

CITY OF GLADEWATER  
CITY COUNCIL REGULAR SESSION  
AGENDA  
JANUARY 16, 2014  
6:00 P.M.

MEMBERS PRESENT: Mayor Harold Wells, Mayor Pro-tem Scott Owens, Leon Watson, J.D. Shipp, Lana Niemann, Elijah Anderson, Delbert Burlison

STAFF PRESENT: Sean Pate, Judy Hagle, Paul Jaap

GUESTS PRESENT: Nick Foster, Bubba Brooks, Norma Lacy, Alfred Lacy, Ellis Hayden, Mark Carpenter, Charles Mouton, Ed Parton, Rebecca Jaap, Stephen Campbell, Christy (illegible), Linda Wells, Pat Watson, John Paul Tallent, Mark May, Mary Williams, Jimmy Williams, Joe Wise, Mandy Lanphous, Paul Hall, Cori Todd

- I. CALL TO ORDER – Mayor Wells called the meeting to order at 6:00 p.m.  
a) Invocation – Councilmember Watson  
b) Pledge of Allegiance – Councilmember Burlison

II. CITIZENS COMMENTS

None

- III. CONSIDERATION of Consent Agenda  
a) Minutes –December 19, 2013  
b) Blanket Permit for Bricks and Bloom to be held March 22, 2014  
c) Revised Investment Report for quarter and fiscal year ending September 30, 2013  
d) Investment Report for quarter ending December 31, 2013

Councilmember Watson moved to approve, seconded by Mayor Pro-tem Owens. Carried 7-0.

IV. PRESENTATION by Airport Board Chairman Alfred Lacy regarding Gladewater Municipal Airport

Alfred Lacy, of 200 Oak Drive, Chairman of the Airport Board, presented handouts of an impact study from 2004 that indicated the airport has a \$1.7million impact on the local economy as well as supports about 22 full time jobs. He reported there are 82 aircraft and 3 helicopters at the airport. All hangars are leased at \$65 per month. There are 6 enclosed city owned hangars, 10 T-hangars and 49 privately owned hangars. Due to a previous grant, there are 29 additional 50'x 50' hangar sites to rent at \$0.12 per square foot; 9 of those are taken or are under construction. In 2008 the Airport Board conducted a study of other small municipal airports in the area and found that our rates were in line. Mr. Lacy described the two runways and the new PAPI light system recently added. He said the runways are in dire need of repair, which will be accomplished with upcoming grants. The hangars have water service but there is no sewage service available. It would cost about \$80,000 for an aerobic sewer system. We could apply for a 50/50 grant, however that matter was tabled until the runway grant is completed. He reminded the Council of Section 30.66 of the Code of Ordinances that states all fees or monies derived from the operation of the airport are to be used solely for the airport and not diverted to the general fund or any other operating fund. Mr. Lacy concluded by saying there is a 45 member experimental aircraft association out there that provided funds for a pavilion at the airport.

V. CONSIDERATION of donation or disposal of old VASI lights from Gladewater Municipal Airport

Alfred Lacy stated the VASI lights have been replaced at the airport with a PAPI lighting system. He said the lights are not broken or worn and requested permission to donate them to another municipal airport. City Manager Pate further explained that the VASI lights were originally donated to the City and therefore needed Council's permission to donate them to another municipality.

Mayor Pro-tem Owens moved to donate to another municipality as requested, seconded by Councilmember Watson. Carried 7-0.

VI. CONSIDERATION of request by the Airport Board to disqualify and remove Mark Carpenter from the Airport Board

Ed Parton, of 1800 Sanders, Vice-Chairman of the Airport Board stated the Council and the Airport Board are similarly charged with the responsibility of upholding City regulations. He reminded the Council of the functions of the Board set out by Section 30.62 of the Gladewater Code of Ordinances and also the Airport Rules & Regulations adopted by Resolution 93-16. Mr. Parton said Mark Carpenter was unanimously appointed by the Council and the Airport Board does not believe the appointment to be in compliance with procedures set out by the Council in Section 30.60. He said the Board further believes that Mr. Carpenter has a conflict of interest according to Section 30.63 in that he owns and operates Carpco, which is a non-aviation related business out of his hangar. The rules adopted in Resolution 93-16 also state that long-term storage of anything that is not aviation related is prohibited. For those reasons the Airport Board deems Mark Carpenter to be ineligible. The Board respectfully requests that Mr. Carpenter be removed from the Board and directed to vacate the hangar. Mr. Parton said the previous City Manager was notified of these rule infractions several times in the past and no action was taken.

