TOWN OF PAYSON
AIRPORT COMMISSION
REGULAR MEETING MINUTES
AUGUST 13, 2012

A **CALL TO ORDER**: Vice Chairman Day called to order the duly posted Airport Commission meeting at approximately 6:30 p.m. in the Payson Town Council Chambers. — Meeting Time & Place

B **PLEDGE OF ALLEGIANCE** — Pledge of Allegiance

C **ROLL CALL**: Bill Day, Dick Garmon, Robert Henley, Ray Law, Dan Nyhus, and Jon Barber and were present. Jim Hunt was absent. — Roll Call

STAFF PRESENT: LaRon Garrett, Assistant Town Manager, Michele Maupin, Secretary and Jesse Wallace, Airport Maintenance. — Staff Attending

OTHERS PRESENT: A number of the airport community was present. — Others Attending

D **PUBLIC COMMENTS**: Vice Chairman Day asked for any comments from the public on items not on the Agenda. Mrs. Margie Oldenkamp commented she would like to put on record all the pilots that have tie downs and hangers at the airport realize how their money is being spent. She stated she remembered the lawsuit that was discussed at the PRAA meeting. She is dismayed and appalled that the lawsuit is still going on; the association has paid the equivalent of one year's tie down for this lawsuit. She wants the community and the pilots to know that sixteen thousand dollars has been spent on this lawsuit. She wants this settled and to not see her money or anybody else's money being thrown out. She wants to bring to everybody's attention how much money has been spent and what it's been spent on, and how much more will be spent, and what the results of this will be. — Public Comments

Mrs. Barbara Parrish had a question regarding the public access through the gate fee and she was informed to wait for the agenda item to discuss.

Mr. Dennis Romain stated he lives on the airpark and informed when he bought property on the airpark the access fee was suppose to be half the tie down fee. And now it has doubled the amount. Vice Chairman Day asked that he wait to discuss until the committee gets to the agenda item for through the fence access.

E **MINUTES:** Minutes from July 9, 2012 meeting were presented for approval. Member Barber noted on roll call, according to the Town regulations, absences were counted as excused if notified ahead of time to the chairman or vice chairman. They do not count in the tally as an absence. Member Henley had a question regarding item one in the July minutes. He read, "Grant assurances define many lease requirements. A copy will be sent to Board members." He was wondering if anybody had received a copy. Vice Chairman Day questioned when the commission would see the final version of Chapter 95. Mr. Garrett stated he thought it had been sent out to everybody and if not he would make sure everybody gets a copy. It will be going to council next month. — Minutes

SEP 20 2012 E.3*

A motion for the minutes to be accepted as changed and amended. Member Barber second the motion. Approved 6-0

