

LEBANON MUNICIPAL AIRPORT COMMISSION

MINUTES OF REGULAR MEETING

Thursday, July 6, 2023 – Lebanon Municipal Airport, 200 Aviation Way

Commissioners Present

Jeff Baines John Gentry
Deborah Baugh Greg Hemontolor
T.O. Cragwall Paul Stumb

Others Present

R.T. Baldwin Angela Fantom
Heather Bay Gary Soloway
Stephen Chambers Jean Shuttleworth

1) CALL TO ORDER – In Chairman William Westmoreland’s absence, Vice Chairman T.O. Cragwall called the meeting to order at 4:03 p.m. He stated the need to end the meeting by 5:15 p.m.

2) APPROVAL OF MINUTES

A. 5/4/23 Regular Meeting – A motion was made and seconded to approve the 5/4/23 regular meeting minutes. Motion carried.

B. 6/1/23 Regular Meeting – A motion was made and seconded to approve the 6/1/23 regular meeting minutes.

Vice Chairman Cragwall requested one amendment to the minutes – on page 2, under the discussion regarding parking for EAA and LFC meetings, the sentence should state: *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.*

Motion to approve the 6/1/23 regular meeting minutes as amended carried.

3) COMMUNICATIONS FROM CITIZENS – None.

4) COMMUNICATION FROM CHAIRMAN

A. Everest Balloon, LLC (EB) – Communication/Presentation – [During the 5/4/23 Airport Commission (AC) meeting, EB—a commercial hot-air balloon ride—made a request to conduct a single hot-air balloon take-off, ~ 20 minutes before sunrise, from Lebanon Municipal Airport. Because these sunrise flights are VFR/weather permitting, EB expects this will result in 0 to 5 total take-offs per week during the warmer months (May-October). EB will ascend at 600 feet per minute until reaching ~17,500'. Some flights will be standard low-altitude family flights. EB operates in compliance with relevant FARs including 14 CFR § 91.211 - Supplemental oxygen. EB shall carry all necessary instruments including radios and ADS-B transponder. EB advised that they have a Letter of Procedure from the FAA’s Memphis Flight Standards District Office (FSDO); the letter expires 10/30/23. The airport was chosen because it is conveniently located near Nashville and because of its infrastructure.]

Commissioner John Gentry reached out to Wilson Co. Ag Center Director Quintin Smith who has since shown and offered EB a take-off location at the fairgrounds, free of charge. EB initially agreed on the location but decided that they want to take off from the airport rather than the fairgrounds. Airport Manager/Direct Flight Solutions’ Heather Bay advised EB of the requirements in the Airport Minimum Standards and Rules and Regulations (AMSRR) quite a while ago, but the required information (safety manual, business plan, etc.) has not been provided.

Vice Chairman Cragwall stated the need for clarification. EB has not been present for last month’s and today’s AC meetings, although they were expected to attend both meetings. EB was supposed to demonstrate their basket and systems during last month’s meeting.

Comm. Gentry reported that EB has rented a place nearby to store the balloon and will be renting a house in the area when it's available. He advised Vice Chairman Cragwall that the FAA has approved EB's request and recommended that EB take off from Lebanon rather than Murfreesboro.

Ms. Bay provided an update – as of 6/27/23, EB has received a letter of disapproval from the FAA's Nashville FSDO, as EB has not provided information requested by the FAA (information related to EB's oxygen equipment, envelope, basket, aircraft performance, pilot training logs, medical records, operations manual, ADS-B installation, plan to vent passengers, etc.). Ms. Bay confirmed to Commissioner Paul Stumb that an FAA approval letter would not be required if EB's request was to fly under the 10,000-foot window; however, as a commercial operation, EB would still need to abide by the AMSRR.

