMAN ROSE: Joe?

[10] 6.C. - MR. CIRIELLO

[11] MR. CIRIELLO: Yes. I have three things.
 [12] The first two things that I have are just food
 [13] for thought for future meetings, and then the
 [14] third one is a hairy one.

[15] First of all, I have attended many meetings
 [16] at organizations, chamber -- county commissions
 [17] and stuff, and these organizations always have a
 [18] flag in their auditorium, and they always start
 [19] off with the Pledge of Allegiance.

[20] And I've known for the six years or so I've
 [21] been coming here that this organization doesn't
 [22] have such, and I was just wondering if some day
 [23] we could discuss putting a flag here in the
 [24] auditorium and starting our meetings off with a
 [25] Pledge of Allegiance, rather than just a bang of

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[1] workshop, or more -- or regular meetings of the
 [2] past, present, and future of this airport.

[3] I have some definite opinions about where
 [4] this airport's going, and I know -- or I'm pretty
 [5] sure that nobody's going to like what it is. But
 [6] in light with these meetings, I would say we'd
 [7] need some old people -- Mr. Forrester's not old,
 [8] but --

[9] MR. FORRESTER: Yes, I am.

[10] MR. CIRIELLO: -- I had in mind Mr. Craig
 [11] and Mr. Bugeski and anybody that's around that's
 [12] still alive that was on this board many, many
 [13] years ago, when they started thinking of the
 [14] future of -- develop it and where they was going
 [15] and growth and buying of land and everything like
 [16] that. I need some of this history in a meeting,
 [17] in open meetings, to discuss -- to go along with
 [18] the comments that I'm going -- going to have.
 [19] And some people might think it's negative. I
 [20] don't. I just think it makes common sense.

[21] So, I'd like to see if we could set up some
 [22] meetings like that to get this thing going. And,
 [23] of course, what you said, Mr. Wuellner's going to
 [24] come up with something, but I didn't know that.
 [25] But I would like to set up a meeting or meetings

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[1] tonight, if possible, instead of waiting for a
[2] whole month and then discuss it and then think
[3] about it and then -- it might go two months
[4] before we get started on this. This airport idea
[5] of past, present, and future is weighing pretty
[6] heavy on me, and I want to get it off my chest.

[7] So, what I'm asking is can we set up some
[8] kind of a workshop or some meetings with the
[9] hopes of getting some of these older aviation
[10] people, board members, or whatever that has
[11] knowledge of the beginnings of this airport to
[12] try to get a history of it down to either shoot
[13] me down or go along with what I have in mind?

[14] CHAIRMAN ROSE: Well, just in brief
[15] response, Joe, I think -- I think you have a good
[16] idea. I mean, I think that your concept is good.
[17] I would hesitate to try to set a meeting until we
[18] can contact some of these people and see what
[19] their schedule is and maybe flesh this out a
[20] little more.

[21] MR. CIRIELLO: Well, let me ask you a
[22] question.

[23] CHAIRMAN ROSE: And maybe what we ought to
[24] do is ask -- ask Ed to work with one or two of us
[25] and see what we can work out --

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[1] MR. CIRIELLO: Okay. Let me ask you --

[2] CHAIRMAN ROSE: -- and then come up with a
[3] date and propose it to the board, if that's what
[4] we want to do.

[5] MR. CIRIELLO: Yeah, what you say makes
[6] sense. But what I'm asking now is if you do what
[7] you say, you get with Ed and a couple of people,
[8] and you decide that you can get some of these
[9] old-timers to come to this meeting to more or
[10] less give us a history of this airport, we don't
[11] have to wait till the next meeting. Could you
[12] guys then go ahead and we'll set a meeting for a
[13] particular date, because these people were on
[14] board, and then notify the rest of the board
[15] members that we can have this meeting?

[16] CHAIRMAN ROSE: What -- what I'd like to
[17] suggest -- Ed, unless you have another comment,
[18] why don't -- why don't you and I get together,
[19] see what we can work out, and then -- but don't
[20] wait till the next board meeting to contact you
[21] and let you know.

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

[23] CHAIRMAN ROSE: We'll -- we'll look into it.

[24] Any comment from -- anybody else have a
[25] comment on Joe's --

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[1] MR. LASSITER: No, I -- I think it's an
[2] excellent idea. Many of the people I've talked
[3] to over the years, Kenneth being one, and Gus, I
[4] think they'd bring a wealth of past knowledge.

[5] CHAIRMAN ROSE: Yeah.

[6] MR. LASSITER: And just as Ken pointed out,
[7] concerning this one -- one problem that we
[8] discussed.