F **ITEMS FOR DISCUSSION/POSSIBLE ACTION**

1. Through The Fence Access Issues - Through The Fence

Vice Chairman Day asked for comments from the members. There was a comment regarding the monthly access fee for the airport. It was noted there was an email regarding the monthly fee as to whether you have aircraft equipment at your house, or whether you are actively using the gate to access the airport. There was discussion on the fairness on how to assess the fee as to usage of the gate. Mr. Garrett stated the fee is not just to use the gate. To meet the FAA requirements this is a fee for off and on equal use of airport. The fee is for use of the airport. There was discussion between the commission and the public on this item. It was questioned how the agreement came about. Mr. Garrett explained there is no written agreement. Member Garmin asked if there was a possibility for a reduced fee for people who do not fall under all the requirements. Mr. Garrett stated that was a possibility. He stated in his discussions with the FAA that was not discussed; ultimately once the agreement is finalized the FAA has final approval. Member Barber stated part of the agreement will be determined if it's an agreement for the aircraft or for the property. He made the suggestion the fee for aircraft that are not flying be reduced to half. There was discussion on homes that have garages for planes and garages for storages purposes, and how airplanes get into the airpark. Discussion included fairness on what meets the FAA requirements; does every property owner in the airpark need to pay equally if they are not going to use the airport. Mr. Garrett informed those that pay the fee have aircraft on site; if there is no aircraft we have waived the fees. Vice Chairman Day asked if there were any public comments. Mrs. Barbara Parrish stated she is a resident in the airpark and expressed frustration on the handling of the gate and tie down fees. She requested a waiver on the gate fee, since she is not a pilot. And was told several had been authorized for a fee waiver. She informed she would not be using the gate. She was then informed of a tie down fee required by the FAA; she then informed she had invested approximately five hundred thousand dollars for a hanger. She was then informed as long as she owns a plane she would be required to pay the fee. She feels this is unfair and doesn't believe this is an actual requirement of the FAA. She informed the commission that she does not have a pilot's license and she does not intend to use the airport gate or the airport. Mr. Dennis McAllister handed out copies of his comments and informed the commission he owns a vacant lot in the airpark. Vice Chairman Day reminded Mr. McAllister of the three minute time limit. Mr. McAllister requested the Through the Fence item be studied by Town staff, and tabled and placed on a future agenda. He also requested that a full copy of his prepared remarks and attachments be entered into the meeting minutes without revision. He also stated there was quite a bit of confusion about what is really required to meet both the Towns requirements to the property owners within the airpark, which are deed requirements. He stated with the deed requirements the Town has to allow access to the airport through the fence. The other matter he questioned is the requirements to meet the FAA Re-authorization Act of 1912, section 136. He submitted a copy of the

proposed draft of the residential Through the Fence Agreement and it trying to answer both of the above questions in one document. There are four items in the document to answer two questions. He stated in his view of the proposed draft it is not doing a very good job of coming up with an agreement for the owners to sign. The proposed draft agrees to establish an airport operations procedure that defines the conditions and use and fees for the users to sign for through the fence. It includes with it a written agreement for airpark owners to pay an unknown fee for an entire period of property ownership whether or not that owner access the airport. It attempts to restrict owners private property rights through questionably legal private property restrictions against airpark owners based on what they choose to own or store on their private property. And four, its attempts to grant the Town of Payson a deed encumbrance of an aviation easement. He feels each of these four items needs to be addressed separately to answer the two questions above. What does the Town need to do to satisfy the property owner's requirement to access the airport, and to satisfy the requirements for section 136? He suggested having an attorney in property law review the proposed draft, and to develop three separate documents. One to establish airport operating policy (example exhibit B of his handout) for through the fence aircraft operations that clearly states the policy, methodology and puts in compliance with section 136. A second document would create a separate residential through the fence owner agreement that would be signed by the owners. The current document cannot be signed by the owners. And third, create a separate billing agreement that only address the payment and collection of user fees. He stated the current document is unacceptable to him and he would not recommend any member of the airport community to sign it. He would like the process and form to be reviewed. Member Law asked if Mr. McAllister has seen both agreements. Mr. McAllister stated he had seen both and felt they were unacceptable. Member Garmin thanked Mr. McAllister for his presentation and questioned if they could create a committee within a committee, or sit down with the Town. Mr. Garrett informed if they created an official committee to look at the documents it would have go by the open meeting laws for the state of Arizona. Mr. Dennis Romain questioned the fees being reduced in the future as more people move into the airpark. He also referred to roman numeral one number six in the document it states agreement for non-payment of airport access fees, aircraft related equipment stored on the property. He feels the wording is terrible and unacceptable. He questioned if someone were to lose his medical and can no longer fly. Obviously they would not be accessing the airport if they lose their medical. He also questioned hanger storage, what if they stored something for a neighbor, like a non flyable plane. Who pays the gate fee you or the neighbor, or does either person pay since the plane is not flyable, or not accessing the airport. He stated his idea is to simplify this and put in terminology that makes sense for legally flyable aircraft if the lot owner who owns a legally flyable aircraft and is legally able to fly he shall be assumed to be using the airport and required to pay the gate fee. Legally flyable aircraft goes back to the FAA definition of what is legally flyable. If it is out of annual it is not legally flyable. There was a question if airplanes that are out of annual fly. Mr. Romain answered yes they can fly if they get a special ferry permit to destination to be repaired. If no medical certificate you are not able to fly. He has a problem with both an access fee and an

