

LEBANON MUNICIPAL AIRPORT COMMISSION

MINUTES OF REGULAR MEETING

Thursday, June 1, 2023 – Lebanon Municipal Airport, 200 Aviation Way

Commissioners Present

Jeff Baines Greg Hemontolor
T.O. Cragwall Mike Russell
John Gentry William Westmoreland

Others Present

R.T. Baldwin Darren Duckworth Gary Soloway
Heather Bay Angela Fantom
Stephen Chambers Anthony Oliva

1) CALL TO ORDER – Chairman William Westmoreland called the meeting to order at 4:00 p.m.

2) APPROVAL OF MINUTES – 5/4/23 Regular Meeting – The minutes will be presented for approval next month.

3) COMMUNICATIONS FROM CITIZENS – Mr. Gary Soloway addressed the commission as follows:

- Mr. Soloway would like to have a party inside his t-hangar upon completion of his aircraft project. The event would have 25-30 guests and would spill outside of the t-hangar. Would this party require a special event permit as recently approved by City Council? If so, would Mr. Soloway’s current insurance certificate for his plane (with \$1 million coverage and the City and Direct Flight Solutions named as additional insured) meet insurance requirements?

Assistant City Attorney Stephen Chambers believes the Special Event Permit Policy is intended for events mainly outside the hangar.

Commissioner of Public Services Jeff Baines believes naming the City as additional insured includes elected and appointed officials and employees as required in the Special Event Permit Policy.

Mr. Chambers read the following excerpt from the policy to the commission: *An "Airport Special Event" includes, but is not limited to, air shows, air races, fly-ins skydiving or other events requiring the general use of the airport, other than normal or routine airport traffic. This private, public, or non-profit activity, requiring the use of, or access to, Airport property which surpasses that which is common or usual for the Airport and which requires special arrangements, considerations and/ or planning by City employees.*

Chairman Westmoreland advised Mr. Soloway that it sounds like his t-hangar party does not require a permit. Mr. Chambers added that a larger event would probably require a permit.

- There is an EAA chapter meeting scheduled for Thursday, 6/8. Do regular EAA meetings require a special event permit and insurance?

Chairman Westmoreland feels like the EAA should be grandfathered in.

Mr. Chambers recalled that the permit policy discussion started due to events taking up parking spaces all over the airfield. He is not sure if it was the commission’s intent for the policy to apply to regular EAA meetings.

Vice Chairman T.O. Cragwall questioned if a special event permit and insurance are needed for the upcoming Lebanon Flying Club (LFC) meeting to be held in t-hangar E-4.

FBO/Direct Flight Solutions’ Heather Bay noted that the Special Event Permit Application has a space for repeat/reoccurring events such as EAA meetings.

It was Commissioner Mike Russell’s understanding that the permit policy discussion started in response to events held by organizations coming to the airport [for example, the Commemorative Air Force (CAF) Hangar Dance], not organizations based at the airport. He agreed that the EAA and LFC have been based at the airport for many years and their events

should be grandfathered in. Comm. Russell advised Ms. Bay that he understands the need for airport safety.

Ms. Bay pointed out the growth in clubs and organizations on the field that are meeting weekly. The special event permit policy is a great tool to keep the FBO and the City informed and for all clubs and organizations to know their boundaries.

Ms. Bay reported that the Sattler Foundation (Corporate Row Lot 2) is submitting a permit application for all events to be held in that hangar; this application can be a model for other groups.

Comm. Baines advised that it was not his intent to require insurance from the EAA and LFC, as they do not meet the special event criteria in the policy.

Comm. Russell noted that these organizations have a well-established history at the airport and have done everything possible to enhance their relationships with the airport.

- Are EAA meeting attendees allowed to park on the ramp Thursday night, as they have almost always done? As discussed during previous commission meetings, newly installed/reinstalled signage references the Airport Minimum Standards and Rules and Regulations (AMSRR), which states the following: *Except in designated areas, automobile parking on the ramp areas in the vicinity of T-hangars is prohibited. Automobiles must be parked inside T-hangars or in front of the terminal building. Automobiles parked on the ramp will be towed away at the owner's expense.*

Commissioner John Gentry stated the need to park only in designated parking areas.

