

***MINUTES OF AIRPORT COMMISSION REGULAR MEETING  
TUESDAY – FEBRUARY 20, 2024  
FORT SMITH REGIONAL AIRPORT CONFERENCE ROOM***

The regular meeting of the Fort Smith Airport Commission was called to order at 5:30 p.m. by Vice-Chairman Pendergrass, presiding. Commissioners Cooper, Grimes, Kelly, Ridgley and Voris were present. Chairman Hawkins was absent. Also present were Michael Griffin, airport director, and Lindsay Conley, finance director.

**ADOPTION OF MINUTES**

On motion by Commissioner Voris and second by Commissioner Grimes, the commission approved the minutes of the regular meeting of January 23, 2024. Voting aye: Cooper, Grimes, Kelly, Pendergrass, Ridgley and Voris. Voting nay: none. Motion carried.

**TREASURERS' REPORT**

Commissioner Ridgley reported the financials were tracking as expected, noting a large portion of the fence repair budget had been used in January. Director Griffin reported the west fence had been damaged by a vehicle. An insurance claim was filed with the driver's insurance, and the airport expects reimbursement for the cost of the fence repair in the coming months. Another notable expense was overtime salaries, caused by snow operations for two weather events. The final ARPA grant funds were used in January. Excluding grant funds, the airport had \$83,000 net income for the month.

**ITEMS OF BUSINESS**

1. Terminal Irrigation System Replacement Bid – The airport's current irrigation system was installed when the new terminal was built. A considerable amount of piping is broken and the system programming is no longer functioning correctly. A request for irrigation system replacement bids was published, with two bids received. Alber Irrigation submitted a bid for \$85,066.73 to replace the existing system, including irrigation lines, sprinkler heads, and computerized components. Cutting Edge Outdoors submitted a bid past the deadline excluding them from consideration, and the bid was higher than Alber Irrigation. The budgeted amount for this project was \$200,000. Staff recommended Alber Irrigation to replace the terminal irrigation system.

A motion to approve Alber Irrigation for the terminal irrigation system replacement and to authorize the Airport Director to execute the contract was made by Commissioner Kelly and seconded by Commissioner Voris. Voting aye: Cooper, Grimes, Kelly, Pendergrass, Ridgley and Voris. Voting nay: none. There was no further discussion and motion carried.

2. Property Development Ground Lease – Staff renegotiated the proposed ground lease with the nationally known restaurant group previously discussed at the September 2023 meeting, with the restaurant's special requests now to be constructed at the expense of the restaurant instead of the airport. The restaurant has submitted a letter of intent to lease Lot 6 next to the Home2 Suites Hotel. The proposed ground lease has a term of 10 years with three 5-year options to extend; escalators begin after 5 years and continue for each 5-year period. Staff coordinated with Commissioner Cooper regarding the letter of intent and the property lease, and the documents have been reviewed by legal counsel. The restaurant has requested the airport not to lease adjacent lots to sports bar competitors. Prior to signing, the airport attorney will expand upon this request and tighten up language.

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A motion to authorize the Airport Director to execute the letter of intent to lease and enter into a ground lease for the development of the restaurant was made by Commissioner Cooper and seconded by Commissioner Voris. Voting aye: Cooper, Grimes, Kelly, Pendergrass, Ridgley and Voris. Voting nay: none. There was no further discussion and motion carried.

### 3. Director's Report

A. Air Force Coordination – Accusations of a lack of communication and cooperation from airport staff have been expressed by the Air Force and by the City of Fort Smith administration. Airport staff finds these accusations to be untrue and unfounded. In October 2023 when the Air Force arrived onsite and began forming their construction plans, staff held a meeting with them to apprise them of FAA requirements that they submit Form 7460 Airspace Reviews to the FAA for approval of each construction project on the airport. After the meeting, the airport operations director emailed the discussed forms and regulations to meeting attendees. The Air Force proceeded to ignore the requirements, seemingly believing they were operating on a military base, not a civilian airport. In December, airport staff held a second meeting with the Air Force, this time including FAA representatives. The FAA reiterated to the Air Force that as a tenant of the civilian airport, the Air Force was subject to FAA federal regulations requiring submission of Form 7460 to the FAA for approval of all construction on airport. Repercussions of the airport or its tenants not complying with FAA federal regulations would be the airport losing federal funding, including AIP grants, until the situation was resolved. In January, the Air Force held a Site Activation Task Force meeting, during which they briefed personnel that the airport was not being supportive and was delaying operations. This was untrue, being that since October 2023, the airport operations director spends 80-90% of her week coordinating with the Air Force. Later in January, staff discovered the Air Force planned to build a new taxi lane to connect to Taxiway Bravo. Staff alerted them that this project wasn't included in their Environmental Impact Statement (EIS), which is a National Environmental Policy Act (NEPA) requirement. A NEPA violation would make the airport and commission liable as the construction would occur outside of their leasehold and on the airfield. Repercussions of NEPA violations would be fines levied against the airport. The Air Force said they weren't subject to these requirements. The airport director connected the appropriate FAA representative with Air Force personnel to remedy this ongoing situation. A colonel from the 188<sup>th</sup> requested a meeting with the airport director to get their relationship back on track in late January, even though the airport director didn't feel the relationship had been damaged. During this meeting, the airport director let the colonel know the Air Force had not been submitting required airspace reviews to the FAA. The colonel said the Air Force thought those were something required by the airport itself, not the FAA. Staff then reached out to the FAA District Office to request help enforcing these requirements with the Air Force, as they were still not submitting required airspace reviews and staff was unclear how to proceed. After this, the Air Force began submitting the airspace review forms to the FAA for approval. The Air Force has now requested the airport pause the planned Part 150 Noise Study as they are issuing a supplemental EIS at present. Staff is more than willing to comply with this request. Staff has done everything possible to make sure the FMS mission is a success, and is hopeful things are now on the right track.

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- B. IGSA Update – The City of Fort Smith and Chamber of Commerce sent a letter from their attorney regarding the use of airport revenue for the shortfall of funds for the arresting barrier project. Staff has received confirmation from the FAA that using airport funds for the arresting barrier project would be considered revenue diversion and is prohibited. The FAA regional compliance officer feels a viable option to cover the shortfall would be to reimburse the city for a portion of the runway extension project, and he is working on written authorization. The airport engineer is working with the city engineer to reduce the cost of arresting system construction. Staff is hopeful the unfunded portion can be reduced to under \$3.6 million.

**NEXT COMMISSION MEETING**

The date of the next regularly scheduled meeting of the Fort Smith Airport Commission will be Tuesday, March 26, 2024, at 5:30 p.m.

**ADJOURNMENT**

On motion by Commissioner Grimes and second by Commissioner Voris, the meeting adjourned at 6:22 p.m. Voting aye: Cooper, Grimes, Kelly, Pendergrass, Ridgley and Voris. Voting Nay: none. Motion Carried.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael Griffin", is written over a light blue rectangular background.

Michael Griffin, A.A.E.  
Airport Director