Additionally, Ms. Bay reported that she received a call from both the FAA and TDOT Aeronautics, as they were told the City is denying EB's balloon operation at the airport. Ms. Bay explained to them that this is not true; EB has been asked to comply with the AMSRR, but they have not done so at this time. TDOT Aeronautics was unaware EB was presented as a commercial operation. Ms. Bay also advised that the Sattler Foundation had a hot-air balloon on the airport's turf runway last weekend; proper information was provided and the AC discussed the event months ago.

Assistant City Attorney Stephen Chambers compiled the most relevant FAA Advisory Circulars and Lebanon AMSRR applicable to skydiving and piloted balloon operators and provided copies to the AC. Some of the information addresses how the operators should interact with the airport. Mr. Chambers continues to work on updating the AMSRR to provide some procedures for such operations; he is trying to make the document as wide ranging as possible and hopes to present a draft to the AC within the next couple of months.

Ms. Bay and Commissioner of Public Services Jeff Baines noted that EB's proposed operation would ultimately require City Council approval.

Ms. Bay reported that an EB representative messaged her that he is running late to the AC meeting.

Comm. Baines requested that Ms. Bay advise him that EB is no longer on the AC meeting agenda until EB requests to be back on the agenda.

Comm. Stumb pointed out that the City is not denying EB's right to use the airport; EB simply needs to comply with the airport's published policies.

Mr. Chambers advised that there is nothing to deny because EB has not yet submitted the required information.

Vice Chairman Cragwall noted that EB has complied with neither City nor FAA requirements, and the FAA is the final authority in determining what, in fact, constitutes a compromise of safety.

B. Airport Managerial Oversight Committee (AMOC) Report

- 1. Skydiving Meeting** – AMOC Chairman John Gentry provided a brief report on Tandem Skydiving's (TS's) presentation made during the 6/26 AMOC meeting. TS is requesting that their aircraft, which will carry two tandem pairs, be allowed to take off from and land at the airport. Landing sites will not be on airport property, and AMOC members suggested some agricultural properties to the east and outside of the airport boundaries so there will be no conflicts with airport traffic.

Comm. Gentry advised Vice Chairman Cragwall that talks are at a high level right now; he confirmed that later it will be necessary to describe the minimum number of miles the landings must be from the airport.

C. Chairman Comments – None.

5) UPCOMING EVENTS

- The EAA's July Fly-In/Breakfast has been canceled due to the EAA's annual Oshkosh event.
- Comm. Stumb reported that his friend, Peter Schulert, has opened a newly registered grass strip (TN49) on Old Rome Pike. Mr. Schulert plans to have fly-ins and events at the ~3,000-foot strip. Comm. Gentry noted that the Wilson Co. Commission approved the strip with some restrictions including how high aircraft could fly over houses.

At this time, as requested by Comm. Baines, a motion was made and seconded to modify the agenda to address **8. New Business Item A. Cracker Barrel Lease Updates**. Motion carried.

Included in the agenda packet were Ordinance 23-6788 and a revised jet fuel facilities lease agreement as well as Ordinance 23-6789 and a revised lease agreement; the ordinances will be presented for final approval during the 7/18 City Council meeting.

Comm. Baines, City Attorney Andy Wright, and Cracker Barrel's outside counsel, Tonya Matthews, have been working to update the leases over the last couple of years.

Cracker Barrel's senior corporate counsel in house, Jean Shuttleworth, was available to answer any questions. She and Comm. Baines explained that the lease updates clean up a messy lease situation that includes several documents. The leases expire 8/31/29.

Comm. Baines confirmed to Vice Chairman Cragwall that the updated leases incorporate items as recommended by the AC a couple of years ago.

Ms. Shuttleworth confirmed to Special Projects Administrator R.T. Baldwin that it is the tenant's responsibility to mow inside the jet fuel facilities area.

A motion was made and seconded to recommend Council approval of the updated leases. Motion carried.