Vice Chairman Cragwall reported that last month, LFC members took the opportunity to demonstrate that the area north of the future Row F hangars can be used for parking, as it is completely off the taxiway and on grass sufficiently (10-15 feet) to not pose problems for taxiing aircraft.

Comm. Russell noted that the bulk of the EAA meeting attendees park on the concrete on Corporate Row, not on the ramp. He acknowledged the State's directive that there should be no parking on the ramp for safety reasons. Any additional parking needed for EAA meetings would be outside the fence/in the old FBO parking lot.

Mr. Soloway questioned why a camper is allowed to park on the ramp; it has been parked there for years. Ms. Bay advised that the camper is parked within the hangar's leased area, and she will provide Mr. Soloway a copy of the lease.

After a brief discussion, a motion was made and seconded to allow the LFC and the EAA to park in the areas described by Vice Chairman Cragwall and Comm. Russell. Motion carried.

Special Projects Administrator R.T. Baldwin will create a map for event parking for commission review and approval next month.

- Is the \$250 hangar waiting list application fee (approved by Council on first reading on 5/16) retroactive? Mr. Soloway believes it needs to be, as a lot of the 135 names on the list are bogus and the list needs to be cleaned up.

Ms. Bay commented that John C. Tune Airport recently cleaned up its waiting list.

Mr. Chambers advised that the currently proposed T-Hangar Wait List Procedure – General Guidelines does not contain language that makes the \$250 hangar waiting list application fee retroactive.

After a brief discussion, a motion was made and seconded to add the following language to the T-Hangar Wait List Procedure – General Guidelines prior to second/final reading by Council on 6/6: *The Wait List in use before August 1, 2023 shall be discarded and a new Wait List shall be drafted. Those on the pre-August 1, 2023 Wait List shall be contacted and given the opportunity to maintain their name and priority on the list if they meet the requirements of this policy by September 1, 2023. If they do not, they shall be removed from the list and required to reapply for placement on the list.* Motion carried.

- Mr. Soloway advised of three, possibly five, subleases on the airfield that the commission has not approved. Last week, one t-hangar lessee made a Facebook post advertising his t-hangar for rent for \$1,500 in cash and a monthly fee; the lessee stated he would pay the City, and the sublease could last for a year, probably longer.

Mr. Soloway stated the need for better transparency – he would like for the commission to approve new t-hangar assignments after the fact. Chairman Westmoreland and Comm. Baines believe that the newly required quarterly hangar report from the FBO, which is public information, addresses Mr. Soloway’s concern.

There was a brief discussion about the t-hangar lessee’s advertisement on Facebook. It was noted that while the lessee’s intent to violate the sublease rules within his t-hangar lease agreement is clear, it is unknown if he has violated such rules at this time. Ms. Bay commented that the lessee has three planes, and one is being refurbished.

Chairman Westmoreland stated the need to conduct hangar inspections again. Comm. Gentry and Commissioner Greg Hemontolor volunteered to assist with inspections.

Mr. Chambers emphasized that outside commission meetings, the commission has no authority to act on a day-to-day basis. He advised that City employees and the FBO should conduct inspections. Mr. Chambers put together an inspection sheet and process that should be followed. It seems to him that the FBO’s required quarterly hangar report covers inspections; but if there is a concern or complaint about a hangar, the FBO or the City should be notified, and a process should be followed – the inspection should be well-documented in the event the City evicts the lessee and has to take the lessee to court. If Ms. Bay wants commission members to assist her with an inspection, they should not state they are acting on the authority of the Airport Commission.

4) COMMUNICATION FROM CHAIRMAN

A. Airport Managerial Oversight Committee Report – AMOC Chairman John Gentry reported that nothing significant was discussed during the 5/22 committee meeting.

B. Balloon Committee Report – Last month, the commission voted for Chairman Westmoreland to appoint a subcommittee to get into the depths of Everest Balloon’s (EB’s) request and to take no action until today’s meeting.

