

KENTUCKY AIRPORT ZONING COMMISSION MEETING MINUTES

December 8, 2022

I. ROLL CALL:

Brad Schwandt, Administrator
Terry Hancock, Co-Administrator
Randall Royer, Chairman
Susan Chaplin, Office of Legal Service
Shelby Peel, KDA Commissioner's Office

Kimber Heddens, Jr, Commissioner- Absent
Brandon Edmiston, Commissioner
Timothy Talton, Commissioner - Absent
Michael Betson, Commissioner
Lindsey Case, Commissioner
Gary Cox, Commissioner

II. INTRODUCTIONS:

Guests:

Anthony Adams; New Administrator announced.
Jim Wilhite; Wilhite Construction – Proposed Fine
Nicole Chimento; Corporex Representative for item #7 on the agenda.

III. APPROVAL OF MINUTES FROM PREVIOUS MEETING – October 13, 2022

IV. OLD BUSINESS - NONE

V. APPLICATIONS FOR A PERMIT TO CONSTRUCT OR ALTER A STRUCTURE WHICH FALL WITHIN COMMISSION'S JURISDICTION

1. AS-2022-114-196 Columbia-Adair County Airport

APPLICANTS NAME Verizon Wireless
NEAREST CITY Edmonton, KY
LATITUDE/LONGITUDE 37°01'52.38"N, 85°31'03.08"W
HEIGHT (In Feet) 305' AGL / 1076' AMSL
CONSTRUCTION PROPOSED Antenna Tower

NOTES: This proposed Antenna Tower is located 8.3 nm west of the Columbia-Adair County Airport. Exceeds the 200' AGL limit.

FAA DETERMINATION: Awaiting FAA Determination. 2022-ASO-36487-OE.

RECOMMENDATION: Approve Pending FAA Determination of No Hazard /No Impact to navigation.

PUBLIC COMMENTS: Public comments must be received before Wednesday, December 7, 2022.

ACTION: TENTATIVELY APPROVED - A motion was made by Gary Cox to approve Pending FAA Determination of No Hazard/No Impact to Navigation. Lindsey Case seconded the motion. The motion to Tentatively Approve was passed.

2. **AS-2022-115-EKX** **Addington Field**
 APPLICANTS NAME Dr. Sajjaad Jameel
 NEAREST CITY Elizabethtown, KY
 LATITUDE/LONGITUDE 37°41'34.00"N, 85°55'23.00"W
 HEIGHT (In Feet) 29' AGL / 805' AMSL
 CONSTRUCTION PROPOSED Warehouse Building
NOTES: This building is adjacent to the Addington Field airport property on the NE side of the field, just east of the Terminal. 1402' NE of Rwy 05/23 and exceeds the 100:1 Slope by 15'.
FAA DETERMINATION: 2022-ASO-7762-NRA Determination of No Hazard/No Impact to navigation
RECOMMENDATION: Approve per FAA Determination.
PUBLIC COMMENTS: Public comments must be received before Wednesday, December 7, 2022
ACTION: APPROVED - A motion was made by Brandon Edmiston to approve per FAA Determination of No Hazard/No Impact to Navigation. Gary Cox seconded the motion. The motion to Approve was passed.
3. **AS-2022-116-SDF** **Muhammed Ali International**
 APPLICANTS NAME UPS
 NEAREST CITY Louisville, KY
 LATITUDE/LONGITUDE Multiple Locations/New Hangar Ramp
 HEIGHT (In Feet) 64' AGL / 539' AMSL
 CONSTRUCTION PROPOSED Additional Aircraft Parking
NOTES: SDF Planning Engineer and the SDF Operations Manager had no objection to the Hangar construction. This application is for the adjacent ramp parking of widebody aircraft. 911' to Rwy 17R/35L and exceeds the 100:1 Slope by 12' on a 747-8.
FAA DETERMINATION: 2022-ASO-384 thru 453-NRA. No objection provided NOTAMS issued as specified in the Determination. NOTAM required during times of large, staged aircraft in area of NRA-446. SDF Ops confirms they will coordinate the NOTAMS with UPS operations as required. Spoke with UPS Engineering and they understand a process will need to be coordinated. Note: Light Pole in NRA-395 was lowered to 20' for no effect.
RECOMMENDATION: Approve per FAA Determination and SDF/UPS Ops assurances.
PUBLIC COMMENTS: Public comments must be received before Wednesday, December 7, 2022.
ACTION: APPROVED – Gary Cox asked about the light pole and whether it was in front of the aircraft. The question was answered by Brad Schwandt that yes, it was in front of the aircraft. A motion was made by Brandon Edmiston to approve per FAA Determination requiring NOTAMS to be filed when widebody aircraft are parked in the position as defined by 2022-ASO-446-NRA. Gary Cox seconded the motion. The motion to Approve was passed.