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

- 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 around 8/15/23.
- Replace Taxiway Lighting & Runway 1/19 PAPIs** – Progress has been made with tree clearing and property access letters.
Last fall, 21 parcels with tree obstructions were identified. All but five of the properties have either had their obstructions removed or authorized for removal.
- ALP** – Mayor's signature received; plans have been delivered to TDOT Aeronautics for signatures. Waiting on signed ALP from TDOT Aeronautics. No update.
- M54 RSA Determination** – Waiting for FAA's acceptance of the certification for finalization of the RSA determination.
- East Apron Pavement Rehab** – Construction start date of 8/7/23. 5½ week construction schedule.
- Terminal Parking Lot Expansion** – Vulcan is paving week of 7/9/23.
Parking for the Air Methods Crew Quarters will be paved as well.
- Row D Construction (Steve DiLeo/Aeronautique, LLC)** – Vulcan is paving week of 7/9/23.
Comm. Baines reported that Mr. DiLeo has approved the paving.
- West Side Hangar Site D (PNJ Venture Partners)** – Construction continues.
- Northwest Terminal Apron and Southeast Area Site Grading/Drainage/Utility Plan/Funding** – Meeting with TDOT and GMC on 7/10/23.
BIL funding has been received. \$118,000 is available for final design. After the 7/10 meeting, Mr. Baldwin will meet with Franklin Mountain Group's Kevin Brisco to discuss his desire to make any adjustments to his plan, including increasing the proposed box hangar sizes to 80'x80'.
- Air Methods Crew Quarters/Storm Shelter** – 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** – There were no new applications to present.
2. **Updated List** – An updated list was included in the agenda packet.
3. **City Council Approved New Requirements and Application 6/20/23** – The complete packet was included in the agenda packet. The new T-Hangar Wait List Procedure/General Guidelines states the following:

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.

Current T-Hangar Wait List individuals who wish to maintain their name and priority on the new wait list must submit a new Hangar Waiting List Application, a copy of their aircraft's latest annual maintenance inspection (if applicable), and a \$250 application deposit (cash or check made payable to the City) by Friday, 9/1/23. Per the new procedure, anyone who would like to have their name removed from the new wait list prior to a hangar offer will have their deposit, minus a \$50 administrative fee, returned to them.

Ms. Bay advised Comm. Stumb that the new procedure clarifies things that were never written down. Mr. Chambers researched other airport policies when creating the document.

Mr. Chambers further advised Comm. Stumb that in the event the prospective hangar customer declines the available hangar offered, whether the prospective customer is moved to the bottom of the list or removed from the list is at the discretion of the AC. Ms. Bay added that in the past, individuals have been removed from the list once they have declined all three t-hangar sizes. The consensus of the AC was to allow Ms. Bay to continue this practice. She noted that it recently took her over six months to fill a vacant t-hangar; now, the prospective customer has ten days to respond to a hangar offer.

Ms. Bay requested clarification on the Existing Tenant Priority section of the new procedure, which states the following:

Existing T-hangar customers that wish to move into another hangar will have priority over new customers, provided they release their current hangar, leaving their current hangar clean and good working order, and are in good standing with the Lebanon Municipal Airport. Existing T-hangar customers wanting an additional hangar will be considered as a "new customer" and the same requirements apply.

After a brief discussion, the consensus was that Ms. Bay does not need to contact all current t-hangar tenants when a t-hangar becomes available, as any tenant wishing to move into another hangar should have notified Ms. Bay.

- B. **Property Purchase – 816 Castle Heights Ave.** – Last August, City Council approved the purchase of the vacant parcel adjacent to 816 Castle Heights Ave. to relocate the airport entrance road. Comm. Baines is authorized to negotiate with the property owner, Stewart Knowles, for the vacant parcel; in the circumstance the negotiation for the parcel is unsuccessful, City Attorney

Andy Wright is authorized to file suit for the condemnation of the parcel. Council approved a \$125,000 budget amendment for the purchase.

On 3/2/23, Mr. Knowles rejected the City's offer to purchase the property for \$125,000 (the price he paid for it), and his attorney made a counteroffer of \$175,000. The City recently made a counteroffer of \$140,000, but it has been declined.

