

The North Little Rock Airport Commission Meeting was held at noon on Thursday, January 20, 2022 in NLR City Hall, City Council Chambers.

The roll being called, the following Commissioners attended: Mark Bentley, Will Gruber, Brad Hughes, Todd Adams, Jake House. Tim Cummins and Adrienne Smith were absent (During the meeting which had multiple attendees dial in through RingCentral, there was an unknown phone number that seemed to answer to votes as Tim Cummins, but it has been confirmed that Tim Cummins was not a part of the meeting, and so he did not make any votes. Any recording that has an audible vote for Tim Cummins is to be dismissed, as that audible vote was from a prankster or someone pretending to be Mr. Cummins. The five commissioners in attendance for the meeting were the only five present and eligible to vote)

Also Present: Clay Rogers, Amy Fields- City Attorney's Office, Jordan Culver- Garver

## **Minutes**

Mr. Rogers says there are two meetings that need to approved, those from November and the special call meeting from December. Mr. Bentley moves to approve the November minutes, Mr. Adams seconds. The motion carries unanimously. Mr. Adams moves to approve the December minutes, Mr. Bentley seconds. The motion carries unanimously.

## **Financial Report**

Mr. Rogers says there isn't a financial report for the commission this month, which is typical for January. The finance department is still working on closing out all of the finances for the city and has not given Mr. Rogers a report. Mr. Rogers says he will have a report for the February meeting.

## **Old Business**

Nick Franke- Mr. Rogers goes over with the commission the incident at the airport involving Mr. Franke, and says he's had a conversation with the new commissioner Jake House on the incident and background and Mr. House is up to speed. Mr. Rogers talks about the incident at the Christmas party on airport where he assaulted another guest at the party, which is a violation of airport rules and regulations, and that he was still under a 5 year ban from the airport on the date he was on airport property for the party where he assaulted the other guest. MR. Rogers says at the December commission meeting, he informed the commission of the incident and the action he took of temporarily banning Mr. Franke from airport property until the commission has had an opportunity to discuss the issue and Mr. Franke has been given notice of the meeting where this issue will be discussed. Mr. Rogers says he's been in communication with the city attorney's office about it all. City Attorney Amy Fields asks for the record and for the minutes if Mr. Franke was notified about today's meeting and that this issue will be discussed. Mr. Rogers says yes, he sent Mr. Franke a certified letter through USPS which based on the tracking does not appear Mr. Franke has received the letter, but that he also sent a letter via email informing him of the meeting and that this issue would be discussed, and Mr. Franke sent Mr. Rogers two different replies to that

