

Mayor Lee Webster called the Special Meeting to order at 6:00 p.m. Council Members present were Kris Dawson, Dave Freels, Dan Smith and Art Smyth. Council Member Scheller was absent. A quorum was present. Also present were City Clerk Misty Ruiz, Deputy Clerk Desha Dawson, Police Chief Ron Oules, Lieutenant Kelly Hook, City Attorneys Chuck Zimmerman and Julie Norton and Vision Consultant Toni Nelson.

Mayor Webster noted that this meeting will be recorded.

City Attorneys Chuck Zimmerman and Julie Norton of Ogden, Murphy & Wallace presented this evening to review the ordinance, resolution and leases regarding the Brewster Municipal Airport. Mr. Zimmerman noted that letters have been sent and recommendations have been made with respect to Council Member Dan Smith and his participation in discussions and voting on any issues regarding the Brewster Municipal Airport. (Council Member Smith has a business at the airport, as well as his father operating a business – Golden Wings Aviation - there as well). Mr. Zimmerman stated that he has recommended that Council Member Smith not participate in the discussions or vote.

Council Member Smith stated that he has been informed by his own personal attorney that he can participate in discussions regarding the Airport in general; however, if it were to be a discussion directly regarding his own business, or his father's business/lease, he would excuse himself from the discussion and the vote as he has previously stated. Council Member Smith asked Mr. Zimmerman if there were any reason that he should not participate in this discussion this evening as there is no direct discussion pertaining to his business or his fathers. Zimmerman stated that if Council Member Smith feels comfortable participating in the discussion and voting on the items at hand, then he is welcome to participate, but he does not recommend it. Council Member Smith stated that if the ordinance, resolution or lease(s) do not directly affect his father or himself, he wishes to participate. If he believes it does affect them, he will not participate.

**ORDINANCE NO. 840 – AIRPORT OPERATIONS (Amends Chapter 2.56 of the Brewster Municipal Code):**

Attorney Chuck Zimmerman reviewed Ordinance #840, going over all red line changes from the previous. Council Member Smith asked what defined "spaces". Zimmerman stated that this is any space not defined as a "lot" or a "leased property". A lease would be required for any long term use of a space.

On review of no parking on the ramp, Council Member Smith asked if this means that you cannot leave aircraft/rotorcraft parked on the ramp even if you have leased space. Zimmerman stated that no parking will be allowed on the ramp by anyone who has a leased space. The ramp is for "public use" and is to be used by the public. However, he did state that if one chooses to pay the tie down fee, they can park on the ramp. Zimmerman stated that basically it means you cannot park or occupy the ramp to the exclusion of others. You cannot just park your aircraft/rotorcraft there and leave it.

Smith did not feel this is a reasonable exclusion and feels Zimmerman was misinformed on the parking rules for the ramp. Mayor Webster vehemently disagrees. Webster stated that Med Star came to our airport and had nowhere to park on the ramp because Mr. Baker and the Smith's had every available space on the ramp used up. Council Member Smith stated that this only happened one time and it was eight (8) years ago. Mayor Webster disagreed stating it was in 2011.

Council Member Smith stated he does not believe this portion of the ordinance is right. Attorney Zimmerman stated that this ordinance is being written to have general rules that apply to everyone at the airport, not just one individual person, place or corporation. It is all inclusive and applies to everyone.

**MOTION:** Council Member Freels made the motion to approve the Ordinance No. 840 regarding Airport Operations, which amends Chapter 2.56 of the BMC. Council Member Smyth seconded the motion and the motion passed with a vote of three (3) to one (1). Council Members Freels, Dawson and Smyth in favor, Council Member Smith opposed – as he believes restricting the use (ramp parking) is in violation of our Grant Assurances.

**RESOLUTION NO. 12-01 – AIRPORT LEASE FEES AND OR USE OF LOTS OR SPACES AT THE BREWSTER MUNICIPAL AIRPORT:**

Attorney Zimmerman reviewed Resolution No. 12-01, regarding fees associated with lease and/or use of lots or spaces at the Brewster Municipal Airport. He stated that these fees will apply to all new leases and renewals and will apply to the leases “no one can find”.

Council Member Smith pointed out that the aviation lot lease fees went up 57%, not 5% like the non-aviation fees. He does not believe we should be increasing the fees this much, as we will not be able to compete with other airports in the area. He also believes the one-time \$1,000 lease processing/preparation fee for new leases is ridiculous.

**MOTION:** Council Member Dawson made the motion to approve the Resolution No. 12-01 regarding Airport Lease fees and/or use of lots or spaces at the Brewster Municipal Airport, amending exhibit G of Resolution No. 11-11. Council Member Freels seconded the motion and the motion passed with a vote of three (3) to one (1). Council Members Freels, Dawson and Smyth in favor, Council Member Smith opposed.

**AIRPORT AVATION/NON-AVIATION LEASES:**

City Attorney Zimmerman reviewed the Brewster Municipal Airport Aviation/Non-Aviation Lease Agreements. There are two separate lease agreements, one with a renewal option, one without. Zimmerman stated that these are templates, and if Council approves of these templates, these will need to be approved for the City to use. Zimmerman informed Council Member Smith that there will be a direct lease application with respect to the Golden Wings Aviation Leases that the City nor Smith’s (Golden Wings) cannot find and wants Council Member Smith to understand that these new leases may apply to, and effect his family. Smith understands this.

Council Member Smith then stated that he believes these are “restrictive” leases and may deter people from leasing at the airport. He also does not believe that revocation of a lease for two violations in two years is fair as it gives too much power to the Manager and too little incentive to new lessees. Mayor Webster stated that these leases and the details, the ordinance and the resolution are what has been requested by the Council and will apply to everyone who leases space at the airport. Council Member Smith agrees with the intent of trying to make operations smooth at the airport, however feels that these leases have a “focused” effect on one individual and may affect this person’s ability to operate their business. Mr. Zimmerman asked who this “person” was; Council Member Smith would not reply whom. Mr. Zimmerman stated that both of the leases are designed for anyone and everyone wanting to lease space at the airport and are not targeted to affect one particular individual or company. Council Member Smith stated that he does have a personal interest in the airport thriving. He believes the concerns are unwarranted and not pursued in a professional manner.

**MOTION:** Council Member Freels made the motion to approve the Brewster Municipal Airport Aviation/Non-Aviation Lease documents as submitted by Ogden, Murphy, Wallace. Council Member Smyth seconded the motion and the motion passed with a vote of three (3) to one (1). Council Members Freels, Dawson and Smyth in favor, Council Member Smith opposed.

**BUDGET REVIEW – TONI NELSON:**

Toni Nelson, Vision Financial Consultant, performed an overview of the new City Budget. She also reviewed our Cash Flow Analysis and the General Fund, other Governmental Fund, and Proprietary Fund type reclassifications and consolidations.

**ADJOURNMENT**

With there being no further business to come before the Council regarding the Special Meeting was adjourned at 8:00 p.m.

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Mayor Lee Webster

ATTEST:

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City Clerk/Treasurer Misty Ruiz