

COUNTY OF CURRY)
CITY OF CLOVIS) ss.

The Civil Aviation Board met on July 11, 2017 in the Clovis Municipal Airport Terminal, 459 County Rd 11.5, Texico, New Mexico, in full conformity with the laws of the State of New Mexico and the ordinances and resolutions of said city with the following members present:

Chairman Donnie Lewellen
Vice Chairman Donald Sharer
Commissioner Chris Bryant
Member John Hepfer
Member Dr. James Jennings
Member Karl Spence

ABSENT:

Member Russ Backoff

ALSO PRESENT:

Mr. Kyle Berkshire, Airport Director
Ms. Cynthia Baca, Admin. Assistant
Mr. Mark Myers, GA Pilot
Mr. Alan Warren, Student Pilot
Mr. Aaron Warren, GA Pilot
Mr. Carlos Arias, GA Pilot
Mr. Steve Reeves, GA Pilot
Mr. Robert Thorn, GA Pilot
Mr. David Grieder, Eastern NM News
Mr. Michael Neff, GA Pilot
Mr. Michael Bridges, GA Pilot
Mrs. Shelley Bridges, Aircraft Owner
Mr. Bob Linn, Aircraft Owner
Miss Katie Schuler, GA Pilot
Mr. Darell Lyvers, GA Pilot
Mr. Tyler Bridges, Student Pilot
Mr. Kenneth Leinberger, Airport Supporter
Mr. Joshua Matekovic, Airport Employee
Ms. Cara Cope

Chairman Donnie Lewellen called the meeting to order at 5:33 p.m. and established the presence of a quorum.

II. INTRODUCTION OF GUESTS AND VISITORS

Chairman Lewellen welcomed all guests and visitors to the meeting.

APPROVAL OF MINUTES

Member John Hepfer made a motion to approve the minutes of April 4, 2017 with corrections. Member Russ Backoff seconded the motion, which passed by acclamation.

III. OLD BUSINESS

A. Update of Current Projects

Mr. Berkshire stated the FAA Grant for the ramp/taxiways/runways has been 100% approved for funding.

V. NEW BUSINESS

A. Vander Dussen Lease

Mr. Berkshire stated AgWerx has worked out a deal with Johnathan Vander Dussen to purchase the green hangar and fenced in area on the south side of the Airport for personal use. Vander Dussen will be asking for a Concession Agreement with the option to sell aircraft or to hangar aircraft, basically everything except fueling. It will go to Commission for a 40 year Commercial License.

B. New T-Hangar Lease Agreement & Rules

Mr. Berkshire stated he spoke to FAA and they are aware of us exceeding the deadline to have the T-Hangar Lease Agreement & Rules in place.

Mr. Robert Thorn asked in reference to item seven, who decides if an airplane is airworthy. Chairman Lewellen stated he went through several leases and 98% state the same thing in reference to "airworthy". According to the FAA: 1) The aircraft must conform to its type design (TC). 2) The aircraft must be in a condition for safe operation. FAA can have a crew of 5 or 6 FAA personnel before they can decide if a plane is "airworthy". Chairman Lewellen would like to work with Mr. Dave Richards, City Attorney, to try and get that term removed from the lease and propose something to the effect that "the plane is flyable and useable". The Airport is trying to get airplanes that are derelict out of the T-Hangars.

Several guests gave their input as to how long it would take to build an airplane from a kit. Miss Katie Schuler stated the amount of time should be based on the activeness of the renter. Mr. Carlos Arias stated you should have a benchmark if you're building from a kit. Mr. Steve Reeves stated there should be a logical explanation and to get with the Board and explain the situation. Mr. Mark Meyers stated when ordering a door striker assembly it takes 2 years directly from Cessna. Commissioner Bryant stated there are a lot of situations that need to be taken into consideration. Mr. Tom Phelps stated whatever the reason, when coming up on your deadline, go to the Board with a written explanation so that the Board can come to a determination. Mr. Phelps also stated he believes a year extension would be appropriate. Mr. Meyers stated he doesn't have an issue with Mr. Phelps proposal. Mr. Richards stated he would take out airworthiness since everyone would be happy with flyable and operational as a substitute. At 6 months you're required to submit something to the City saying what your circumstances are, if it goes beyond a year, it goes to the Board and the Board makes the determination whether to extend.

There were several questions from guests as to how anyone would know if a plane is down. Chairman Lewellen stated it would be up to the individual and up to Airport monitoring to watch activity for previous 6-8 months and a follow-up telephone call to a tenant. There have to be regulations but you also have to have common sense. Common sense says that you keep an airplane flyable and operational and run it around once in a while and pay your rent to meet the intent on what the Airport is looking for. There also have to be regulations so if you default on hangar rent or sell your airplane, the Airport has to have some means of asking you and making you give up that hangar because you're not meeting your obligations. We have to protect the City, to protect the City we have to protect the funding, to protect the funding, we have to abide by the Rules & Regulations of the FAA. All of us are using this Airport because the City and FAA are putting the money in.