email showing he received it and is aware. Ms. Fields asks Mr. Rogers if he has sent the witness statements from the incident at the party to the commissioners so that they have had an opportunity to review those statements. Mr. Rogers says yes, he sent three witness statements to the commissioners; one is from the hangar owner and host of the party, one is from the guest who was assaulted, and one is from another guest at the party who got into a verbal altercation with Mr. Franke which occurred right before the assault, and is an airport user and hangar owner who has been assaulted by Mr. Franke on airport property before in the past. Ms. Fields goes over the language of the airport rules and regulations that would apply to this situation, and the language that specifically prohibits disorderly, indecent, obscene, or nuisance act on airport property. Ms. Fields gives the definition of disorderly, and what kind of actions could be classified as disorderly. Ms. Fields then reads the section of the rules and regulations that outlines what the commission is allowed to do in terms of enforcement should the commission find that the conduct by Mr. Franke was a violation of rules and regulations. Chairman Hughes asks if there is anyone in the audience that is there to speak on behalf of Mr. Franke. No one responds on Mr. Franke's behalf. Mr. Rogers says he feels we should have two separate votes, one vote to determine if Mr. Franke violated the rules and regulations, and if so, a separate vote on what the enforcement should be. City Attorney Fields agrees with that. Ms. Fields says she believes that the commission is able to take into account that Mr. Franke was on airport property before his original ban ended and therefore was not in compliance with the first ban when the incident occurred. Ms. Fields says if the commission votes to enforce a punishment, she agrees with the previous city attorney that a lifetime ban would be problematic since it's a public facility. She says it is up to the commission, but she would not recommend a lifetime ban. Chairman Hughes says he'd like to hold the vote on the first issue, which is did Mr. Franke violate the airport rules and regulations. Mr. Adams makes a motion that Mr. Franke's conduct was a violation of airport rules and regulations, Mr. Bentley seconds. Mr. Rogers does a roll call for the vote: Mr. Bentley- yes, Mr. Gruber- yes, Mr. Hughes-yes, Mr. Adams-yes, Mr. House- yes. (here, Mr. Rogers asks if Commissioner Cummins is on the call and asks for a vote. A voice says "yes" but it is not Mr. Cummins, and is not a valid vote). The motion carries unanimously. Mr. Rogers says in terms of enforcement, he believes five years was not long enough because at this party he assaulted someone and he is still a danger to the airport and airport users. Mr. Rogers recommends a 10 year ban for Mr. Franke. Mr. Rogers says the original ban included an ability to apply to access after two years, and if the commission wanted to include that they could, but that he doesn't think Mr. Franke should be allowed on airport property for 10 years. Mr. Gruber asks Ms. Fields if she is comfortable with a 10 year ban from her perspective. Ms. Fields says she thinks that's appropriate, and if Mr. Franke does appeal the decision, a judge could uphold the ban but adjust the time frame, it's not all or nothing. Ms. Fields says she is comfortable with a ban of that length. Mr. Adams asks if Mr. Rogers has heard any response from Mr. Franke. Mr. Rogers gives a summary of the emails he got from Mr. Franke responding. Chairman Hughes is comfortable with a ten year ban, and asks if we should specify the ban goes into effect today. Ms. Fields says it would be good to make a clear record that the ban starts today. Ms. Fields says she recommends if the commission does vote to ban him, Mr. Rogers send a letter to Mr. Franke letting him know what happened at the meeting. Mr. Bentley makes a motion that Mr. Franke be banned from airport property effective today, for a period of 10 years, Mr. Adams seconds. Mr. Rogers roll calls the vote: Mr. Bentley-Yes, Mr. Hughes-Yes, Mr. Gruber- yes, Mr. Adams-yes, Mr. House-yes. The motion carries unanimously. Mr. Gruber asks if

there are any penalties that could happen for airport users that invite Mr. Franke on airport property. Mr. Rogers says he doesn't think it's anything that needs to be set today, but that he will include language to airport users about the ban that that is a possibility should someone allow access to the airport to Mr. Franke. Ms. Fields says that might be hard to do, and she would have to look into that further. Ms. Fields says she would recommend the commission review and possibly update the airport rules and regulations.

Terminal Expansion- Mr. Rogers gives an update on the expansion project.

Williams Property Lease- Mr. Rogers discusses what Carole Canino of Williams Property are requesting in terms of a new lease on her existing hangars, and new hangars she would like to build on the East Ramp. She would like to build 4 new hangars with 4 bays each on the east ramp, but she is requesting the airport get an FAA grant to fund the asphalt required to build the hangars. Mr. Rogers goes over the challenges they've faced getting the grant for asphalt and that there would be additional asphalt needed that the developer would be required to pay for the part that connects each hangar bay to the new taxiway if it can be built. Mr. Rogers says he's explored options but that nothing has materialized that would solve that problem. Bill Canino speaking as a consultant for Williams Property says they have revised their plans to only have 3 hangars. There is discussion on the timeline of the project and the grants. Mr. Rogers clarifies that the grant would have to be broken into 2 years, with this year's grant being for design of the project, then the next year would be able to fund the construction of the taxiways. Mr. Rogers says he'll continue working with Jordan and Mr. Canino on the costs and feasibility.

### **New Business**

NLR Aviation Partners Lease Request- Mr. Rogers says this entity has withdrawn their lease request.

### **Engineer's Report**

None.

### **Directors Report**

Mr. Rogers updates the commission on the airshow in October.

### **Public Comment**

None

Mr. Bentley moves to adjourn, Mr. Gruber seconds.

The meeting is adjourned.