4. **AS-2022-117-CEY** **Murray-Calloway County Airport**
 APPLICANTS NAME Verizon Wireless
 NEAREST CITY Kirksey, KY
 LATITUDE/LONGITUDE 36°40'52.45"N, 88°23'53.22"W
 HEIGHT (In Feet) 270' AGL / 835' AMSL
 CONSTRUCTION PROPOSED Antenna Tower
NOTES: This proposed Antenna Tower is approx. 1.6 nm NW of Kyle Oakley Field and was previously approved in the April 2021 KAZC Meeting (2021-032). Antenna was not constructed as planned but the applicant now wants to proceed. Exceeds the 100:1 Slope by 164', the Horizontal Surface by 109', and the 1.58 Nautical Mile Ring Surface by 59'. KDA Flight Ops reviewed the proposed tower and FAA Determination with the conclusion that the tower posed no reasonable threat to Circling Approaches of CAT C/D aircraft or Rotorcraft.
FAA DETERMINATION: Previous FAA Study 2020-ASO-36927-OE (extended on 08/19/2022) had a Determination of No Hazard *but* with impact to the circling MDA and within the TPA for Cat C/D aircraft. Med/Dual Lighting required.
RECOMMENDATION: Approve per FAA Determination.
PUBLIC COMMENTS: Public comments must be received before Wednesday, December 7, 2022
ACTION: DEFERRED – Brandon Edmiston made a motion to defer until the airport is contacted regarding the issue. Brandon also stated that this is a track where military aircraft pass over the centerline of the airport. Brad Schwandt made a statement that on this and the previous application in 2021, notifications were sent to the Airport Board with no response or objection. The motion was seconded by Michael Betson. The motion to Defer was passed.
5. **AS-2022-118-PBX** **Pike County Airport**
 APPLICANTS NAME East Kentucky Network, LLC
 NEAREST CITY Betsy Lane, KY
 LATITUDE/LONGITUDE 37°33'53.20" N, 82°37'53.02" W
 HEIGHT (In Feet) 310' AGL / 1706' AMSL
 CONSTRUCTION PROPOSED Antenna Tower
NOTES: This proposed Antenna Tower is approx. 3.1 nm west of PBX and was previously approved in the June 2021 KAZC Meeting (2021-034). Antenna was not constructed as planned but the applicant now wants to proceed. Antenna exceeds 200' and exceeds the 100:1 Slope by 88'.
FAA DETERMINATION: Previous FAA Study 2021-ASO-10684-OE (extended on 10/20/2022) and had a Determination of No Hazard and No Impact to air navigation in the PBX airspace. Med/Dual Lighting Required.
RECOMMENDATION: Approve per FAA Determination.
PUBLIC COMMENTS: Public comments must be received before Wednesday, December 7, 2022
ACTION: APPROVED – Gary Cox made motion to approve per the FAA Determination with Med/Dual Lighting. The motion was seconded by Lindsey Case. The motion to Approve was passed.

6. **AS-2022-119-CVG** **Cincinnati-Northern Kentucky International**
 APPLICANTS NAME Kenton County Airport Board (CVG)
 NEAREST CITY Erlanger, KY
 LATITUDE/LONGITUDE 39°02'41.58" N, 84°38'26.35" W
 HEIGHT (In Feet) 28' AGL / 951' AMSL
 CONSTRUCTION PROPOSED 25 Ft Pole with Camera
NOTES: This proposed camera pole is approx. 3400 ft from the end of CVG Rwy 27 at the Airport Viewing Area.
FAA DETERMINATION: 2022-ASO-5661-NRA issued Final Determination indicates the Approach surface will be penetrated by 13' and requires an obstruction NOTAM with Red Obstruction Lighting.
RECOMMENDATION: Approve per CVG operations and FAA Determination.
PUBLIC COMMENTS: Public comments must be received before Wednesday, December 7, 2022
ACTION: APPROVED – Brandon Edmiston made a motion to approve per FAA Determination requiring an Obstruction NOTAM. Gary Cox seconded the motion. The motion to Approve was passed.
7. **AS-2022-120-CVG** **Cincinnati-Northern Kentucky International**
 APPLICANTS NAME Corporex Parks
 NEAREST CITY Erlanger, KY
 LATITUDE/LONGITUDE 39°02'58.20" N, 84°37'38.66" W
 HEIGHT (In Feet) 65' AGL / 952' AMSL
 CONSTRUCTION PROPOSED Apartment Buildings
NOTES: These four proposed apartment buildings will be 4600' from CVG Rwy 18L/36R and under the Approach of Rwy 27 by 62'. It does penetrate the 100:1 Slope Rwy 18L/36R by 9'.
FAA DETERMINATION: Awaiting FAA Determination. 2022-ASO-25061-OE
RECOMMENDATION: Approve *Pending* FAA Determination of No Hazard/No Impact to Navigation.
PUBLIC COMMENTS: Public comments must be received before Wednesday, December 7, 2022
ACTION: TENTATIVELY APPROVED – Clarification was made to Corporex Representative Nicole Chimento that this was a Tentative Approval that still required an FAA Determination of No Hazard / No Impact to be approved. Brandon Edmiston made a motion to tentatively approve pending FAA Determination. Michael Betson seconded the motion. The motion to Tentatively Approved was passed.
8. **AS-2022-121-LEX** **Blue Grass Airport**
 APPLICANTS NAME Blue Grass Airport
 NEAREST CITY Lexington, KY
 LATITUDE/LONGITUDE 38°02'05.63" N, 84°36'07.51" W
 HEIGHT (In Feet) 50' AGL / 1018' AMSL
 CONSTRUCTION PROPOSED Hangar Construction
NOTES: This proposed Hangar is 1018' from Rwy 04/32 and penetrates the 100:1 Slope of Rwy 04/22 by 28' and Rwy 09/27 by 16'.
FAA DETERMINATION: Awaiting FAA Determination. 2022-ASO-8715-NRA.
RECOMMENDATION: Approve *Pending* FAA Determination of No Hazard/No Impact to Navigation.
PUBLIC COMMENTS: Public comments must be received before Wednesday, December 7, 2022
ACTION: TENTATIVELY APPROVED – Gary Cox made a motion to tentatively approve pending