Guests had concerns on number 10 on the new Lease Agreement. Chairman Lewellen stated this item is in reference to hangar areas, meaning parked next to the hangar, such as leaving a vehicle parked there for a year at a time.

Guests asked for clarification on number 13 on the new Lease Agreement. Chairman Lewellen stated the verbiage is the same in every lease he read. (The leases he read were from small to large airports from all over the states.) The person working on your airplane has to be an employee of your company. Mr. Richards stated these are rules for occupancy of t-hangars and the City has control over the safety of the Airport and for what's done in t-hangars. Guests asked if there had been issues with people doing major repairs on airplanes in hangars. Mr. Richards stated this had been a problem in the past and was very costly for the City.

Mr. Steve Reeves stated Donnie has a shop and is Chairman of the Board and everyone is starting to think parts of the Regulations is to sway the business to D & D Aviation. Chairman Lewellen stated he had nothing to do with drafting the Regulations. Mr. Berkshire stated he chose four different Airports, that were similar in size, in New Mexico and West Texas and he and Mr. Richards put their heads together and looked at what the other places had and what Clovis Airport already had in place, what it would take to meet the FAA Requirement, to try and make everyone happy and stay within FAA Regulation. This can be looked up under "Airworthy and Un-aeronautical Use". It's a new rule that FAA has tightened up on. It went into effect on July 19th. Mr. Berkshire stated he's looking to get the few airplanes out that have been taking up hangar space for 20 years so that the hangars can be utilized by people who have air worthy airplanes. He's not looking to go after someone who's been down for 8 months because they need to get a new engine. If the Airport Director is notified that a tenant is working on a new engine or doing other repair and the approximate time it will take to get work done, it's fine.

Mr. Arias asked if it is agreed that an FAA interpretation will be waited on for number 13. Chairman Lewellen stated that the lease would not be adopted tonight. Mr. Berkshire stated he could talk to FAA and get the exact interpretation as to whether or not it's for commercial activity or an individual. Experimental aircraft falls under a different category.

Mr. Berkshire stated in the new Regulation there is "talk" about benchmarks being made.

Mr. Josh Matekovic stated his understanding about any major maintenance work shouldn't be done without prior written approval from the City. If you want to drop the engine from your plane, from his understanding, you can put in a written request to the City for approval.

Member Hepfer stated if there isn't a demand for hangars it's not a big deal but on the other hand at Clovis the demand is high, so it's a big deal to free up hangars so they can be used. The goal for tonight is to identify the areas where it's weak and needs to be corrected.

Mr. Reeves stated on number 16 everyone is worried about someone coming in their hangar and pilots getting ramrodded with a bunch of stuff. Mr. Bob Lynn asked if they could be given a 24 hour written notice except in the case of emergencies.

Mr. Richards stated this part of the lease is from Los Alamos, verbatim. The flip side of the argument being made is if you rent a house, do you think the landlord doesn't have a key to get into your house? If you rent a commercial property this is different in that it's City dirt, City building and City operation, so, does a landlord understand an airplane is a major investment and you want to protect that? But at the same time the landlord typically has an ultimate ability to access its own property. This is different from a private hangar like Strebeck and Bennett have, they own that hangar. There is a basis for the owner having the ability to access their own property. If there's an emergency, you can always use lock cutters

but that's a reason for the landlord to have access. If your plane is next door to that hangar that's on fire, my guess is that you would be happy that the City had access to get your plane. Commissioner Bryant stated the City should have access, but the owner should be notified. Unless there's an emergency as was discussed. If I have a hangar on fire and there's a plane next door I would constitute that as an emergency.

Mr. Richards stated providing locks and the combinations to those locks to the City of objectionable. Mr. Thorn stated he has one key to his lock and he owns it. In the past when D & D had done maintenance on his plane, he would give them the key. They were the only ones that had access to his airplane and doesn't understand why the City would want the liability of being able to get in everybody's hangar.

Mr. Bridges argued that Mall Management does not have keys to all of the stores in the Mall. Mr. Myers argued that landlords of houses do not have keys to a rental or leased house. Mr. Richards stated there's nothing illegal with having a key to a house that you own. He also stated there are 7 reasons listed on the Lease for the City to have access.

Chairman Lewellen suggested maybe put a peep window in each hangar door or some other way of looking inside the hangar and asked all present if that would work. Mr. Myers stated he didn't have a problem with it. Mr. Arias suggested to place a white board outside the hangar with the tail number of the plane inside the hangar.