Comm. Baines reiterated that Mr. Knowles, his real estate agent, and the seller's real estate agent all knew on the front end of the City's intent to purchase the parcel, yet they still closed on the property eight days after Council approved the purchase.

Comm. Baines explained that 816 Castle Heights Ave. and the adjacent vacant property were owned by the Johnson Family; although the properties were subdivided, they were shown as one lot. 816 Castle Heights Ave. was not sold. Mr. Knowles wants to build two tall and skinny homes on the vacant parcel.

- C. FAA Airspace Update** – Comm. Baines stated the need to keep the item on the agenda as requested by Chairman Westmoreland.

Ms. Bay reported that documents were signed Monday confirming the FAA's reconfiguration of Nashville International Airport's (BNA's) Class C airspace. She is uncertain whether the reconfiguration will be on the August or October FAA charts.

Ms. Bay advised Comm. Stumb that the reconfiguration extends the Class C airspace to 2.08 miles west of Lebanon Municipal Airport and sets a floor of the airspace at 2400 feet.

- D. Other** – None.

8) NEW BUSINESS

- A. Cracker Barrel Lease Updates** – See discussion following **5. Upcoming Events**.

- B. Planning Commission Items – 7/25/23** – Mr. Baldwin advised of one item located in the airport overlay – a request by Narendra Patel for rezoning approximately 1.25 acres at 30, 50, and 60 Franklin Rd. from RD9 and CN to Golden Bear Flats SP in Ward 3. These properties are across the road from what used to be a Zips convenience store.

Comm. Baines expects the SP to be for residential, multi-family development.

- C. Board of Zoning Appeals Items – 7/24/23** – There were no known items located in the airport overlay.

- D. Other** – None.

9) FINANCIAL REPORT – There were no comments on the 6/26/23 Financial Report included in the agenda packet.

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

- Quarterly hangar report – The FBO lease agreement requires an FBO quarterly report indicating the tail numbers; documentation confirming aircraft insurance, current annual inspections, and proof of ownership of aircraft housed in the t-hangars and City-constructed hangars; and lease compliance. Copies of the report for July 2023 were distributed to the commission. The following updates were provided:
 - B-7 (Rushton) – Annual inspection was just completed. Awaiting logbook entry.
 - A-11 (Hood) – Annual inspection is scheduled for next week.
 - E-3 (Hill) and B-1 (Stroud) – Both have been out of town quite a bit.
 - E-11 (Brown) – Second aircraft purchased, in hangar, and not listed in the lease agreement. Will be sending documentation to Executive Assistant Angela Fantom.
 - E-16 (GS Aviation) – Requested documents have been received.
- A briefing was held with the Commemorative Air Force (CAF) Music City Wing following their Flying Legends Day on 6/24. Safety concerns were discussed.

- Today, an “OSHA” inspection of City structures was conducted by the City’s Safety Specialist and went well.
- Fulfab is scheduled to perform door maintenance on Row E t-hangars on 7/11.
- On 7/14, the vault will have a fence and gate installed on it, and the breached fence at the end of Row D will be repaired.

At this time, Vice Chairman Cragwall presented a **T-Hangar Sublease Request for B-11 (Soloway) to Kim Aut and Paul Fletcher (#55 on Waiting List)**. The Hangar Lease Agreement Sublease document was signed by all parties, commenced as of 6/27/23, and expires on 10/30/23. Vice Chairman Cragwall advised that the document appears to be in order.

Mr. Gary Soloway explained to Comm. Gentry that his Bird Dog is currently in a Fall Creek hangar, and he suggested that he sublease his t-hangar to the owner of the aircraft that belongs in the Fall Creek hangar.

A motion was made and seconded to approve the sublease request. Motion carried.

11) INFORMATION ONLY ITEMS

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

12) ADJOURNMENT – The meeting was adjourned at 5:06 p.m.