FAA Determination of No Hazard / No Impact to Navigation. Michael Betson seconded the motion. The motion to Tentatively Approved was passed.

VI. FINES:

Wilhite Limited Inc.
2309 Frankfort Ct.
Lexington, KY 40510

\$500.00 Fine Proposed

Alleged Violation: *On November 10, 2022, you or someone contracted by you, erected a crane at the Keenland Racetrack on US Hwy 60 in Lexington KY across from the Blue Grass Airport without obtaining KAZC Permit or issuing an FAA NOTAM. This office has been contacted by the Blue Grass Airport and has been provided details of the violation.*

Comments: Mr. Wilhite present in the room, states that he emailed Brad/ Airport Zoning on 11/10 to notify them of the longitude and latitude of the crane (no prior context mentioned). Mr. Wilhite began to show agitation and said, “we are a service company, and can be called at a moment’s notice.” Cited they were moving breeders cup equipment, generators, ac units. He said the Tractor-trailer showed up earlier than expected. Mr. Wilhite went on to say, “I did not know until July that I had to get permits for the cranes, stated that when he worked at or near bluegrass airport, hospitals, etc. he always notified FAA, and now he calls FAA in Louisville and says he contacts you (Brad / Zoning) when they are close to anything.” Cited a “Gibson”. Wilhite, says that he had a boom no higher than the top of the trees. He said he did this out of curiosity (sic).

Brad Schwandt: Respectfully acknowledged Mr. Wilhite and cited prior conversations. He went on to say there was no conversation about the permit, an email was received at 2:45 pm which was a reply to a previous email issue regarding a different operation, which only included lat/long numbers (Emails provided). Brad stated that he replied to the email and inquired if this was for a permit and received no response. No formal request on a TC-Form was received. Brad contacted LEX operations and the operations crew commented their 1st complaint was that there was a crane well above the trees, no flag/NOTAMS, and 2. they had difficulty with the crane operator when they contacted them. Airport operations said she could still see the crane on her monitor (around 4:00 pm) and Brad obtained the image of the crane (visibly over the trees).

Mr. Wilhite became even more agitated. Stated he’s been doing this for 35/39 years and said he has done this all the time with his cranes. He continued to interrupt Brad and state that he has the emails, (which once again were sent later in the day, long after operations had commenced) He mentioned he never had to seek permits prior to talking to Brad in July. Went on to deflect to a concert (Railbird) and complained that they were not in compliance, etc.

Brad provided the image of the boom, showing it well over the trees. Mr. Wilhite agreed that it was, then said he didn’t know when that was taken, and went on to explain the meticulous process of opening the crane.

Brad circled back to the importance of the KRS, citing protection for the airspace and those in it.

Mr. Wilhite said that he was never instructed to contact Louisville or KDA/Airport Zoning, and that he was only ever told to contact Bluegrass when operating in the area.

Commissioners were given the floor:

Brandon Edmiston commented that he can appreciate his business and crane operation, he too oversees some crane operations and mentioned his experience as a helicopter pilot. He states that helicopters can and do enter from all directions. So, considering approaches, although important, doesn't include all aircraft, which is why it's important to obtain the permits. He mentioned that Mr. Wilhite had been in the business for 39 years and finds it hard to believe that he would not know about obtaining permits.

Michael Bedson reiterates this is not a revenue opportunity, this is focused on safety for the airplanes.

Brandon Edmiston made a motion to levy the \$500 fine as recommended by the Administrator. Michael Betson seconded the motion. The motion to levy the \$500 fine passed.

Mr. Wilhite – still agitated, states, “this is unbelievable – as a business owner and taxpayer I have done everything I was supposed to do, I have the emails, and I’m getting fined for that. Getting penalized to do spur of the moment...” Stated he doesn't agree with the decision. Continued to show an aggressive demeanor, and got up, “I cannot believe this decision. Flabbergasted.”

Mr. Royer made the comment that this decision was made by the Commission.

Mr. Wilhite then exited the room.

VII. ADJOURN:

Motion to adjourn was made by Lindsey Case. Michael Betson seconded the motion. The meeting was adjourned.

Next Meeting – February 9th, 2023, 9:30 AM ET