[9] CHAIRMAN ROSE: I think it would need --
[10] need to be a work -- workshop-type of session
[11] where there's no action taken. It's just an
[12] information --

[13] MR. LASSITER: Absolutely.

[14] CHAIRMAN ROSE: Ed, were you going to say
[15] something?

[16] MR. WUELLNER: Just a couple of things, not
[17] particularly on that topic, other than just to
[18] define it a little better so we know what we're
[19] asking those members to -- or the former members
[20] to do or participate in, I think would be the
[21] only helpful thing there. And maybe we can --
[22] that'd be part of what we'd -- we talk about.
[23] And I can get with Mr. Ciriello and get his
[24] thoughts on exactly what he might like them to
[25] address. I'm sure they'd like some guidance

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[1] before they're just invited here and ad-lib
[2] something.

[3] The other item would be, is there action,
[4] specific action you want us to do with regard to
[5] the first item Mr. Ciriello had, which is related
[6] to the flag and pledge? I mean --

[7] CHAIRMAN ROSE: I don't see that that
[8] requires any board action. I think we can put a
[9] flag up.

[10] MR. WUELLNER: I mean, we can take care of
[11] that.

[12] CHAIRMAN ROSE: I think it's a good idea.

[13] MR. WUELLNER: Okay.

[14] CHAIRMAN ROSE: And just pursue that.

[15] MR. WUELLNER: Okay. With reference to the
[16] Super Bowl question, you probably recall that we
[17] entered a letter of support as a part of the
[18] package that went to the Super Bowl commission.
[19] So, we are going to be intimately involved with
[20] the planning and preparation, as well as the
[21] aviation element for the Super Bowl.

[22] And just by way of history, I can tell you
[23] that in my previous employment on the other side,
[24] I was involved with at least one Super Bowl
[25] effort in the Tampa Bay area with all of the

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[1] planning and all that goes into dealing with
 [2] this, and it's -- it's a quite extensive
 [3] coordination effort that they'll have meetings, I
 [4] can almost guarantee you, specific to the arrival
 [5] and departure of people by air into the general
 [6] Northeast Florida area. You'll have literally
 [7] every airport in Northeast Florida involved in
 [8] that planning effort.

[9] So, yeah, it's certainly not something
 [10] that's going to be taken lightly. It's just
 [11] about -- tell you about 18 months in advance of
 [12] when that would normally happen.

[13] CHAIRMAN ROSE: Mr. Lassiter?

[14] 6.D. - MR. LASSITER

[15] MR. LASSITER: Well -- and on the same note
 [16] there, on your item number two, I also sit on the
 [17] Visitor's Convention Bureau, and that's already
 [18] been talked with. And so, it's in the mix, I can
 [19] tell you.

[20] MR. CIRIELLO: That's good.

[21] MR. LASSITER: Maybe we'll also get our
 [22] tower by then.

[23] MR. WUELLNER: Yeah, they're relying on the
 [24] fact that we will be available to them.

[25] MR. LASSITER: No, I just want to make one

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[1] other comment. I welcome Joe again to the board
 [2] and I hope that our discussions are not taken as
 [3] an adversarial discussion. I think it's always a
 [4] good mix, and that's the way it is. And I always
 [5] like for the public to give them a view of where
 [6] I'm coming from. So, I hope we have some good
 [7] lively discussions up here.

[8] CHAIRMAN ROSE: Okay. Did you want to say
 [9] something?

[10] MR. WATTS: Yes, sir. I agree with Joe. I
 [11] think those are great comments. And I think
 [12] number two there was -- especially number one. I
 [13] guess we're all good red-white-and-blue-blooded
 [14] Americans there.

[15] And number two, the Super Bowl, I think
 [16] that's just another reason why we do need a
 [17] tower, because I think this is just the beginning
 [18] for this northern part of the state. Because I'm
 [19] sure, as Charlie knows, with being involved in
 [20] the tourist industry, you know, there's going to
 [21] be -- and the way this area's growing, that
 [22] you're going to be seeing a lot more things
 [23] happening in this part of the state. And I just
 [24] wanted to put on the record that I -- I feel
 [25] strongly -- or more strongly about having the

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[1] control tower for -- for reasons such as this.

[2] MR. CIRIELLO: Good point.

[3] CHAIRMAN ROSE: Finished? Is there any
 [4] public comment? Yes, sir.

[5] 7. - PUBLIC COMMENT

[6] MR. VAN BREDERODE: Thank you, Mr. Chairman.
 [7] My name is Rick Van Brederode. I live at 320-F
 [8] Village Drive in the Villages of Vilano. And I
 [9] spoke at the board meeting in November about an
 [10] airplane that's coming in and landing at the
 [11] airport at -- early in the morning, typically
 [12] around 4 o'clock.

