

Airport Advisory Committee Meeting  
St. Mary's County Regional Airport  
September 28, 2009

***Approved Minutes***

**I. CALL TO ORDER**

Mr. James J. Davis, Committee Chairman, called the meeting to order at approximately 6:02 PM. Committee members Randy Willis, Rich Richardson, Skip Shephard, Ned Clarke, Michael Brunnschweiler and Jacque LaValle were also present. Since a quorum was present, official business could be conducted. Others in attendance are reflected on the Sign-In Sheet.

Mr. Gary Whipple from the Department of Public Works and Transportation introduced Mr. Brian McKeehan of Delta Airport Consultants. Mr. McKeehan attended to answer any committee questions on the draft Rules and Minimum Standards.

Mr. Steve Bildman requested a change to the agenda to provide his FBO reports at the beginning of the meeting in order to leave early for another commitment. The committee accepted the change to the agenda.

**II. FBO AND LEASEHOLDER REPORTS**

Mr Bildman stated that the FAA visited the Airport to conduct a traffic count study and hangar count. St Mary's has an increasing traffic count and is one of the stronger regional general aviation airports. He also noted that he had received 4 to 5 noise complaints over the last month and that he addressed them directly with the callers. One complaint was most likely due to SMECO flying the high-voltage transmission line for a visual inspection. Also, some calls suggest a marked increase in weekend traffic, but weekend traffic remains steady.

Mr. Bildman reported that DPW&T had issued the grading permit for the new hangar construction. Construction has commenced, and the perimeter security fence has been removed, to be reinstalled by Oct 2. He also mentioned that the building will arrive onsite on October 26.

Mr. Whipple asked that Mr. Bildman address temporary perimeter fencing during the construction period and contact Building Services to turn over the controls, mounting brackets, motors and other accessories for the former vehicle access gate (Gate #2). Mr. Pat Weaver stated that he had those items palletized and would contact Building Services.

Mr. Richardson and Mr. Shephard stressed the need to follow-up on the perimeter fence maintenance and the fence wash outs noted in the April 2009 airport inspection. Mr. Richardson recognized that the growth on the perimeter fence has been sprayed, but would like to see the work through to completion. Mr. Carlton stated that most of perimeter fence had been sprayed and that the balance of the spraying operations is expected to be complete the week of October 18<sup>th</sup> weather permitting. The County will then go back with laborers to cut the dead vegetation off the fence. Mr. Bildman and Mr. Weaver will follow up on the fence wash outs. Also, Mr. Shepard indicated that the segmented circle needs another coat of paint.

### **III. CHAIRMAN'S REPORT**

After the FBO report, Mr. Davis led the discussion with Mr. Bildman about the Terminal and future plans for commercial development. Mr. Bildman stated that it would be highly unlikely to have a positive cash flow from a restaurant based solely upon general aviation activity at its current level.

Mr. Davis, Mr. LaValle and Mr. Shephard have consulted with the local restaurant business community to assess the feasibility of restaurant service at the terminal. Based upon those informal consultations, Mr. Davis indicated that with minor capital improvements to alter the baggage handling area (upgrading utilities and providing a grease trap), furniture, and sound dampening, a local business establishment could conceivably bring in its own equipment and, after establishing the business, generate up to \$500,000 annually with a 4-5% revenue share to the County at about \$25,000. Obviously these terms would have to be negotiated, but the numbers were offered as a point of reference.

Mr. Davis further stated that their feasibility study indicates a need for a liquor license to attract enough clientele. Mr. Davis would like to see what other general aviation airports in the State have alcohol licenses. It was noted that the Wicomico Shores Clubhouse serves liquor.

Mr. Whipple noted that the County normally expects the capital investment to be covered by the entrepreneur with a negotiated rent reduction to pay back the costs. Also, the Board of County Commissioners would have to consider the competition created in the restaurant business, especially during an economic downturn.

The committee recognized that there would be several details to consider about menu and hours, and decided to further study the situation at other airports. Ned Clarke noted that the Cambridge airport has a successful restaurant that is well established. He suggested that the committee contact the airport managers at Easton and Cambridge to look at those restaurants from the County's perspective. Mr. Davis took action to draft a proposal for committee review, and Mr. Clarke took action to contact the airport managers as noted.