airport use fee. Is the money supposed to support the airport or the maintenance of the gate? Does the FAA require a certain amount to be paid for accessing the airport, and using the airport property? He stated a suggestion for half the fee was made, and he thinks the FAA does not require a specific fee amount be paid, and the Commission and Town would be responsible for the fee amount. He also questioned if the Town was involved in the development of the CC&R's at the airpark. Mr. Garrett explained under the state law in Arizona the Town is prohibited from enforcing CC&R's. Mr. Romain informed the Commission he had a Lincoln Mark Eight vehicle parked in his hanger and would be willing to donate it as a courtesy car for the airport once he gets a clear title. Member Henley commented on the grant assurances. He stated the fairness idea and the charges should be similar to what is paid for on the airport verses for off the airport. It is a fairness issue verses a volume or more houses issue. The residential and commercial need to balance on fees. Member Barber stated this has to go to the FAA for approval along with the Town. They already have comments from the FAA on where they want to see the fees. FAA has told us what the fees should be and will not approve if the fee amount is not there. The guidance the commission has received for the fee amount is from the FAA. Mr. Garrett informed at the April or May Commission meeting the Commission approved the fee schedule that went to the Town Council and became effective July 1. The thirty dollars is what was set and is in place now. Mr. David Oldenkamp stated he and Margie operate the hangers on Bravo Taxi Way. He feels there should be two agreements. An agreement for the property owner and then a separate agreement for the people who own an airplane. Member Barber commented how the Town would have leverage on collecting fees from people who just have an aircraft and access the gate. This is why the agreements are being addressed to the property owners; sometimes the property owners rent their hangers out. They are trying to address all the FAA's concerns and the Towns concerns too. Mrs. Margie Oldenkamp stated she did not agree with this. She looks at the situation from the standpoint of having six tenants. She thinks the responsibility should fall on the Town and not on her. The Town knows which planes rent the tie downs. It should be the aircraft owners who are renting the tie downs and using the gate and airport. She thinks the people who are using the gate should pay the fee. She stated she felt there are too many variables going on with the property owners, renting hangers, tie downs, and aircraft owners. Focus on the planes and get the money from the planes going through the gate. Mr. Dennis McAllister stated he thought the most important thing to do is establish what the policy is for the Through the Fence, he included exhibit B in his packet. Then you can build a written agreement for pilots to sign; only the five parts to comply with section 136. Mr. Romain commented on the FAA being interested in fairness; tie down people using the airport full time verses the people in residential area use the airport one percent of the time. He stated he did not understand how one person could to set the fee. Member Garmon stated that the commission is trying to be fair and they are trying to work something through that makes sense for everybody. They are trying to understand the requirements from the FAA and what the Town looks at from a legal standpoint and a good understanding on where they need to go and recommended that the commission discuss more. Member Henley asked if everybody understood the five points mentioned earlier and

informed they were in Mr. McAllister's handout. He stated he wasn't sure if the FAA had given a deadline. Mr. Garrett informed the current law states by 2013; however the FAA draft changed to 2014. The Commission and the public continued to discuss this item. Member Garmon made a motion to stop discussing this item and look into gathering more information for the next meeting. Mr. Garrett stated he agrees that the commission needs to continue to work on this item, and the biggest issue he is seeing is the policy that they have been using states if there is an aircraft there they get charged. And the definition of legally flyable and legally able to fly need to be defined. Mr. Garrett then stated the PRAA had one standard then it came to the Town and we look at it differently. We now have a commission to work through this and that is why the Town is looking for direction. Member Barber stated until they get the disagreement taken care of and they revert to the basic policy the PRAA had as far as to who is being charged. Mr. Garrett stated the issue is the Town is sending bills to people who have an airplane but are not using the aircraft. Member Barber suggested making some specific individual accommodations be made in the mean time until a more concrete decision is made. Vice Chairman Day asked for a motion to table this item and do some investigation before making any decisions. Member Henley made a motion for the Town of Payson to charge a fee to any pilot that utilizes the gate to access the airport until a decision is made. Mr. Garrett stated they are looking for direction from the commission do we base the fee on if there is an aircraft there do we charge, or do we base it on if there is a legally flyable aircraft with a legally licensed pilot to fly the aircraft. Member Barber second the motion. Approved 6-0.

