

TRIANGLE NORTH EXECUTIVE AIRPORT COMMISSION

Tuesday, May 13, 2014

Minutes

The Triangle North Executive Airport Commission was called to order at 5:30 p.m. by Chairman John Allers on May 13, 2014 in the conference room of the Triangle North Executive Airport.

In attendance were Commissioners: John Allers, Phillip Stover, Taylor Bartholomew and Herman Dickens. Also, in attendance were Steve Merritt (Airport Manager), Jim Farthing (Michael Baker Engineering), Greg Upper (Triangle Skydiving Center), Dan Williams (Franklin County Tax Administrator), Tom Bregger (Pilot), Alan Hills (Pilot) and Pete Tomlinson (Davis, Sturges & Tomlinson). Absent from the meeting were Commissioners Don Lancaster, David Bunn and Guy Martin.

The second agenda item was review and approval of minutes from the April 8, 2014 meeting. Due to lack of a quorum, this agenda item was deferred.

The third item on the agenda was public comments. Chairman Allers called for comments from the public. Mr. Tom Bregger, 3412 Keighley Forest, Wake Forest, said he had prepared a statement (attached) that he would like to read regarding the safety of certain operations at the airport. Specifically, he is concerned about the parachute jump school and jump center based at the airport. It has been his personal observation, while on the ground, as well as while airborne, that the parachutists drift over the airport at very low altitudes and in some cases, touch down well outside of the area designated for this purpose. Another incident, which Mr. Bregger was concerned about, was that a video camera, which was attached to a parachutist's helmet, had been found in the vicinity of aircraft and people. Mr. Bregger said these incidents caused him to research the US Code of Federal Regulations (CFR) and he read those findings. Mr. Bregger said he had sent this letter to Commissioner Don Lancaster in December 2013, but had not gotten a satisfactory response from the airport's administration or Commissioner Lancaster.

Mr. Alan Hills, 2194 Tarboro Rd., Youngsville, said he also has prepared a letter, which he would like to read (attached). Firstly, Mr. Hills said he would like to say he has no animosity towards the jumpers, helicopters, gliders, etc. at the airport. Mr. Hills said for the last two years, he has been flying various aircraft in and out of the airport. However, he made a decision, based upon his experience and perception of the current operations, to base his airplane at RDU. Mr. Hills said he does not have a problem sharing the airspace and he does not believe his fellow pilots have a problem either, but they do all agree that there are safety concerns, which need to be addressed. Specifically, with regards to the parachute operations, Mr. Hills said there is a designated landing zone and he has personally witnessed, on more than one occasion, jumpers landing way outside of this zone. Mr. Hills said it is in his opinion, that the operating agreement between the airport and the parachute operations is not sufficient and should be amended and enforced by the County.

Chairman Allers thanked Mr. Bregger and Mr. Hills for their comments. He said we normally don't respond to public comments, but we seem to have a conundrum. The skydivers have a legal right

to be here. Steve Merritt said the FAA will not let us regulate the skydiving operations and the County doesn't have authority to do so either. Chairman Allers said he was under the impression that we had agreements between the Pilots Association, jumpers and the County. Do we need to readdress this? Mr. Merritt said we are in the process of redoing the agreement between these entities.

At this time, Greg Upper (Triangle Skydiving Center) said he would like to make public comments. Mr. Upper said the jumpers try very hard to land in the designated area. Sometimes, the winds change and sometimes, the jumpers put themselves in a bad spot. If we don't land at the designated area, it doesn't mean we've violated a FAR (Federal Aviation Regulation). We go above and beyond to make radio calls and we are not required to do some of these calls, but we do. Landing off the airport would cause bigger problems because of power lines. Every time a pilot has had an issue, he was there to discuss what happened. Mr. Upper said he doesn't want any of his jumpers hurt either. Mr. Upper said in regards to the camera incident, this belongs to one of his experienced videographers, who works for Mr. Upper. None of the students are allowed to have a camera whatsoever. The videographers' parachute deployed and there was slack in the line and it yanked the camera off his helmet, which is what it's supposed to do. If this hadn't have happened in this manner, then the jumper's neck would have probably been broken. Mr. Upper said we have really refined the agreement and he feels it's going to work out for all concerned parties.

Upon the arrival of Commissioner Stover, Chairman Allers said we now have a quorum and asked for approval of the April 8, 2014 minutes. Commissioner Stover motioned that the minutes be approved as read, with Commissioner Dickens seconding. The motion passed unanimously.