Councilmember Shipp agrees that there is a rule violation regarding how the hangar is being used because of the non-aviation related business he has there. However, the same argument of Section 30.63 (Conflicts of Interest) can be made that because it is a non-aviation related business, there is no conflict of interest. There is no way for him to benefit personally or financially by serving on the Board. He said the Council is in charge of making sure all the rules and regulations are upheld and all must be treated fairly and rules applied uniformly.

Alfred Lacy reiterated it is a matter of his private business, unrelated to aviation, being conducted from the hangar. In addition, he is also violating another rule by sub-leasing the hangar, which should be grounds to cancel the lease. Mr. Lacy said to conduct his oil business from the hangar is in conflict with FAA regulations. He said grant funds for the airport are to be used for aviation purposes only and this may jeopardize our ability to obtain future federal grants. He said we cannot let one man lease a hangar for his private business and not let others. The Council would be remiss in performing its duties if it did not enforce its own rules. He further stated the City purchased the airport property in 1947 for about \$69,000. It was purchased with federal grant money. The big runway was paved with \$450,000 of federal grant money. He said it is not proper for a man to serve on the Council or on the Board that violates City ordinances.

Mayor Wells asked Mr. Lacy about several classic cars being stored in someone's hangar. Mr. Lacy stated that man has 3 hangars and there is a plane in each one. He said there is no reason for him not to store cars. Mayor Pro-tem Owens said using that same analogy, if you had an airplane in the hangar then you could also have an office in it if you wanted. Mayor Pro-tem Owens then referred back to the impact study provided and questioned the 20+ jobs that the airport supports. He then said there were discussions with previous City Manager Jay Stokes about working toward more commercial activities related to aviation. He stated we cannot pick and choose which rules we are going to enforce. There are people living out there, motor homes and classic cars and other non-aviation related items are being stored in hangars. He said we may need to rewrite some of the rules but we need to find a way to get along and work together.

Mr. Lacy said we can work together but FAA will have a problem with it. Mayor Pro-tem Owens replied he believes it is a stretch to think our grant funding is in jeopardy because of an office in a hangar.

Councilmember Burlison stated that Mark Carpenter does not necessarily have his business out there. His business is conducted from the cell phone in his pocket and he does fly an airplane.

Mr. Lacy encouraged the Council to check with FAA because they require that no business other than those related to aviation be established at the airport. He said the Airport Board has been working together for years trying to do their best to keep the airport operating. He said City Manager Sean Pate and Airport Manager Paul Jaap are doing a good job. The airport looks great, but the Board is asking for a little cooperation from the Council.

Councilmember Burlison asked what good the airport does for the average citizen of Gladewater. Mr. Lacy replied there is a group out there that flies people in need of health

assistance for free and they teach pilot training. Councilmember Burlison asked how many City taxes are paid by the airport. Mr. Lacy said he does not have an answer to that.

Councilmember Watson explained that he made the motion to replace Garnet McClure with Mark Carpenter because Mr. McClure had missed 3 consecutive meetings. He said last year the Council wanted to get more citizens involved with various boards. The City Secretary developed an application form they could fill out to express interest. Mark Carpenter had not served on any board and he applied. The Council had an opportunity to put someone on the board who wanted to serve the City of Gladewater. Mr. Lacy replied that he had over stepped his authority, as it was the Mayor's responsibility to nominate and the Council to approve. Mr. Lacy said there is no question the Council had the right to remove Mr. McClure from the board, but the Council didn't extend common courtesy to the Airport Board to see how they felt about the replacement.

