

LEBANON MUNICIPAL AIRPORT COMMISSION
MINUTES OF REGULAR MEETING
Thursday, April 1, 2021

The meeting was conducted electronically to protect the public health, safety, and welfare in light of the coronavirus (COVID-19).

Commissioners Present

Jeff Baines	Ralph Mallicoat
Deborah Baugh	Mike Russell
Fred Burton	Paul Stumb
T.O. Cragwall	William Westmoreland
John Gentry	

Others Present

Heather Bay	David Kough
Kevin Cross	David Schilling
Miles Dillon	Gary Soloway
Darren Duckworth	Andy Wright
Angela Fantom	

1) CALL TO ORDER – Chairman Ralph Mallicoat called the meeting to order at 4:01 p.m.

2) ROLL CALL – Eight of eleven Airport Commissioners were present during the roll call: Deborah Baugh, Fred Burton, T.O. Cragwall, John Gentry, Ralph Mallicoat, Mike Russell, Paul Stumb, and William Westmoreland.

3) IDENTIFY VISITORS/OTHERS PRESENT – Gary Soloway identified himself.

4) APPROVAL OF MINUTES – 3/4/21 Regular Meeting Minutes – A motion was made and seconded to approve the minutes. Motion carried.

5) COMMUNICATIONS FROM CITIZENS

- Mr. Soloway mentioned the photos he had sent to the commission prior to the meeting; the photos show stones on the east side taxiway near the hold-short lines. Chairman Mallicoat advised that the area is to be cleaned up by the end of the day. Ms. Heather Bay added that the City has been sweeping at the airport, especially on the east side, about every two days. Mr. Soloway emphasized that the FBO needs to direct the street sweeper operator where to sweep.
- Mr. Soloway referenced the 11/7/19 commission meeting minutes which state, *“After a brief discussion, a motion was made by Dr. Stumb and seconded by Mr. Russell to assign new (gate) codes at no charge to those who need them and assign cards for a fee to those who prefer cards. Mr. Russell made a motion to amend by setting a two-card limit, Dr. Stumb seconded, and all voted aye in favor of the amendment as well as the motion. A motion was then made by Chairman Cragwall and seconded by Dr. Stumb to establish a fee of \$25 per card. Motion carried.”* To Mr. Soloway’s knowledge, cards have not been assigned for gate access. He suggested that card assignments might help eliminate problems such as the recent gate damage caused by a hangar tenant. Chairman Mallicoat explained that he does not think a tenant caused the damage and the keypad has since been repaired.

6) ENGINEERING REPORT – No report was provided for the meeting. Chairman Mallicoat commented that the 100LL Self-Serve Fuel Farm project is still in the design/location discussion stage. An exact spot for the fuel farm has not been determined.

7) OLD BUSINESS

A. T-Hangar Waiting List

1. New Additions – Two new applications were presented to the commission:

- A motion was made and seconded to add James Bruce (application dated 2/13/21) to the #131 position on the waiting list (following #130 Barrett Thompson). Motion carried.
- A motion was made and seconded to add John Wilson (application dated 3/9/21) to the #132 position on the waiting list. Motion carried.

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

B. Row D Construction and C. Southeast Hangar Development (Steve DiLeo/Aeronautique, LLC)

1. Staff Update and 2. Owner Update – Mr. DiLeo was not present to provide an update. Chairman Mallicoat believes the issue with gravel, etc., on the airfield pavement from Mr. DiLeo's construction equipment has been addressed. Three of seven Row D hangar doors have been installed.