The fourth item on the agenda was the airport operations update by Steve Merritt. Mr. Merritt said 100LL is at \$5.99 and Jet fuel is at \$5.29. All the hangars are full, but he may have some emptying and we'll be able to rent those. We had our annual inspection by the FAA and everything is fine. We just have a few bulbs that are out on the taxiway. Sales are still down, but the profitability is still about the same. We had three months of awful weather, but we hope we can recover from that.

The fifth item on the agenda was the budget update by Steve Merritt. Mr. Merritt said the budget looks good. We have some accounts that are over, but those will be taken care of before the 2014-15 budget goes into effect. We are only going to buy one more load of fuel before the end of the fiscal year and the jumpers will get started soon, so that means more fuel will be sold.

The sixth item on agenda was project considerations by Steve Merritt. Mr. Merritt said he'd like to change the order of the list presentation and discuss item (d.) "Authorize a policy of allowing temporary parking of Recreational Vehicles on airport property" first. Mr. Merritt said as you know, we have said in the past there will be no camping or fires at the airport, but we feel we have found a location that would be good for this. Mr. Merritt asked Greg Upper to comment further. Mr. Upper said most of you are familiar with where our parking lot is. We are growing and getting busier and the parking area is overflowing, especially on the weekends. Mr. Upper said one RV can plug into his hangar, but any more than that, and the breakers blow. He has met with someone from Wake Electric and they have said they can put in another pole, dig a trench and then Mr. Upper can have his electrician put up a 5 ft. pole, with about 10 individual plug ins for RVs. Mr. Upper said he is willing to pay the \$3,000 cost to have this done and there would be no fires or tents. Also, the campers would pay a fee and sign a waiver that says they are plugging

in at their own risk. There would be one junction box, so everyone would be responsible for having their own electrical cord in order to plug in. Mr. Upper said we are already using the space for overflow parking. Pete Tomlinson said this has previously been turned down by the County Commissioners before and they are going to have questions again. Mr. Upper said people have been hanging out in his hangar until about 11:00 p.m. and he's been policing things, but this would give him a chance to leave the airport at a decent hour. Mr. Tomlinson suggested Mr. Merritt speak with Commissioners Lancaster, Bunn and Mitchell to get their input on this. Commissioner Stover motioned to approve that Mr. Merritt place this item on the County Commissioner's agenda for their review, with Commissioner Bartholomew seconding. The motion passed unanimously.

Continuing with agenda item six, item (a.) "Authorize grant agreement for reimbursement for gates". Mr. Merritt said we completed the repairs/upgrades on the gates about six months or more ago, and we now have the reimbursement agreements from the state, which are to be signed by Chairman Dunston. Commissioner Stover motioned to move forward with this reimbursement agreement, with Commissioner Dickens seconding. The motion passed unanimously.

Agenda item six, item (b.), "Authorize final payment for Anne Gordon property". Mr. Merritt said we received a letter back in March stating that we had received the award for final payment on the Anne Gordon property. Mr. Merritt said the next step is to take this to the County Commissioners for their approval of the payment request. Commissioner Stover motioned that Mr. Merritt move forward with presenting this payment request to the County Commissioners, with Commissioner Dickens seconding. The motion passed unanimously.

Agenda item six, item (c.), "Authorize proceeding on development of Anne Gordon property". Mr. Merritt said he had Jim Farthing draft a drawing of how he'd like to see the former Anne Gordon property developed. We would like to design and develop the property to allow privately built hangars on the property and the airport would provide the taxiway infrastructure and the tenant would build the building. This would be a public/private partnership like it was with the Fayard's hangar. Mr. Merritt said we would need to fence in the property and have security and a way in and out. We have \$300,000 in the entitlement fund and Dan Williams is in the process of seeing how much we have in the capital improvement fund. Mr. Merritt said his goal is to let the Commission know what we have in mind and to get your thoughts on it. The next step would be to get the engineers to come up with an estimation of the cost. Jim Farthing said once the decision is made on what to do, we'll have to revise the official ALP (Airport Layout Plan) for the airport, and we also want to look at water, sewer and power to make sure this can be provided. We will also have to coordinate with NCDOT to move the cul-de-sac.

Agenda item six, item (e.), "Authorize action to close Bryant Road and relocate cul-de-sac". Mr. Merritt said he has spoken with Steve Winstead (NCDOT) about closing or abandoning Bryant Road, he has been told there are forms that will have to be filled out to start the process. The Commission told Mr. Merritt to proceed with the necessary steps to start this process.

In other business:

- The next meeting is scheduled for June 10th at 5:30 p.m. The July meeting will not be held.

With no further business, the meeting was adjourned at 6:50 pm.