2. Airport Capital Improvement program - Airport Capital Improvement

Vice Chairman Day informed there would be a meeting on Monday August 20th with FAA and ADOT. Mr. Garrett informed the purpose of the meeting is to review the current ACIP, to see if any changes want to be made. One unofficial change has been made; moving the AWOS replacement schedule up from its original scheduled date to this year due to problems with the existing AWOS.

3. Submitting KPAN Nomination for Airport of the Year - KPAN Nomination

Vice Chairman Day stated he was not sure where they were with this item and how far Beth had gotten. Member Henley stated he had received an email stating it had been taken care of and submitted.

4. Airport Courtesy Car - Courtesy Car

Vice Chairman Day stated he thought there was some discussion earlier. Member Henley questioned if there was a car donate how would it be maintained. Mr. Garrett stated it would be maintained with the rest of the Towns fleet. Member Henley also stated he had talked to the Payson Pilots Association and the EA Chapter to set aside some money to help purchase a car to donate to the Town. Mrs. Oldenkamp stated she felt there were enough pilots that would like to see this happen and an email should be sent out asking for donations.

5. Helipad Lighting - Helipad Lighting

Vice Chairman Day informed Member Nyhus was going to investigate this

item. Member Nyhus explained Member Law and Beth went out after last meeting and discussed, and he hasn't gone back out to see if anything had been done. Jesse Wallace stated the lights have been adjusted and are no longer in conflict with the runway, taxi way or Airport Road. They are in the process of having three sided shields built for each light so they can be turned up and focused on the helipad. Mr. Garner questioned why the lights are on all night. He feels it's a waste of money. It was explained they are an airport light and they help light the taxi way, its part of the movement area.

6. Purchase of 24 Volt Battery Charger - Battery Charger
Vice Chairman Day asked staff to comment on this item. Mr. Garrett stated he was not familiar with this item. He is not sure there are budgeted funds to purchase and if it is a function of the airport management or the FBO to provide this service. Member Garmon stated not sure it is a requirement of the airport. Member Henley feels this item should be dropped from future agendas.

G **Management Report and Discussion** Management Report
Mr. Garrett stated there would be a meeting with ADOT and FAA next Monday. Chapter 95 is currently scheduled to go to Council for the first reading on September 6th and the second on the 20th. AWOS is out to bid and bids come in on Friday. If all goes well they will be able to go to Council on September 6th with the proposed grant award from FAA to pay for the AWOS. Mr. Garrett informed some of the existing AWOS equipment is not maintainable and that is why it is being replaced. Mr. Garrett then introduced the new airport coordinator, Mr. Ray Law. Replacement of Member Law's position will come under the standard Council procedures where applications on file will be reviewed and/or new applications will be taken.

H **Schedule of Future Meetings and Requests to Staff for the Placement of Items on Future Commission Agendas – No Discussion Permitted** Future Meeting
The commission agreed next meeting would be held at 6:30 pm on Monday, September 10th, 2012.

I **Adjournment** Adjourn
Adjournment motion was made. Meeting adjourned at 8:05 pm.

Approved:

Bill Day Date: 9/11/12
Vice Chairman Day

ATTEST:
Michele Maupin
Michele Maupin, Secretary

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Certification

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Airport Commission of the Town of Payson held on the 13th day of August 2012. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 11 day of SEPT, 2012.

Michele Maupin, Secretary

Affix Town Seal
Mm