Commissioner Paul Stumb expressed his serious concern about the projects. He recalled the December 2020 commission meeting during which the slow progress of the projects was discussed with Mr. DiLeo. Additionally, during the October 2020 meeting, the commission voted to extend the Southeast Hangar Development Phase 1 construction start date specified in the executed Development and Operating Agreement to 1/1/21. Commissioners T.O. Cragwall and Mike Russell echoed Comm. Stumb's concern. During last month's meeting, Mr. DiLeo reported that another Row D door had been installed and a third door should be installed the following week. While Mr. DiLeo has repeatedly reported that the Row D project should begin moving more quickly, Comm. Cragwall remarked that it is slowing down and needs to be addressed. Comm. Russell has visited the Southeast Hangar Development site often over the last three months, and it appears there is no activity taking place at all when t-hangars are in high demand at the airport. Chairman Mallicoat advised that he will work with Commissioner of Public Services Jeff Baines and Special Projects Administrator R.T. Baldwin to meet with Mr. DiLeo before next month's meeting. He hopes the May meeting will be held in person and the commission can discuss the projects with Mr. DiLeo face-to-face.

Chairman Mallicoat advised Comm. Russell that Mr. DiLeo is supposedly working on extending the sanitary sewer which is part of Southeast Hangar Development Phase 1. Comm. Russell does not believe this work is happening. Commissioner William Westmoreland agreed, referring to the February commission meeting when Mr. DiLeo reported that a TN One Call had been made for underground utility locations. Comm. Westmoreland is in the construction business and advised that no such call has been made, as no utilities have been flagged. He and Comm. Stumb requested to review the agreements with Mr. DiLeo prior to next month's commission meeting.

Comm. Baines read aloud a text message Mr. Baldwin received from Mr. DiLeo yesterday; the update advised that he is waiting on parts to be delivered and six door jams have been installed. Comm. Baines agreed that there has not been much progress with the projects.

Commissioner John Gentry suggested requesting project timetables from Mr. DiLeo. Comm. Cragwall hopes to see a real commitment to get busy from Mr. DiLeo before next month's meeting.

D. West Side Hangar Sites A and B (Robert Craig/ArmourSales) – Ms. Bay spoke with City Building Plans Examiner Tyler McDaniel who has been communicating with Mr. Craig's contractor to move forward with construction. Comm. Baines has advised Mr. McDaniel to not charge additional plans review fees, as the plans have already been reviewed and the contractor is rebuilding what was destroyed during an August 2019 storm.

E. West Side Hangar Site F (Bruce Thomas/AV8RS) – Ms. Bay reported that the contractor has installed half the roof and is out every day trying to keep the site clean and construction debris off the ramp and runway. The contractor has been as active as the weather permits.

- F. **West Side Hangar Site C (Corey Gerulis/S&C Management)** – Chairman Mallicoat advised that Mr. Gerulis is installing drains in the concrete floor as required and voted by the City Board of Adjustments and Appeals. Mr. Gerulis has posted photos of the work on facebook.
- G. **West Side Hangar Site G (Robert Gaines)** – Chairman Mallicoat recently spoke with Mr. Gaines who commented steel should be delivered in the near future.
- H. **Proposed Ordinance to Amend Airport Overlay District to Require Sound Abatement for Certain Developments – Researching other airports.** – See discussion under *Old Business Item M. Other.*
- I. **Cracker Barrel Lease(s) Reconciliation – Update** – Chairman Mallicoat advised that communications have taken place and the ball is somewhat in Cracker Barrel’s court now. The current lease does not expire until 9/1/29.
- J. **West Side Hangar Site D (PNJ Venture Partners) Lease – Review requested revisions.** – Revisions requested by PNJ Venture Partners, LLC as well as progress drawings were included in the agenda packet. Comm. Baines advised that if the commission recommends approval between now and Friday, 4/9, the lease can be included on the 4/20 City Council meeting agenda (first reading). Ms. Bay commented that PNJ is ready to break ground as soon as possible and Vanderbilt LifeFlight (Lessee Air Methods Corporation) would like to be in by fall. Comm. Baines clarified to Comm. Russell that the Site D PNJ Venture Partners lease approved by City Council on 2/16/21 was the standard West Side lease as recommended by the Airport Commission. Since PNJ is requesting revisions to the standard lease, PNJ must go through the Council approval process again.