Addendum to May 13, 2014 Minutes (approved at the August 12, 2014 meeting)

Tom Bregger emailed Lori Duke on July 30th about the draft of the May 13th minutes. He said he felt that three comments were left out of Mr. Upper's public comments, which he felt were germane to the topic that was being discussed. Those comments are: (1.) The jumpers could land on the runway if they wanted, (2.) The problem is the airplanes, not the parachutes, (3.) FAR 105.23(c) only applies to jumpers passing through airspace above the airport. Ms. Duke contacted Mr. Upper to verify that he did make those comments and he confirmed that he did, but would like to put it into context. Mr. Bregger is pulling one line out of the FAR to make his point and he is 100% wrong in his interpretation of the FAR. The part he cites is specific to parachutes flying "over" the airport, but not landing on the airport. The rest of the FAR states that skydivers can land "on the airport" and Paragraph B gives us the right to land "on the airport". Nowhere in that paragraph does it state we have to land in a designated area. Mr. Upper said when he made the statement it was in response to Mr. Bregger and Mr. Hills pointing to the field next to the FBO and saying "One of your guys landed there one day". Mr. Upper's response was that "We can land on the runway if we want to". Mr. Upper said he'd also like to add that Steve Merritt and he work very closely to keep our operation safe and the guy who landed in the opposite field was one of his high performance canopy pilots who was training for an event, and Mr. Merritt gave Mr. Upper permission to allow him to land there to keep him out of the pattern of the rest of the skydiving traffic.

Tom Bregger

From: Tom Bregger <tbregger@SoleLow.com>
Sent: Monday, December 02, 2013 1:43 PM
To: 'dlancaster@unionbanknc.com'
Subject: Safety Concern At KLHZ

Don,

Thank you for looking into this matter regarding the safety of certain operations at our county airport, Triangle North Executive (KLHZ). To be clear; prior to this communication to you I have discussed this with the administration of KLHZ on multiple occasions without effect or satisfaction that the underlying issue has been addressed.

The safety issue of concern is the operation of the parachute jump school and jump center based at KLHZ. It has been my personal observation while on the ground as well as while airborne that the parachutists drift over the airport at very low altitudes and in some cases touch down well outside of the area designated for this purpose. These incidents have included drifting over the runway well below pattern altitude, touch down in the grassy area utilized by the helicopter training school, touch down next to the runway, touch down next to the taxiway and touch down between the runway and taxiway.

A second type of incident was brought to my attention and confirmed by a second person. A video camera of the type commonly attached to helmets of parachutists wishing to record their experience was found on the paved area of the ramp at KLHZ. Apparently this camera was claimed as the property of one of the jumpers participating in activities at the jump school that day. Finding this device in the vicinity of aircraft and people begs the question; what if the camera had struck an airplane or even worse a person? I am not an expert in these matters, however I believe an airplane would sustain significant damage and a human could be severely injured or killed. Second hand information suggests this is not an isolated incident.

These incidents caused me to research the US Code of Federal Regulations (CFR) for guidance as to what is allowed and what other requirement may apply to KLHZ. I found in Title 14 Aeronautics and Space, Part 105 Parachute Operations, Subpart B Operating Rules, §105.23 Parachute operations over or onto airports, the following:

§105.23 Parachute operations over or onto airports.

No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft, over or onto any airport unless—

(a) For airports with an operating control tower:

- (1) Prior approval has been obtained from the management of the airport to conduct parachute operations over or on that airport.
- (2) Approval has been obtained from the control tower to conduct parachute operations over or onto that airport.
- (3) Two-way radio communications are maintained between the pilot of the aircraft involved in the parachute operation and the control tower of the airport over or onto which the parachute operation is being conducted.

(b) For airports without an operating control tower, prior approval has been obtained from the management of the airport to conduct parachute operations over or on that airport.

(c) A parachutist may drift over that airport with a fully deployed and properly functioning parachute if the parachutist is at least 2,000 feet above that airport's traffic pattern, and avoids creating a hazard to air traffic or to persons and property on the ground.

I have added highlights to focus attention on the relevant components of the regulation.

A link to the website follows: <http://www.ecfr.gov/cgi-bin/text-idx?SID=9d7f1d4649bcfe5e62e0c02b1c06345f&node=14:2.0.1.3.17&rgn=div5#14:2.0.1.3.17.1.9.6>

You will note two relevant parts of this regulation: First that parachutists are not to descend over an airport to less than 2000 feet above the traffic pattern - in the case of KLHZ this sets a ceiling to a no-fly zone at approximately 1,400 feet plus 2,000 feet, and second that parachutists are to avoid creating a hazard to persons and property on the ground. Parachutists are regularly drifting within this mandatory no-fly zone and the objects found on the ground constitute in my opinion a hazard to persons and property.