Councilmember Niemann said there are two separate issues here; 1) qualification to serve on the board and 2) whether or not the business should be out there. She said she would like time to gather more information and have the city attorney review our rules and regulations to see where we stand. She said what is written now is what we have to go by and we may need to look at revisions or updates to the ordinance.

Ed Parton asked why the airport rules need to be reviewed if they were written by an attorney. Councilmember Shipp responded because we have a difference of opinion in interpretation. City Manager Pate added that different attorneys have different opinions also. These rules were written in approximately 1986. He said FAA rules may have changed since then, but these are self-imposed laws.

Councilmember Niemann said she doesn't know what the FAA regulations are and she needs a good understanding and more information before she can vote.

Mr. Parton said if no conflict is determined then there is nothing to disqualify Mark Carpenter from serving on the board.

Councilmember Watson stated the Council has appointed several people to other boards and this is the first time he has heard it is up to the Mayor. Mr. Parton said it is the rules adopted by the Council. Mayor Wells said we have never had a problem with that. The Council normally takes recommendations from the boards.

Mayor Wells called Mark Carpenter to the podium for a statement. Mark Carpenter, 2301 Woodbine, said he is willing to serve on the board. He believes that FAA grants being at risk is just sensationalism and he recollected a letter that the previous City Manager received from FAA stating it was not a problem. He said he has 550 hours of flying and he has an economic interest in Gladewater. He has one oil lease down in Cole Bottoms and 100% of his business operations are conducted there in the field. He admitted there is an office in the back of the hangar but it was there before he got there. The hangar used to belong to Maxwell Aviation. Mr. Carpenter said he did remodel the office and he uses it for paperwork. Mr. Carpenter also doubted the amount of jobs supported by the airport according to the impact study. He said he will try his best to make Gladewater Airport inclusive and not exclusive. Mr. Carpenter said he temporarily parked an old fire truck at the airport that he bought for the oil lease. He said he has an airplane in the hangar and there has been one there the majority of the time that he rents. Mr. Carpenter expressed his belief that part of the problem is that Garnet McClure was a super nice guy and he was contributing to the board and he did not know he would be replacing him when he signed up. The other part of the problem (he believes) is that Alfred Lacy has had a personal vendetta with him for years.

Mr. Lacy quickly replied it is not a vendetta to support someone else for election to an office. He then supplied the City Council with a copy of the FAA registry on the airplane that Mr. Carpenter claims to have an interest in and it does not listed him as a registered owner.

Mayor Wells thanked Alfred Lacy, Ed Parton and Mark Carpenter for their comments.

Councilmember Burlison commented that we might want to consider making this a private airport so the city can benefit from more tax dollars. Mark Carpenter added that other airports have many businesses that are not aviation related and encouraged Council to check with FAA.

Councilmember Shipp stated he does not see a conflict of interest to remove Mark Carpenter from the board, but he does see a violation of the rules and regulations. He moved to take no action regarding the removal of Mark Carpenter from the Airport Board until we seek the advice of legal counsel regarding Section 30.63. He further moved that City staff be instructed to review the airport for other rules and regulation violations and also to seek legal counsel if necessary for interpretation of those rules and regulations and enforcement of them. Motion was seconded by Councilmember Burlison. Carried 7-0.

VII. CITY MANAGER REPORT

- a) Update 12" water main project – Engineers are 85% complete with the final design but they are still working on right of way easements and cost per tract.
- b) Update on water meter project – This project is 96% complete. They are working on installation of compound meters now, which is 4" or larger. There is a tentative schedule for close-out conference where staff can bring up any remaining items or problems to be addressed.
- c) Update on water/sewer line replacement plan – The engineering firm is looking at and taking into consideration the hydraulic study we had done last year. There is discussion of feasibility of the City working the project and sub-contracting out where needed. We have in-house schematics so we can bid out work. We will come back to Council with ideas, possibly next month.

VIII. ADJOURN

Councilmember Shipp moved to adjourn at 6:53 p.m., seconded by Councilmember Watson. Adjourned by consensus.

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HAROLD R. WELLS, MAYOR

ATTEST:

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MELBA HARALSON, CITY SECRETARY