The following concerns about the revised lease were brought forth by commission members:

- *Section 14. Breach. – In the event that Landlord breaches the terms of this Lease, Tenant shall give Landlord written notice specifying the nature of the breach and/or default and Landlord shall have thirty (30) days after receipt of such notice to cure said breach ... Specifically, should the lease be terminated, the Landlord will be responsible for paying the Tenant the fair market value of the Property ...* – City Attorney Andy Wright advised that it is possible to breach the lease terms as a landlord. Comm. Gentry does not recall seeing this in any previous leases; Comm. Baines agreed. Chairman Mallicoat replied that the commission can ask that it be removed from the lease. Commissioner Deborah Baugh questioned if *Landlord* is PNJ Venture Partners and *Tenant* is Vanderbilt LifeFlight (Air Methods Corporation) since the City is referred to as the *Lessor* and PNJ Venture Partners as the *Lessee* throughout the lease. Comm. Baines advised that if the language pertains to PNJ’s tenant, it must be removed from the lease. Comm. Stumb stated the need for PNJ Venture Partners to understand that their lease with the City might preclude them from automatically selling the hangar to someone else and assuming the new owner would have an agreement with the City (*see Section 19. Assignment or Lease of Hangar Space.*).
- *Section 3. Rent. – B. Upon the execution of the addendum setting forth the date certain from which the Lessee’s forty-year term begins, Lessee shall pay as base rent for the use of the described premises the amount of \$4,439.63 per year for the first five (5) years. Said initial base lease sum is based on the rate of \$0.37 per square foot, with said leased premises containing 11,999 square feet. C. The amount of the annual rent payable under this lease shall be increased during the term hereof every five (5) years, such dates collectively referred to as “adjustment dates.” On the adjustment dates, the lease rate for the new five-year term shall be increased by 7.5% for each five-year period after the first five-year period ...* – The lease originally stated that the lease rate for the new five-year term shall be computed by increasing the annual lease consideration by the annual cost of living (CPI) for the preceding five years. Comm. Stumb questioned whether a 7.5% increase is the right amount for a forty-year lease. Ms. Bay noted that the standard West Side lease was developed years ago by an Airport Commission subcommittee and

includes this lot. She suggested revisiting and increasing rental rates when developing a new business model and plan for other airport locations eligible for construction.

- Comm. Cragwall questioned why *700 Aviation Way* replaced *Lot D* in the agreement. Ms. Bay commented that Mr. Baldwin has been using the newly-assigned 911 address in communications. Comm. Baines agreed that the lease needs to describe the location as Lot D.

The consensus was to have Mr. Wright clean up the lease as requested and then recommend the lease for City Council approval during either a special-called Airport Commission meeting or the regular May meeting. Chairman Mallicoat noted that the lease must be approved before PNJ starts moving dirt.

After a brief discussion, a motion was made and seconded to approve the PNJ plan and drawing. Motion carried.