[13] And since then -- I just wanted to give the
 [14] board an update. Since that time, the flights
 [15] have continued. I have played voice mail tag and
 [16] e-mail tag with Flight Express, which is the
 [17] company in Orlando, Florida that operates this
 [18] airplane, which I believe is a Cessna 210. And
 [19] they are apparently in the check pickup/delivery
 [20] business. And although we've had conversations
 [21] over e-mail and voice mail, the flights continue.

[22] After the board meeting of November where I
 [23] spoke, Thanksgiving morning, they flew in and
 [24] woke us up. And as recently as this past
 [25] Saturday, there was a jet, not a Flight Express

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[1] airplane, but there was a jet at 1:50 in the
 [2] morning on this past Saturday, and our friends
 [3] from Flight Express flew in at 3:22 a.m. And
 [4] they make a lot of noise and they wake us up.
 [5] And I have asked neighbors -- we have a
 [6] little village newsletter over there. And I've
 [7] asked neighbors to call me if they had similar
 [8] problems. And a number of them have. I've got
 [9] their names.

[10] I also wrote a letter to the editor
 [11] recently, and I've gotten response to that from
 [12] other people saying that they're also being
 [13] disturbed by these early morning flights.

[14] I got some data on the Cessna 210, which
 [15] shows it to be a noisy little jewel. And I've
 [16] also looked in the Internet for some other
 [17] airports around to see what they have done in the
 [18] way of noise abatement. And I'm going to provide
 [19] this information to the secretary for whatever
 [20] y'all want to do with it.

[21] Craig Airport, our most -- I guess our
 [22] closest neighbor, has a web page, and it says one
 [23] of their -- "One of Craig's main functions is to
 [24] be a good neighbor to the surrounding community.
 [25] JAXPORT officials have been meeting with

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[1] community members for the past year, and the
 [2] following joint initiatives have been
 [3] implemented." They've created a Craig Airport
 [4] Citizen Advisory Commission. They've continued
 [5] to meet with neighbor groups and associations.
 [6] They've commissioned a comprehensive noise
 [7] abatement study. They've implemented a Noise
 [8] Abatement Program and on and on and on.

[9] In addition, in the Times-Union of January
 [10] 18th, you'll notice that the Port Authority
 [11] canceled their plans to extend the airport runway
 [12] at Craig because their -- of community reaction.

[13] Clearwater Airport prohibits night landings,
 [14] which I think is a little extreme. What I'm
 [15] thinking is maybe you ought to prohibit night
 [16] takeoffs, because then these people aren't going
 [17] to come in at 3:22 a.m. if they have to sit until
 [18] 6:00 or 7:00 in the morning before they can take
 [19] back off again.

[20] I don't think from a safety standpoint you
 [21] ought to prohibit landings, ever. Some airports,
 [22] like Orlando Executive Airport, have voluntary
 [23] measures restricting departures between, for
 [24] example, 10 p.m. and 7 a.m. for planes that emit
 [25] over 88 EPNdB of noise. Sarasota-Bradenton,

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[1] MR. VAN BREDERODE: Sure.

[2] CHAIRMAN ROSE: -- our secretary?

[3] MR. VAN BREDERODE: Yeah. This is the noise
 [4] profile data for the Cessna 210. And this is
 [5] information from the various airports. It's all
 [6] on the Internet, but these are copies.

[7] CHAIRMAN ROSE: Thank you.

[8] MR. VAN BREDERODE: Thank you.

[9] MR. CIRIELLO: Mr. Chairman, as a result of
 [10] the letter to the editor of Mr. Broderode (sic),
 [11] I called Orlando and talked to a Mr. Curtis, I
 [12] believe it is, and I asked him a gang of
 [13] questions, trying to find out what -- not
 [14] responsibility, but what leeway we as an airport
 [15] would have to try to help on this problem. And
 [16] he asked -- asked me a series of questions. And
 [17] ones he asked is do we have noise abatement
 [18] procedures. Mr. -- good grief.

[19] MR. COOPER: Cooper.

[20] MR. CIRIELLO: -- Cooper was showing me that
 [21] you do have noise abatements, and I'd like to
 [22] have a copy of that. He asked me if we had any
 [23] statutes, regulations or recommended procedures
 [24] at this airport. And I don't know that.
 [25] Certainly where Mr. Broderode (sic) lives

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[1] similar. Palm Beach International, similar.