Comm. Gentry reported that the subcommittee met with EB and asked many questions. The FAA’s Memphis FSDO is giving approval of the operations based on what the City says. Comm. Gentry has spoken to an air traffic controller who has experience with hot air balloons at an airport he has controlled; the controller has advised that balloons aren’t really a significant problem as long as they operate during a particular time. EB has stated they will be generally taking off an hour to 30 minutes before sunrise, out of the traffic pattern in about three minutes, and landing elsewhere. Comm. Gentry stated the need for a NOTAM which can be issued by Flight Services or the FBO. EB was advised of insurance requirements (as stated in the AMSRR) in case they damage the field where they set up and take off. EB was supposed to demonstrate the balloon setup today, but Mr. Churchman’s truck broke down and he was unable to make it to Lebanon.

Comm. Russell expressed his concerns about the potential physiological impacts on high-altitude balloon flight passengers and the need for insurance naming the City as additional insured.

Comm. Gentry isn’t sure if the City would be liable for anything that happens once the balloon takes off, as the City does not own the airspace. Passengers will have oxygen. EB wants to perform a couple of practice flights without passengers.

Comm. Russell stated the need for EB to come up with dead weight for the practice flights.

Chairman Westmoreland stated the need to update the 2015 AMSRR which defines Commercial Aeronautical Operations as *operations “for profit”, either wholesale or retail.*

Ms. Bay noted that the AMSRR state that *the City and the Airport Commission may charge a Commercial Operator for permission to conduct an aeronautical activity based on an activity fee or charge, or based on a combination of such fee or charge and a rental fee for leased space, facilities, and/or equipment.*

Chairman Westmoreland commented that he is not against EB’s request but it is a request that has not been made before. He believes Mr. Soloway, a subcommittee member, brought up some good questions during the subcommittee meeting.

Mr. Soloway posed the following questions to attendees:

- What happens if a group of passengers is running late for a flight? When does the flight get aborted? He noted that sunrise in May is 5:30 a.m., but in October it is 7 a.m. Launching 30 minutes after sunrise in October, for example, could pose an operational hazard, as flight activities don’t start in relation to sunrise.
- What if passengers show up at 5 a.m. and need to use the restroom? The AMSRR state that *the commercial operator will be required to provide space and facilities for the flying public, including, but not limited to; pilot and passenger waiting and lounge facilities, public restrooms, pilot flight planning areas and access to weather and flight service.*

Comm. Gentry commented that before granting approval of EB’s request, the City can make rules to address Mr. Soloway’s concerns.

Mr. Soloway replied that during the subcommittee meeting, rules were not mentioned. Instead, the attitude of “let’s see how it goes” prevailed.

Comm. Gentry noted that rules can be established after EB performs a successful trial launch.

Chairman Westmoreland stated the need to compile ideas and write a policy that includes do’s and don’ts, fees, insurance requirements, etc.

Ms. Bay reminded the commission that EB’s Letter of Procedure granted by the FAA expires 10/30.

Mr. Baldwin suggested delaying a decision on EB’s request until next season to ensure that all details can be addressed appropriately.

After a brief discussion, a work session was scheduled for 3 p.m. Wednesday, 6/7, to discuss the AMSRR.

Mr. Soloway commented that the AMSRR needs to be updated to address hot air balloons, skydiving, and other operations, to make such operations beneficial for all.

There was some discussion as to whether EB should be allowed a practice run in the near future. Ms. Bay stated the need for EB to provide the basic information required within the AMSRR (which has been provided to EB) before a practice run takes place. It has been requested that EB provide their business model, organization structure, operations manual, safety plan, equipment list, and timelines for operations.

C. Chairman Comments

- 1. Balloon Committee – Next Steps –** No further discussion.

5) UPCOMING EVENTS

- Great TN Air Show in Smyrna – Saturday and Sunday, 6/10 and 6/11. There will be temporary flight restrictions (TFRs). The Blue Angels will be flying around 3 p.m. each day, weather permitting.
- CAF Music City Wing’s Flying Legends Day – Saturday, 6/24. The event will include the SNJ-4 and PT-19 and will also be hosting the DC-3. Ride tickets will be sold, and donations to the non-profit organization will be accepted. The event will be set up similar to the EAA Ford Tri-Motor event. Ms. Bay is coordinating with CAF staff regarding operations and safety for the event.

