

The Menominee County Board of Commissioners
will meet as a **Committee of the Whole** on
Wednesday, September 19, 2018 @ 10:00 AM
Menominee County Courthouse – Courtroom B
839 10th Ave., Menominee, MI 49858
(906) 863-7779

(A Quorum of the Menominee County Board will be Present)

AGENDA

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of the Agenda
- E. Public Comment (*Statement, not debate, limited to 5 minutes per person on agenda items only*)
- F. Business
 - a. Michigan Department of Transportation (MDOT) – Bryan Budds
- H. Public Comment (*limited to 5 minutes*)
- I. Commissioner Comment
- J. Adjourn

MDOT Video Conference

September 19, 2018

Questions

Flying Clubs

1. What is the purpose of a flying club?
2. What laws/regulations define a flying club?
3. Do members of a flying club have to own or share value of the aircraft in equal parts?
4. Can flight instruction be provided through a flying club? If so, under what conditions?
5. Can a flying club advertise that it provides flight instruction or is a place you can learn to fly?
6. Does the airport have the authority to limit the monetary compensation a flight instructor or mechanic may receive for services, as such, as a member of a flying club?
7. Can a flying club advertise that it provides airplane rental services?
8. Does the airport have the authority/responsibility to verify a flying club's status?
9. Does the airport have the authority to require the flying club to register as such with the airport?
10. Has the MDOT/FAA had issues with flying clubs acting as commercial operators at other airports? Is it a common issue?
11. Has MDOT questioned whether PHDS Flying Club at Menominee Regional airport was a flying club or commercial operator based on an advertisement a MDOT Inspector noticed during an airport inspection?
12. Has MDOT suggested that Mr. Ciocchetto, President of PHDS Flying Club, apply for a flight school license from the state? About how many times/years have MDOT suggested this?
13. Would MDOT consider PHDS Flying Club a "flying club" by the definition of MDOT and the FAA regulations? Why or why not?
14. Would the airport be at risk of violating our grant assurances if it did not properly categorize a flying clubs and commercial operators, or knowingly let a commercial operator continue as a flying club?

Civil Air Patrol

15. Menominee Regional Airport has a land lease with the Civil Air Patrol. The lease has a term of 50 years and an annual rental rate of \$1.00 with no provision to increase the rental rate over the term of the lease. The Civil Air Patrol does not have an aircraft stored in the hangar. Are there any issues with this lease given the circumstances?

16. Does the FAA only allow free/reduced rent for Civil Air Patrol hangars if they have an aircraft in the hangar or provide in-kind services to offset the fair-market value of the rental/lease rate?
17. Do you have any suggestions on a lease structure that would allow for reduced rent for the Civil Air Patrol, and keep the airport in compliance?

Land Leases

18. What is the purpose of a land lease?
19. When MDOT and the FAA reviewed leases from the airport several years ago did they include language required by the state and federal governments when accepting grant funds?
20. What is the maximum lease term that would be deemed acceptable by MDOT and the FAA?
21. Why does MDOT and the FAA not allow for lease terms longer than that?
22. If a lease has an initial term of 20 years and an automatic renewal for 20 years would that be considered an issue?
23. Are there any issues with an automatic renewal option?
24. Is the airport at risk of violating any grant assurance for offering leases longer than that allowed by MDOT or the FAA?
25. Is it beneficial to the airport to offer a shorter lease term? Why or why not?
26. If a lease has an initial term of 20 years and an automatic renewal for 20 years would that be considered an issue?
27. Is the airport required to offer a lease with a specific term, or any lease at all?
28. Who has the final authority in determining who leases are offered to, for what terms, and under what conditions?

Hangar Storage

29. What are the rules for storing non-aeronautical equipment in a hangar?
30. What are some common items that cannot be stored in a hangar?
31. If the hangar is privately owned, but still on airport property, do they still have to follow the FAA hangar use policy?
32. Does the FAA grant the airport sponsor the authority to further restrict or prohibit the storage of non-aeronautical items in the hangars?
33. Does the FAA expect the airport sponsor to have a program in place to monitor, prevent, and eliminate unapproved non-aeronautical use of hangars?
34. Why does the FAA care what people store in their hangars?

Security

35. What is the minimum security required by the FAA for an airport like Menominee Regional Airport? Where is it defined?

36. Does the State of Michigan have any additional requirements for airport security? If so, where is that defined?
37. What responsibility does the airport have to ensure the security of the facility?
38. The airport currently placed barriers across a taxi lane to limit vehicular traffic to the ramp area of the airport. Is this legal? Does the airport have the authority to restrict vehicular traffic at the airport? To what extent?
39. Should the movement of vehicles around aircraft be restricted? To what extent?
40. Do you have any security recommendations for our airport?

Questions from Airport Users

1. Does the Michigan Department of Transportation Have its own Airport Compliance Manual? We have not been able to find one. It appears MDOT uses FAA document 5190.6b. Is this true?
2. Referencing 5190.6b Chap 12.3 sect. b para 3. States, FAA offices should not consent to proposed lease terms that "exceed" 50 years. Is this true?
3. Referencing 5190.6b Chap 12.4 states, The FAA does not approve leases, nor does it endorse or become a party to tenant lease agreements. Does MDOT Aero concur?
4. Referencing 5190.6b Chap 12.6 Sect a, b & c. Can a sponsor contract for airport maintenance or administrative function? Can the sponsor contract total delegation of airport administration? Will the FAA consider such a contractor to be a resident agent of the sponsor?
5. Referencing 5190.6b Chap 14.3 Is it true that the FAA not the sponsor, is the authority to approve or disapprove aeronautical restrictions based on safety and /or efficiency at federally obligated airports?
6. Referencing 5190.6b Chap 18.2 para b does the FAA encourage direct negotiation between airport users and sponsors?
7. Referencing 5190.5b Chap 18.3 is the storage of aircraft parts in a Hangar considered an aeronautical use? Is commercial manufacturing of aircraft an aeronautical use?
8. Referencing 5190.6b Chap 18.6 para b does the FAA policy call for consultation and negotiation between the airport sponsor and the users?
9. Referencing The FAA guide to Ground Vehicle Operations, Is it not approved to operate a vehicle in a safe and careful manner on the surface of an uncontrolled airport?
10. Referencing FAA Document 2016-14133 Is it true the FAA has no objection to non-aeronautical storage in a hangar as long as it does not interfere with the storage and use of aircraft?
11. Do state and federal definitions take precedence over the county definitions in airport ordinances and minimum standards?

12. Is input from airport users required or recommended in the development of an Airport Layout Plan?
13. Is input from the public required or recommended in the development of an ALP
14. Does the FAA approve the non-aeronautical use of airport property not needed for aeronautical use such as a solar farm or agricultural use?
15. What is the FAA minimum required security at KMNM and what is the basis?
16. If there is a fence must it be maintained and if so what is the required maintenance on said fence?
17. Is there a valid reason to block a marked taxiway without a NOTAM?
18. Referencing MDOT doc 1465. Is it up to airport management to comply with procedures for a non-aeronautical event in order to comply with FAA Grant assurance 19, order 5190.6b 7.21 b&c? If so what are the consequences for noncompliance?
19. When or if Menominee County decides it cannot run the airport will the state take over management and keep it open?
20. Should Menominee County choose to close the airport who is responsible to repay the AIP grants we have received so far?
21. At this point in time what is the amount of AIP grant funding including acquisition outstanding and what will be the amount after reconstructing runway 14-32?