Chairman Lewellen asked if everyone would be happy with a 24 written notice, maybe a peep window in the door so that when the manager gets phone calls from Flight Service he can verify the information.

Mr. Matekovic stated since he started working at the Airport last April and needed to make a call, he or Mr. Foshee would get the phone number from Ms. Baca to call the tenant, if they had to go in a hangar they made sure the owner knew. If the owner was not available they would get permission if they had to cut the lock for any reason, if it's a combination lock the tenant gave them the combination. Most of the time if they had to enter the hangar they always entered together, unless it was to fuel a plane, and Mr. Berkshire would normally be around watching them. They try to be as responsible as they can.

Mr. Bridges commented that he doesn't think its Josh or Mike. Mr. Berkshire stated he's been in Mr. Bridges' hangar one time. He also stated he wouldn't go in there unless he needed to for a certain reason and that he's never taken a single item out of anyone's hangar. Mr. Berkshire doesn't understand why that would be an issue.

Mr. Thorn stated it's not an issue with current staff. He was concerned that future staff may misinterpret the Lease and believes that he is losing more & more of his freedom at the Airport and stated this is the reason tenants are so adamant and if that's the case the Airport has to have access to private hangars as well.

Chairman Lewellen stated Mr. Berkshire knows where is key is and if something happens and he needs to get in, he has full access and airplane owners know this. Chairman Lewellen has three million dollars' worth of airplanes in his hangar.

Vice Chairman Sharer stated if a renter wants maintenance done and it can be done at 9 am and the renter doesn't show up, it's a waste of the maintenance guys' time.

Mr. Matekovic stated there are days when they're slammed with air traffic. They've had people call when light bulbs are going out or fuses are getting tripped and if they're busy they can't always get to it

right away. If they have access they'll get in there once they're freed up and change bulbs and lock it up. They only need access for maintenance or emergencies.

Vice Chairman Sharer stated limited access is for your protection. Mr. Berkshire stated he agreed and added there should be two people at all times. Mr. Thorn stated he understands the intent. The biggest issue is that he doesn't want the intent used for other things in the future. Mr. Arias asked if there is a reason for this. Mr. Berkshire stated updated phone numbers are needed and being able to call people will make a big difference.

Mr. Arias stated the lease should be left the way it was if there are no issues. Chairman Lewellen stated there was still access with the way it was and a lot of the lease hasn't been changed.

A guest asked if it was a regulation. Chairman Lewellen stated it's not a regulation, it's a safety issue and guarantee's everyone if they were ever in that situation they would highly appreciate the fact that flight service called the Airport Director and said "this airplane is missing" and you're sitting 200 miles from here in the middle of a field on a 110 degree day. That is what this is all about.

Mr. Thorn asked when signing the new lease if documentation had to be provided as stated on page 4 of 11, #11 Documentation. Proof of insurance never had to be provided before. Chairman Lewellen stated this will be taken off.

Mr. Berkshire stated this is a draft. Mr. Richards came up with this from information from four other Airports.

Mr. Reeves asked if the Airport is fixing hangar doors. Mr. Berkshire stated he has someone repairing hangars and hangar doors. He advised tenants to tell Airport employees so that they can get hangars fixed.

Mr. Bob Lynn asked if there will be an opportunity to review the changes being made before the next meeting. Chairman Lewellen stated a committee would be formed. The committee will try to take all of the concerns into account, get with Mr. Richards to form a workable document. It will then get out to everyone for review in a timely manner. Before everything is adopted everyone will have a chance to look it over. Member Hepfer recommended a committee of a couple of Board Members to recommend a workshop at a reasonable date and time to go over this. Chairman Lewellen stated what needs to happen first is 3 or 4 Board Members need to form a committee with Mr. Richards, then get these guys involved. Mr. Richards stated a workshop could be formed with 3 Board Members. The public is entitled to observe. If there are more than a quorum then notice will have to be given and there has to be an agenda.

Commissioner Bryant made a motion to table the Rules and Regulations until the next meeting. Member Hepfer seconded the motion, which passed by acclamation.

Mr. Reeves asked why have all of this to get rid of old aircraft that's not moving. Mr. Richards stated Rules and Regulations are for those 10% who don't comply.

Chairman Lewellen asked for volunteers for the committee. Member Hepfer, Member Dr. Jennings and Chairman Lewellen volunteered with everyone in agreement.

VII. OTHER BUSINESS FOR DISCUSSION

A. N/A

VIII. ADJOURNMENT

There being no further business to come before the Board the meeting adjourned at 6:48 p.m.