- NASCAR race weekend at Nashville Superspeedway—Friday through Sunday, 6/23 through 6/25. Murfreesboro Airport will be closed. Ms. Bay is making reservations for some of the race teams.
- There are a couple of EAA Young Eagles flights in June, but Ms. Bay did not have the dates.

Comm. Baines reminded attendees that the purpose of moving this item up the agenda was for the commission to approve any events, if needed. The commission approved the 6/24 CAF event last month.

6) ENGINEERING REPORT – Special Projects Administrator R.T. Baldwin presented the report included in the agenda packet:

- A. REILs/PAPI Lights/Runway Lighting System Phase I** – Replacement lights ordered 2/15/23. As of 4/10/23, parts will not be available until June. Anticipate mid-July installation.
- B. Replace Taxiway Lighting & Runway 1/19 PAPIs** – Waiting on executed grant for additional approach survey. The survey will collect data using an older method that is compatible with the FAA’s system.
- C. ALP** – Mayor’s signature received; plans have been delivered to TDOT Aeronautics for signatures. Waiting on signed ALP from TDOT Aeronautics. No update.
- D. M54 RSA Determination** – No update.
Atkins’ Darren Duckworth provided a brief update. Yesterday, TDOT Aeronautics advised that the FAA is prepared to approve the RSA inventory that was submitted over nine months ago, but they are requesting a letter certifying the recommended change in threshold to Runway 4 and the resulting length of Runway 4/22 after that relocated threshold will be a usable length for the group of aircraft weighting 12,500 pounds or less and approach speeds under 50 knots. Mr. Duckworth has drafted the letter and will send it to Mr. Baldwin for review before submitting it to the FAA.
Ms. Bay noted that TDOT Aeronautics called yesterday requesting Virtower operations tracking data on Runway 4/22. She provided the info while pointing out that Virtower does not collect data of aircraft without an ADSB.
- E. East Apron Pavement Rehab** – Received final submittals from Vulcan. Next step is pre-construction meeting and construction scheduling.
Vulcan resubmitted the last two outstanding items this afternoon. Once they are approved by Mr. Duckworth, a pre-con meeting and construction can be scheduled. Mr. Duckworth’s target construction start date is the week of 6/26.
- F. Terminal Parking Lot Expansion** – Received estimate from Vulcan.
Last February, Mr. Baldwin received an estimate of \$85,000 from the City’s annual paving contractor; this estimate did not include curb or striping. Vulcan (the East Apron Pavement Rehab contractor) has since provided an estimate of \$62,000. Mr. Baldwin has asked the annual paving contractor [Wiregrass Construction (formerly Blue Water Industries)] to match Vulcan’s estimate and is awaiting a response. He explained that it is easier to add the paving to the annual contract rather than the East Apron project.
- G. Row D Construction (Steve DiLeo/Aeronautique, LLC)** – Received estimate from Vulcan.
Last February, the City’s annual paving contractor provided Mr. Baldwin a \$76,000 estimate to pave in front of Row D. Vulcan has since provided an estimate of \$41,000. Mr. Baldwin has asked Wiregrass Construction to match Vulcan’s estimate and is awaiting a response. Comm. Baines has provided the cost estimate to Mr. DiLeo.
- H. West Side Hangar Site D (PNJ Venture Partners)** – Construction continues.
- I. Northwest Terminal Apron and Southeast Area Site Grading/Drainage/Utility Plan/Funding** – Waiting for FAA for BIL funding. Anticipate funding in the next few weeks.

Mr. Baldwin spoke with TDOT Aeronautics' Adam Guy this morning; apparently, the FAA's Memphis FSDO sent the paperwork to the wrong address.

- J. **Air Methods Crew Quarters** – Temporary certificate of occupancy issued on 4/10/23. Waiting on drawing submittal for tornado shelter. [In April, the commission voted to amend the lease area to approve the above-ground Safe Shed shelter presented/to be located on the north side of the crew quarters subject to the shelter meeting the aesthetic veneer of the terminal building and including vegetation (four feet or higher) on the north and east sides.]

7) OLD BUSINESS

A. T-Hangar Waiting List

1. **New Additions** – One new application was presented to the commission:

- A motion was made and seconded to add **Jaron Sullivan** to the #135 position (following David Claxton) on the waiting list. Motion carried.