[2] Van Nuys, California, they have -- let's
 [3] see. "The curfew applies to all fixed wing
 [4] aircraft during the hours of 2200-0700...which
 [5] produce 74 dbA or greater on take-off per" some
 [6] code.

[7] And if you'll look at this about the 210,
 [8] you'll see that it generates a whole lot more
 [9] than that. So, what I'm asking today -- I just
 [10] wanted to update you on the fact that it's not
 [11] just me, and I'm not looking to restrict your
 [12] tower or do anything with Kathleen (sic) Harris
 [13] or anything like that; I just want to be able to
 [14] sleep until 5:15 in the morning when we wake up
 [15] by the alarm.

[16] And my request would be that you consider
 [17] some sort of action that would at least look at
 [18] generating noise abatement restrictions for this
 [19] airport. You're talking about growth. I
 [20] personally think that growth is a good thing, but
 [21] I don't think that growth is a good thing at 4
 [22] o'clock in the morning. That's my request, and I
 [23] appreciate your time.

[24] CHAIRMAN ROSE: Were you going to leave some
 [25] material with --

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[1] over in Vilano, an airplane coming in to land at
 [2] this airport certainly doesn't have to be flying
 [3] over somebody's house that far away from the
 [4] airport to be making a landing at nowhere near
 [5] being in a landing pattern.

[6] And he can come down the Intracoastal if he
 [7] wanted to or he could just make a -- if he's
 [8] coming from Jacksonville, say, for instance, or
 [9] Craig, he could make a straight-in approach on
 [10] the long runway and come in without flying over
 [11] their houses. And a Cessna 210 coming in with a
 [12] high pitch is a noisy airplane.

[13] But I just think that it's bad piloting and
 [14] bad neighboring for this particular airplane
 [15] that's doing this. But anyhow, these questions
 [16] he asked. Then he asked if we had official
 [17] closure hours, which I don't like, because the
 [18] airport's here to service the aviation community.

[19] But then he asked me if we was an obligated
 [20] airport. And I said, "What's an obligated
 [21] airport?" And in a roundabout way, he explained
 [22] to me that since airports -- and we're one of
 [23] them that accepts federal funds -- we're
 [24] considered an obligated airport. And if we as a
 [25] board, which I guess we have the right to lay

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[1] certain rules and regulations and things down,
[2] that if we did anything that would jeopardize our
[3] getting these funds, we would be hurting
[4] ourselves.

[5] So, in other words, there are certain rules
[6] and regulations that you better not do, even
[7] though you can. So, we need to find -- he gave
[8] me a phone number and told me to talk -- well,
[9] not me -- I was thinking we should turn it over
[10] to the Director -- a phone number to talk to a
[11] specialist for the St. Augustine Airport. He
[12] said every group of airports have a specialist
[13] who's concerned with that -- your particular
[14] airport, to find out about the where -- where and
[15] whys of the obligated airport to see where we can
[16] go and where we can't.

[17] And then lastly, he asked me if we had a CFR
[18] Code of Federal Regulations. Of course, I
[19] couldn't answer that. He said Title 14, Parts 1
[20] through 59, Parts 60 through 139. And he said
[21] you can call the Jacksonville printing office,
[22] and they should have it.

[23] Well, again, I don't see where I'm going to
[24] go and do that on my own. If this is something
[25] we don't have, we should direct the Director to

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[1] get them. But then when we get all of these
[2] questions answered, we need to sit down in a
[3] board and talk it over and see what
[4] recommendations we have or can do and can't do.

[5] There may be nothing we need to do but tell
[6] these people that their pilots should support
[7] standard airport traffic patterns instead of
[8] buzzing over houses and waking people up. And if
[9] he does that, he wouldn't be doing it. That
[10] might be all that's needed. I don't know. Or we
[11] may have to make some kind of a traffic pattern
[12] notice, and then you'd have to get give it to the
[13] FBO and the flight school and all the transient
[14] pilots that come in.

[15] I know they did that up north where I was
[16] at. They built a high school right next to the
[17] airport, and then they changed the traffic
[18] pattern. Instead of your regular downwind being
[19] over where -- the golf course, we had to go on
[20] the other side and get away from the high school
[21] just because the high school was there. But --
[22] so, you can make a traffic pattern adjustments,
[23] and then you have to notify everybody about it.

[24] But I think we need to study this situation
[25] with these suggestions that Mr. Curtis from the

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[1] Orlando office gave me, and then we need to get
[2] together and come up with a solution. That's all
[3] I have.

[4] CHAIRMAN ROSE: All right. Thank you, Joe.
[5] Is that information available to Ed?

[6] MR. WUELLNER: Yeah. Yeah. We -- we
[7] discussed it last week. If I could --

[8] CHAIRMAN ROSE: All right.