I want to make clear to you that I am pleased to see people enjoying themselves while engaged in an aviation related activity. I have no animosity toward parachutists or this particular parachute operation. The sharing of airspace has been a success story in US aviation and I believe will continue to be such even as we add unmanned drones to the mix of stakeholders. Aviation is an inherently hazardous activity and therefor strict adherence to the rules is critical.

KLHZ is an uncontrolled airport and as such aircraft operating at KLHZ are not required to have radios. Radio announcements by the jump plane pilot or the jump school will have no impact on safety if a pilot cannot hear them. These pilots without radio communication equipment may be flying in from other airports and may not be familiar with 'how things work' at KLHZ. They are completely dependent on all people sharing the airspace to be following the rules to the letter. Coincidentally the only communication requirements I can find with regard to parachute operations define when the pilot of a jump plane must communicate with the controlling air traffic control center, in the case of KLHZ this is RDU.

I became concerned beyond simple witnessing of potentially unsafe operations when discussing this matter with the airport manager. It was very disconcerting when the manager demanded, in what appeared to be disbelief, that I show him the FAR (FAR is shorthand for Federal Aviation Regulations) for a significant aviation activity at KLHZ that requires the airport administrations permission to be conducted. It was more disconcerting when the manager attempted to engage me in a debate over the reasonableness of the regulation suggesting the rules should be abbreviated or ignored in the case of the KLHZ jump school. These are Federal regulations and in my mind not subject to debate especially regarding reasonableness or any suggestion they not be followed to the letter.

The peak of parachute activity occurs on the weekends which coincides with a peak in recreational aviation when lower time pilots like myself are most likely to be flying. The also coincides with the time students are more likely to be flying including those that have soloed and are now practicing their skills without an instructor or second set of eyes watching for problems and also when pilot from other airports are flying into KLHZ to visit friends or relatives. During this time more people are on the ramp walking to and from aircraft thereby multiplying the opportunity for catastrophe.

I am not an expert in aviation safety. I am however a trained and experienced pilot and I believe this situation is a recipe for disaster. As previously indicated I have not gotten a satisfactory response from KLHZ's administration and as both a member of the airport commission and my district county commissioner I feel compelled to escalate this matter to this next level.



Anything Else Is Just An Airplane

LHZ Airport Commission meeting February 11, 2014 (presented May 13, 2014)

I am Alan Hills a resident of Franklin County for the last 7 years.

I have come here tonight to express concerns about the safety of shared operations here at Triangle North Executive Airport.

I am a pilot. For the last two years I have been flying various aircraft in and out of LHZ. I made a decision based upon my experience and perception of the current operations at LHZ to base my airplane at RDU.

Please clearly understand that I have no personal gain to be attained with this presentation except the protection of my tax dollars and the protection of my county.

It is clearly understood that we as aviation enthusiasts live in a shared environment where all interested parties have a right to operate and co-exist. In order to make that happen each of us must act in accordance with a set of known rules. The most obvious of these operational rules are defined in the FARs. The less obvious of those rules are defined by agreement amongst the using parties.

I call your attention to FAA Advisory Circular AC 105-2E paragraphs 4A and 6C in particular.

Rest assured that I do not have a problem sharing the airspace. I do not believe my fellow pilots have a problem as well, but we all do agree that there are safety concerns to be addressed.

Specifically with regard to the parachute operations –

- 1) There is a designated landing zone. I have personally witnessed on more than an infrequent occasion jumpers landing way outside of their designated zone. I personally have seen jumpers landing by the T hangers, on taxiways, and on one occasion on the grass next to the runway.

Obviously these are not intentional 'off zone' landings. What it does say to me is that the jumpers in question, best of all intentions, do not possess the skills to control exactly where they land.

As they say in the stock market, past performance is no guarantee of future performance. In my opinion it is only a question of time until there is a very serious accident at LHZ.

- 2) There is a big difference between legal and safe.

While all necessary legal communications are complied with in my opinion, the operating agreement between the airport and the jumping operation is not sufficient to ensure safety. In my opinion it should be amended and enforced by the county.

The growth of aviation activities at LHZ has been impressive and is exciting.

In my opinion the regulations, and enforcement of such has to be modified ensure safety of the jumpers, the piston aircraft, the jets, and the gliders.

I request that my concerns be noted and that the county takes some action to establish procedures and enforce compliance so that we all may be safe.

Respectfully submitted,

Alan Hills