2. **Updated List** – An updated list was included in the agenda packet.

3. **City Council Passed New Application on 1st Reading 5/16/23**

- B. **Property Purchase – 816 Castle Heights Ave.** – Since the April meeting, Comm. Baines has recommended a counteroffer of \$140,000. (On 3/2/23, property owner Stewart Knowles rejected the City's offer to purchase the property for \$125,000; his attorney made a counteroffer of \$175,000.) Comm. Baines followed up with City Attorney Andy Wright last month and is unsure if he has made the counteroffer.

- C. **FAA Airspace Update** – Comm. Gentry reminded the commission that the FAA's proposed reconfiguration of Nashville International Airport's (BNA's) Class C airspace is pretty much a done deal; a proposal for BNA to obtain Class B airspace designation is in the future. Chairman Westmoreland wants to keep the item on the agenda so the future proposal does not fall by the wayside.

Ms. Bay received her first call regarding the future proposal today. Studies for Class B designation were taking place while studies for Class C were taking place. Ms. Bay described how the recent Airspace Risk Management Panel for Revisions to Nashville Class C Airspace Determination meeting was conducted; she and other airport managers were not allowed to speak and voice their comments and concerns. It is anticipated that the Class C airspace will be in the October FAA charts. Ms. Bay noted that any public comments submitted regarding the Class C proposal will not be recycled for future proposals and must be resubmitted each time. She has spoken to the FAA Safety Risk Management representative for the southeast region and hopes he will provide some guidance related to the City's efforts to preserve the airport's airspace.

- D. **Other** – None.

8) NEW BUSINESS

- A. **Planning Commission Items – 6/27/23** – Mr. Baldwin advised of two items located in the airport overlay: two requests by Young's Rental LLC related to about 0.90 acres at 2609 W. Old Murfreesboro Rd. – one for S. Hartmann Overlay amendment approval to remove the property from the Overlay zoned RR, and another for rezoning approval from RR to IP. Mr. Baldwin reviews any project located in the airport overlay and has not seen any additional information on these items.

- B. **Board of Zoning Appeals Items – 6/26/23** – There are no known items located in the airport overlay.

- C. **Other** – None.

9) FINANCIAL REPORT – There were no comments on the 5/22/23 Financial Report included in the agenda packet.

10) FBO REPORT – Ms. Bay presented a brief report which included the following items:

- Line operations team meeting held 5/18.
- The owner of the Southwestern Athletic Conference jet that has been sitting at the airport for months has paid 1/3 of the rent due and has advised that the additional thirds will be paid next week and prior to the aircraft's departure. Work is taking place on the FAA-required AD.
- Ten individuals have recently been shown hangars or hangar sites.
- Awaiting finalized West Side Lot 4 lease agreement that incorporates the lease rate, site fee, and application fee language approved by Council on 5/16.
- Mr. Bill McDowell, who addressed the commission earlier this year about lead poisoning and noise pollution, reached out regarding an EPA airspace emissions study on the EPA's October agenda.
- Skydiving group reached out today and will be attending an upcoming meeting or requesting a meeting soon. Their goal is to begin operations next year.
- Working on Title VI/Civil Rights annual report.
- Virtower operations tracking is assisting with FAA and TDOT reports.
- Preparing for East Apron Pavement Rehab project.
- Parking inside the fence has gotten out of control, blocking hangars and aircraft. Staff has called the Police Dept. at least every three days over the past two weeks.
- Will be sending communications to airport users regarding parking rules, the upcoming pavement rehab project, and complaints about aircraft run-ups in front of hangars.
- Last weekend, a pilot flew his plane in and later said someone broke the handle while attempting to break in it. No such activity was recorded on the cameras. His mechanic later confirmed to him that the handle broke due to corrosion.
- AMSRR needs to address vehicles left both outside and inside the fence with no information.

11) INFORMATION ONLY ITEMS

A. Cracker Barrel Lease(s) Reconciliation – In Process

B. Need to receive executed ingress/egress easement from Savage and record. – No New Info

12) ADJOURNMENT – The meeting was adjourned at 5:38 p.m.