Mr. Whipple briefly updated the committee on the proposed terminal lease to the Civil Air Patrol that was recently approved by the CAP higher headquarters. The proposed lease is for the CAP's Mission Base initiative and involves most of the terminal building when the CAP is fully mobilized for a contingency operation. If this lease is approved by the BOCC, as recommended by earlier committee action, any restaurant activity would have to take this into account. Mr. Whipple showed the committee the Department's terminal plan indicating all approved and proposed uses. The plan does leave the option for a restaurant activity in the baggage handling area.

Mr. LaValle expressed concern about the Civil Air Patrol's use of the terminal and the airport. The floor in the terminal has been scratched by the cadets dragging tables. Additionally, the CAP has mobilized for search and rescue (SAR) operations based upon reports of low-flying aircraft that turned out to be inspecting power lines, disrupting airport operations. The County is aware of the condition of the terminal floor and has denied the CAP's request to use the meeting room during MedSTAR's lease in the terminal. The County has not been made aware of the SAR issue and will investigate with the Department of Public Safety.

### **IV. MINUTES**

The Committee reviewed the draft minutes from the July 27<sup>th</sup> meeting. Noting the absence of any general public at the meeting, Mr. LaValle asked for clarification concerning the advertisement procedures for the Public Information Meeting. Mr. Whipple noted that the

PIM was properly advertised and that the more formal public hearing in the late winter / early spring will require formal legal notices in the local media and should draw more comment and attendance. Mr. LaValle moved and Mr. Richardson seconded that the minutes be approved as drafted. The motion passed by a vote of 7-0.

## V. PUBLIC COMMENT

The committee then moved into the Public Information Meeting for the review of the draft Rules and Minimum Standards. Mr. Whipple summarized the committee's main concerns based upon the comments he received from several committee members. Section II.H.1 FIREARMS AND WEAPONS must be drafted in such a manner that the goals of the Airport's Security Program are maintained, but in a manner that is consistent with the Second Amendment and Maryland State Law concerning the right to carry firearms. The Committee is cognizant of several airport tenants who use their aircraft to travel on hunting trips and are merely transiting through the airside to their aircraft. Additionally, several airport patrons maintain flare guns onboard their aircraft as part of their safety equipment. The committee recommended removing the flare gun from the list of "weapons" in Section H.1.a. Mr. Whipple will clarify with the Office of the Sheriff the exact language to be used to meet the intent of the Security Program.

Mr. Whipple also added a section (Section II.Q) about remote control (RC) model aircraft to include FAA Advisory Circular voluntary guidance. The FAA recommends that RC aircraft remain below 400 feet, that RC aircraft operators always yield right-of-way to manned aircraft, and that airports within three miles of RC aircraft operations be notified. The local RC aircraft organization, Patuxent Aeromodelers, has been notified of these FAA guidelines and have indicated that they intend to comply.

Mr. Whipple addressed the committee's concern about Section I.E AIRPORT MANAGER language concerning the duties of the Airport Manager. The committee requested that the statement "*No person shall intentionally fail or refuse to obey a lawful order of the Airport Manager*" be removed. The committee prefers that the following statement be made: "*The County Commissioners shall act as the Airport Manager, but may designate or employ a Person or other entity to manage daily Airport operations and to enforce County policy.*" (underline added for reference to proposed change).

Mr. LaValle questioned the reasonableness of including air sickness bags in the definition of biohazards in Section I.F. PERSONAL CONDUCT, item 10, wondering how that would be enforced, especially since there is no mention of disposable diapers as well. Will the County provide Biohazard bags?

Mr. Weaver suggested that the County clarify the conditions of "current airworthiness certificate" in Section I.V. ADMISSIBLE AIRCRAFT to address aircraft that are not in operation. Mr. Whipple indicated that SECTION II.A.2 of AIRCRAFT OPERATION addresses the requirement to have "Ground, Not in Motion" insurance for aircraft "out of annual".

Mr. Clarke recommends that the County ensure that skydiving operations (Section I.K.d. PERMITS) carrying the same insurance requirements as any other aeronautical activity (\$50,000 vs. \$1,000,000). The draft document does not appear to change or update the requirements from the original document (text not italicized). Mr. Whipple will update accordingly. Also, Mr. Weaver pointed out that Section II.H. SKYDIVING appears to leave the possibility of skydiving operations open with a change to the Airport Layout Plan. Mr. Whipple indicated that any proposals for skydiving operations would be controlled by permit procedures as described in the draft language, leaving flexibility in the proposed ordinance.