- K. West Side Request – Lot 4 (Chris Rudd and Todd Wilson)** – As requested by the commission, a certified letter was mailed and delivered to Mr. Rudd; the letter requested a response to Comm. Baines’ office by 3/26 as to whether Mr. Rudd is still interested in developing Lot 4 or the Airport Commission will consider other requests to develop the lot. Chairman Mallicoat reported that no response has been received from neither Mr. Rudd nor Mr. Wilson. Last month, Ms. Bay reported that Mr. John Sevieri had submitted a letter of intent for the lot and was willing to put down earnest money if needed (see *New Business Item C.*). The other day, Comm. Gentry met with Mr. Steve Bankston who expressed interest in the lot as well. Comm. Cragwall reminded the commission that due to its prime location, Lot 4 was being saved for a premium developer that would bring something needed to Lebanon.
- L. Dayton Freight Lights** – As discussed during the March commission meeting, a letter has been sent from Chairman Mallicoat to Dayton Freight Lines, Inc.’s Chief Operating Officer requesting a time to discuss possible adjustments to the site lighting at the 1191 S. Hartmann Dr. facility. Chairman Mallicoat has been in touch with the COO and the local manager via email; both seem very nice and cooperative, and the local manager would love to meet to discuss the matter. Chairman Mallicoat has taken photos of the lights surrounding the building; while the lights are set to shine on the building, several are angled a bit upward rather than downward. As reported by Mr. Soloway, the lights are so bright that pilots can hardly see the rotating beacon. Chairman Mallicoat will try to meet on site with the local manager next week and is confident the issue can be resolved.
- M. Other** – Discussion returned to **Old Business Item H. Proposed Ordinance to Amend Airport Overlay District to Require Sound Abatement for Certain Developments – Researching other airports.** – Comm. Stumb mentioned an article published in the Sunday, 3/28/21 edition of the *Tennessean* (“Tennessee pilot training program may have outgrown airport”). The article is about the MTSU flight training program and its constant flights causing friction with neighboring homeowners and commercial pilots. According to the article, the program has grown from 126 students in flight training in spring 2013 to 358 today. Additionally, MTSU President Sidney McPhee said the university is working to develop relationships with other airports in the region, including Lebanon. Comm. Stumb stated the need to pay careful attention to the matter, as he does not want Lebanon to be in the same situation as Murfreesboro.
- Ms. Bay advised Comm. Stumb that she has not spoken with anyone at MTSU about using Lebanon for its flight training program. She has been communicating almost daily with Murfreesboro Airport Director Chad Gehrke, as they have been teaming up for some time to solve the growth situation in Middle Tennessee.
- There was a brief discussion about a new software that was installed at Murfreesboro and presented to Chairman Mallicoat, Ms. Bay, and DFS Senior Airport Operations Supervisor Miles Dillon; Chairman Mallicoat explained that it is basically a virtual air traffic control tower that tracks all airport traffic that has a transponder or ADS-B. The software can be used to investigate complaints about noise and low-flying aircraft, and it costs about \$500 per month.

Ms. Bay advised that using Murfreesboro's software, it was determined that MTSU's flight training program has not recently visited Lebanon as often as originally thought. However, some of the information presented in the newspaper article is old, and Lebanon and other airports mentioned do not have room for additional flight training traffic. It is now being recommended for the program to expand to the area's rural airports in need of visits and funding.

Mr. Dillon informed Comm. Cragwall that about two months ago, he reached out to basically every flight school within 50 miles of Lebanon. Mr. Dillon noted that all airports in the Nashville area are experiencing an increase in flight training traffic. Ms. Bay added that Mr. Dillon is working to build and maintain a relationship with the flight schools. She advised that DFS is developing a few options to keep everyone safe; these options are being run by TDOT Aeronautics and the FAA prior to utilization.

Comm. Gentry, whose father-in-law owned an airport in Virginia, suggested providing a chart announcing the airport's busiest times so users, including flight schools, can know what to expect.

8) NEW BUSINESS

A. Planning Commission Items – 4/27/21 – No discussion.

There was a discussion about the following item which was presented during the March Planning Commission meeting:

- Dawson Lane Partners – 18.5 acres, north side of Leeville Pike, adjacent to airport property. Property was removed from the Hartmann Drive Overlay October/November 2020. Currently shown as SFAD (Single Family Attached & Detached Housing) on the Future Land Use Plan. Requesting amendment to the Future Land Use Plan to HDR (High Density Residential). Currently zoned RD9 (Medium Density Residential) – potential for 132 units. Requesting rezoning for RM6 (High Density Residential) – potential for 320 units.

During the March Airport Commission meeting, the commission voted again to recommend approval of a Specific Plan (SP) zoning for a townhome (maximum height two stories) development with a maximum of 130 units; standard lighting near airports should be installed to avoid any confusion for pilots; and buildings should be properly insulated for noise.

Chairman Mallicoat reported that the Planning Commission recommended City Council approval of the rezoning request made by Dawson Lane Partners, and the request will be presented for first reading during the 4/20/21 City Council virtual meeting. During the Council meeting, Chairman Mallicoat will express the concerns of the Airport Commission and present the recommendation for an SP zoning, etc. He encouraged commissioners to reach out to Council, including Ward 4 Councilor Chris Crowell. Additionally, Comm. Cragwall encouraged commissioners to attend the Council meeting to support Chairman Mallicoat.