[9] MR. WUELLNER: Just so you know where we
[10] were going with it. Mr. Ciriello was kind enough
[11] to share the eventuality of this discussion at
[12] the meeting with us the other day. As such, we
[13] have been able to uncover some flight
[14] restrictions that -- I should say they're
[15] voluntary flight restrictions that were adopted
[16] by this board many years ago. And as they are
[17] voluntary in nature, obviously they -- a tough
[18] time enforcing them.

[19] Just -- just so you know, the 14 CFR he
[20] refers to are just -- are the FARs, the Federal
[21] Aviation Regulations. And indeed, a copy's here
[22] anytime you need to see them, Mr. Ciriello. I
[23] mean, we do keep current version of that at all
[24] times.

[25] The specialist they're referring to at

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[1] airport's district office is Mr. Richard Owens,
[2] who is our specialist down there who largely
[3] controls the funding related to federal grants
[4] for this airport. And he had in the past been
[5] contacted regarding this matter, and I think he
[6] responded to -- to them.

[7] We fully agree from a staff perspective that
[8] there is indeed a problem there. It's -- they're
[9] not making something up. There's indeed
[10] something going on. Mr. Cooper has spoken with
[11] the operating officer, if you will, for the
[12] company that seems to be generating the
[13] complaints. They have agreed to come up here and
[14] sit down with us -- this week?

[15] MR. COOPER: Next week.

[16] MR. WUELLNER: Next week, and -- and go over
[17] the details of this. They have been keenly aware
[18] of the problem, and -- by us as well as the
[19] gentleman. And we are -- you know, I would let
[20] him know right now that we would like to invite
[21] you to attend that meeting --

[22] MR. VAN BREDERODE: I would like to come.

[23] MR. WUELLNER: -- so that you -- so that you
[24] are aware of, you know, what -- what our efforts
[25] are. We cannot at this point, in the absence of

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[1] some adopted rules to the contrary -- we'd like
[2] to resolve it this way and hopefully get
[3] voluntary compliance.

[4] They are assuring us that their -- it is
[5] their intention to voluntarily comply with
[6] everything we want to do and get that noise
[7] eliminated. They fully believe they have a
[8] "rogue pilot," so to speak, who is doing what he
[9] feels like, versus what they've been asked to do
[10] in and out of our facility.

[11] The jet noise, I can explain to you, is a
[12] tenant of ours. And one of the primary purposes
[13] for that aircraft is the movement of surgical
[14] teams and organs on a moment's-notice basis all
[15] over the country in support of transplant
[16] operations. And they largely don't control their
[17] own times of departures.

[18] We can ask them, and I'm sure they would
[19] cooperate, to comply with the voluntary noise
[20] procedures. And I think to the greatest extent,
[21] they generally do, but there are times when
[22] weather conditions just simply don't -- don't
[23] allow that to occur. And I'm sure that they
[24] would like to remain good neighbors in general
[25] with -- with the whole community.

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[1] And to that, that's kind of where we are
[2] with it. If you have specific -- excuse me,
[3] specific questions about the procedures or
[4] whatever, but there's nothing formally adopted.
[5] We'd like to avoid that.

[6] CHAIRMAN ROSE: Ed, I -- I think you need to
[7] pursue what you're doing and then come back and
[8] report to the board and let us know --

[9] MR. WUELLNER: We have to do that.

[10] CHAIRMAN ROSE: -- what developed or what --
[11] if we need to take further action.

[12] Any other discussion?

[13] (No further discussion.)

[14] CHAIRMAN ROSE: Gentlemen, the meeting is
[15] adjourned. Next meeting, what, January -- I
[16] mean, February 22nd (sic), right. That takes
[17] care of that.

[18] MR. WUELLNER: We've got the 26th on that.

[19] MR. LASSITER: The 26th.

[20] CHAIRMAN ROSE: 26th, excuse me. I
[21] thought -- yeah, Monday the 26th. Monday the
[22] 26th. Thank you.

[23] (Thereupon, the meeting adjourned at 5:32 p.m.)

[24]
[25]

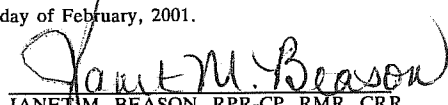
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[1] REPORTER'S CERTIFICATE

[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 9th day of February, 2001.

[12] 
[13] JANET M. BEASON, RPR-CP, RMR, CRR
[14] Notary Public - State of Florida
[15] My Commission No.: CC 705710
[16] Expires April 30, 2002

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Airport Authority - January 22, 2001

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