Mr. Weaver requests that the County clarify in Section I.M.2 INSURANCE whether or not it is possible for an insurance company to have a Best's Rating of "A" after September 11, 2001. Does the County self-insure up to a certain point.

Mr. Weaver also requests further review of hangar's keepers insurance in Section I.M.5.e. This type of insurance is for tenants engaged in maintenance, repair, or servicing of aircraft belonging to a third party, or if tenant is otherwise involved in any operation in which they have care, custody or control of a third-party owned aircraft. The section should qualify this requirement for only those instances where these conditions apply.

Mr. Davis would like to examine how the County reviews and establishes the fees for the airport. He would like to see that addressed during the public hearing process adopting these Rules and Minimum Standards. The committee would like to review the process for determining and establishing fees, especially in light of attracting business to the airport.

Mr. Clarke questioned the intent of the age limits specified in Section I.N AGE LIMIT with respect to student pilots. Is the intent to keep under-aged people from loitering around the airport? Either an exception should be noted or the language struck in its entirety.

The committee requests clarification on the permitting requirements and enforcement mechanisms for part-time flight school operations under Section I.K.4.a PERMITS. After discussions about aircraft owner risk, being current in type and model of various aircraft, and insurance considerations for part-time flight instruction, the committee suggests striking the phrase qualifying the requirement to no more than three students.

Mr. Weaver, Mr. Richardson and Mr. Davis would like the requirements of self-fueling and the associated permitting clarified in Section I.O FIRE PREVENTION. Also, Mr. LaValle requested that the steel fuel containers be reviewed with the State Fire Marshall since steel five gallon containers with properly bonded metal funnels may be outdated since the original document in 1994. Most current containers are plastic.

Mr. Richardson questions the need for such an exhaustive and detailed section on infractions and enforcement (Section III). Mr. Whipple acknowledged that the language is somewhat cumbersome to read, but that the process for enforcement must be delineated and defined clearly for the ordinance to have any weight. The Section will have to be reviewed by the County Attorney, and should be reviewed by the Office of the Sheriff for their input.

## **VI. DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION REPORT**

Mr. Whipple briefly updated the committee on the wetlands mitigation process. The County has identified a piece of property currently under an agricultural preservation easement that appears to be very favorable for wetlands mitigation purposes. The Department of Public Works and Transportation is preparing a petition to the State of Maryland's Agricultural Land Preservation Foundation to remove the requested acreage from the current easement. The petition requires endorsement from the Department of Land Use and Growth Management and the County's Agricultural Preservation Advisory Board.

MedSTAR and the BOCC have signed the lease for the terminal space, and MedSTAR moved in on September 11<sup>th</sup>.

Mr. Whipple reported on the development review process for the October 2009 submission. Nothing significant to report.

The County followed up with WPTX to ensure that the obstruction lighting on their radio towers on Route 4 is properly maintained per FAA requirements. The County has established contact with the local personnel responsible for that maintenance.

Mr. Carlton stated that the Department has put in a purchase request for the new rotating beacon. No word as to when the Procurement Office will advertise for bids. The Department has also received a proposal from the County's on-call site contractor to re-stripe the runway and taxiway. The Department has also requested a proposal to repair the storm water inlets and piping between the runway and taxiway.

Mr. Carlton also reported that the Building Services Division is still planning to install the electrical outlets for the engine heaters. No time frame was given for the installation of the electrical outlets at the time of the meeting.

**VII. NEW / OLD BUSINESS**

The next scheduled meeting is scheduled for October 26, 2009. The meeting will begin at 6:00 PM in the Walter F. Duke Terminal Building Conference Room.

**VIII. ADJOURNMENT**

Having heard no additional comments, Mr. Davis indicated that the agenda for the meeting was complete. Mr. LaValle moved and Mr. Shephard seconded a motion to adjourn the meeting which passed by a vote of 7-0. The meeting was adjourned at approximately 8:00 PM.

Respectfully submitted,

Approved,

*(signed)*

*(signed)*

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Gary Whipple, P.E. DPW&T  
**Recording Secretary**

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James J. Davis, P.E.  
**Chairman**