Comm. Baines noted that City staff also recommended an SP zoning. He advised that he is not sure why the Planning Commission recommended approval of the applicant's request.

Chairman Mallicoat's 9/11/20 memo to Planning Commission Chairman David Taylor will be included in the agenda packet for the 4/20 City Council meeting.

B. Board of Zoning Appeals Items – 4/26/21 – No discussion.

- ### **C. West Side Request – Lot 4 (John Sevieri) –** Mr. Sevieri's letter of intent dated 2/26/21 was included in the agenda packet. JBS Aviation, LLC requests to be approved to construct an up to 100'x100' hangar in similar scope and size as the existing maintenance hangar in the area of the airport designated as Lot A on the west ramp. JBS intends to negotiate a 40+10 year lease with the City to be allowed to sub-lease space within the hangar to individual aircraft owners that are interested in having M54 as their aircraft base. The hangar would meet all City, County and State buildings codes including floor drainage and fire sprinklers appropriate for a commercial building. Additionally: main terminal road access, meet all exterior look guidelines, allowed a

“lean to” office space, a hangar door up to 24' high. Rough estimates for the project including permitting, site prep, materials and labor total \$800,000.

Ms. Bay explained that Mr. Sevieri, who was unable to attend today’s meeting, continues to struggle to taxi his large Cessna, as it is currently stored in a Corporate Row hangar. Mr. Sevieri is the son of Gary and the late Candy Burkett and is well-known and respected. Mr. Sevieri brings industry to the area, as he owns several Smoothie Kings and an additional franchise in Rutherford County. Ms. Bay advised Comm. Gentry that Mr. Steve Bankston may be interested in purchasing Mr. Sevieri’s current hangar if it becomes available.

Comm. Cragwall reiterated that Lot 4 is the commission’s choice lot.

After a brief discussion, a motion was made and seconded to approve Mr. Sevieri’s West Side Lot 4 request, subject to plans submittal and a formal presentation to the commission. Comm. Baines agreed with Comm. Cragwall, stating the need for Mr. Sevieri to help the commission understand why he should be given this last West Side lot. Motion carried.

- D. Thorne Dr. Connection** – As mentioned during last month’s meeting, Comm. Baines stated the need to decide when the connection shown on the ALP should be completed. Comm. Baines really feels like the connection should be made sooner vs. later when the development has progressed and traffic is heavier.

Chairman Mallicoat agreed and will discuss sending a letter to the seven Thorne Dr. residents with Mr. Baldwin.

- E. Other** – None.

9) FINANCIAL REPORT – There was no discussion about the Airport Maintenance Expenditures Report dated 4/1/21 and the Airport Operations Fund Balance Sheet dated 3/31/21 included in the agenda packet.

10) FBO REPORT – Airport Operations Supervisor Miles Dillon presented the following Airfield Operations/FBO Report that was included in the agenda packet:

- 1. Operations Report**
 - A. Quality Assurance Report**
 - I. Equipment update
 - a. Fuel Trucks all three operational, completing compliance.
 - b. Equipment Policy & Procedures
 - II. Upcoming Training
 - Fueling compliance and fuel trucks
 - III. Upcoming Audits
 - a. TDOTA/FAA Licensing Usually April -Aug.
 - b. EPA
 - c. Boiler/Air compressor/Fire Marshall
 - IV. Quality Control
 - a. Airfield Gates are without camera surveillance Castle, 4 Franklin, Baugh, Soccer, and Thorne
 - b. Airport Entrance Signage needed @ Hartmann and Aviation WP Bone Billboard
 - c. Mowing: Dangers Turf runway & Curb appeal
 - d. Airfield Construction debris, FOD, and not cleaning mud up as soon as it is breached the pavement
 - B. Policy changes**
 - C. FBO updates**
 - i. Staff
 - Miles Dillon Sr. Airport Operations Supervisor
 - Connie Dodson FBO Operations Supervisor
 - Pierre. Boulogne Airport Operations Supervisor
 - Samuel Ludwikoski Airport Operations Supervisor
 - Jacob Routh Airport Operations Supervisor
 - On-boarding new staff for spring hours and growth
 - ii. FBO sales lower last quarter
 - iii. Closing New Spring-time hours
 - vi. Fuel sales Av-gas _____ Jet fuel _____
 - D. Development update**
 - Marketing prep Aviation way entrance signed owned by WP Bone 500-800 each side.
 - John Tune, Smyrna and Gallatin rate increase rates; more than 100-200 or double.
 - What’s coming down the runway? CAA, Racetrack flights, flooding loss of rental car co...
 - E. Investigations/Audits: Incident Reports Complaints and Concerns**
 - Multiple Daily Reports: Airfield: Pothole, A-1 breaking away, FOD, Contractor Debris Taxiways, packaging and insulation.
 - Terminal: Stained floors, furniture and mold smell returning in the stair well from rain.
 - Terminal Parking lot: Need extension
 - March 29, 2021 Toby McCrary Spinner hit by FOD
 - March 14th Franklin Rd. pedestrian gate in-op. Vandalism concern.
 - March 11, Franklin Rd Gate damaged by abuse. Someone trying to beat 1772 into the gate. Have stills no video to back it
 - March 6th Claim of Aerobatics off the runway Corey Gerulis
 - February 17 David Kough called 911 claiming he was asleep in the hangar and someone woke him up trying to kill him
 - February 11th Lock on the Soccer field gate was in-op
 - January 19 C7479G Prop struck by FOD on the airfield.
 - F: DFS / MIDDLE TENNESSEE FLIGHT SCHOOL PROJECT**
- 2. Other Business**
- 3. Action Items needed:**
 - Floors, stairwell mold and HVAC oil stains in terminal. Serve pro
 - Billboard on Hartmann and Aviation Way
 - Cameras on the gates not only replaced but add Westside.
 - Mowing unsafe turf runway and curb appeal

- Currently advertising 6 p.m. closure. Can extend if necessary to meet customer needs as days get longer.
- Fuel sales for the month of March – almost 6,300 gallons of avgas, 12,570 gallons of jet fuel.
- Local transportation service being recommended during rental car shortage due to flood.
- Alan Foutch (taxiway paving contractor) to repair potholes.
- All incident reports listed remain open.
- Pursuing bids on possible deep cleaning of FBO.
- Airport entrance signage needed at S. Hartmann Dr. and Aviation Way/W.P. Bone billboard. Small block \$500 per side. Large block \$800 per side. Monthly maintenance fee \$50 per side. Comm. Baines advised that City Council approval of the lease agreement would be required.

11) UPCOMING EVENTS

- EAA Ford Tri-Motor Tour – 5/17-5/23/21

12) INFORMATION ONLY ITEMS

- A. PAPI Lights – (1) Temporary repair/parts availability (2) Engineering to survey and verify tree(s) to trim or remove. Make arrangements with property owner to trim or remove. Advise FBO and/or FAA. – No New Info**
- B. Soccer Field Update – Sports and Recreation Complex Committee is meeting.**
- C. Supplemental Signage – Runway Hold Positions Taxiway A1 – No New Info**
- D. Need to receive executed ingress/egress easement from Savage and record. – No New Info**
- E. T-Hangar Rows A and B Insurance Renewals Update – No New Info**
- F. Row E T-Hangar Leases – Follow up on insurance certificates.**
- G. T-Hangar Lease Terms – Consider at June 2021 meeting.** – Chairman Mallicoat reminded the commission of the possibility of extending the two-year terms to four or six years.

Discussion returned to the airport entrance signage needed at S. Hartmann Dr. and Aviation Way/W.P. Bone billboard. A motion was made and seconded to recommend City Council approval of a large block on each side (\$1,600 total) and a \$100 total monthly maintenance fee. Motion carried. Ms. Bay will contact Mr. Bone and forward the agreement to be included on an upcoming City Council meeting agenda.

13) ADJOURNMENT – The meeting was adjourned at 5:49 p.m.