

The North Little Rock Airport Commission Meeting was held at noon on Thursday, December 15, 2016 in the NLR City Council Chambers.

Chairman Mark Halter called the meeting to order.

The roll being called, the following Commissioners attended; Mark Halter, Don Blakey, Brad Hughes, Toby Burkett, Mark Bentley, Adrienne Smith, Jim Julian.

Minutes

Mr. Bentley moves to approve the minutes as presented, Mr. Burkett seconds. The motion carries unanimously.

Financial Report

Mr. Rogers goes through the financial statement showing the airport is in good shape. Mr. Rogers says we will spend more than was budgeted for the year, but we have also brought in more revenue than expected, so it will likely even out, and will likely have 5-10 thousand left over to carry over to the fund balance. Mr. Bentley moves to approve the finances, Mr. Hughes seconds. The motion carries unanimously.

Old Business

None

New Business

Final Determination for Discipline Action- Mr. Halter asks City Attorney Jason Carter to go over what the commission's authority and their responsibility for this hearing. Mr. Carter says the commission receives its authority from the state, and that the commission's action is binding because of that. Mr. Halter asks Mr. Rogers to go through the list of complaints he has received regarding Nick Franke. Mr. Rogers reads from the complaint summary he has compiled (attached) and read excerpts from one of the police reports that has been filed against Mr. Franke. Mr. Rogers reads a summary of two emails he has received from Mr. Franke's two business partners he splits the hangar with (attached). Mr. Halter asks Mr. Rogers if he has had any personal interactions with Mr. Franke. Mr. Rogers says he has, that in some of them, Mr. Franke has been pleasant to him and to his staff, but he has also had interactions with Mr. Franke where Mr. Franke was being aggressive and hostile over relatively minor issues, such as a maintenance worker spraying poison along the fence line in a way Mr. Franke didn't like the appearance. Mr. Halter then calls on members of the public who have signed in to speak on the issue. Robert Crawford is the first to speak. Mr. Crawford says he works at the Conway airport but comes in to NLR frequently to get parts and advice from Barrett

Aviation. Mr. Crawford says he was at Barrett aviation the day Mr. Franke verbally attacked him and threatened to "kick his ass". Mr. Crawford said Mr. Franke yelled at him and cussed at him in a very threatening manner. Mr. Crawford, who is disabled and walks with crutches, says Mr. Franke was making fun of him for the way he walks. Mr. Crawford said Mr. Franke called him a thief and a liar. Mr. Crawford says he's an air force veteran and former stealth fighter crew chief, something he was hand selected for, and it really hurts him to be called a thief and a liar in such a way. Mr. Crawford says he is fearful to be at the airport because of Mr. Franke, and that he is fearful for his wife as well. Because of his crutches, he says his wife has to carry the parts he gets from Barrett Aviation, and so she has to go to the airport with him, and he is fearful of her safety as well. Mr. Crawford says he is worried Mr. Franke will show up and cause problems at the Conway airport too, where Mr. Crawford flies and works. Mr. Halter says he doesn't have the authority to swear anybody in officially, but asks Mr. Crawford if he swears to him that everything he just said is the truth. Mr. Crawford says yes.

Next on the sign in sheet is Tom Denniston. He says he is available for any questions. Mr. Julian asks Mr. Denniston if he has been threatened by Mr. Franke. Mr. Denniston says he has a plane he was keeping at the airport, and he made the mistake of partnering with Mr. Franke on building a hangar together, along with a 3rd partner Sean Busbea. Mr. Denniston says right after they got started, there was an issue with the hangar that when he addressed it with Mr. Franke, Mr. Franke became irate and yelled at him over the phone. Mr. Denniston says he's never been talked to like that in a business setting, and he has no time for such relationships. Mr. Denniston says he had to hang up on Mr. Franke multiple times before he would calm down and be more civil. Mr. Denniston says he no longer uses his hangar because of Mr. Franke and all of the things Mr. Franke is involved in that Mr. Denniston doesn't want to associate with. Mr. Denniston says he's a business man, and he doesn't have time to worry about that, and wants nothing to do with the kind of behavior Mr. Franke has. Mr. Julian asks Mr. Denniston if he has ever felt threatened by Mr. Franke. Mr. Denniston says he avoids Mr. Franke and doesn't talk to him, so it has never escalated to the point where he was threatened. Mr. Denniston says he just wants to avoid him and have nothing to do with him. Mr. Halter asks Mr. Denniston if he swears everything he just said is the truth. Mr. Denniston says yes.

Next to speak is Sean Busbea. Mr. Halter asks Mr. Busbea if he swears everything he is about to say is the truth. Mr. Busbea says yes. Mr. Busbea says he has known Mr. Franke for about six years, and that they were once friends. Mr. Busbea says Mr. Franke began being confrontational shortly after they partnered on their hangar. Mr. Busbea says there were many instances of verbal abuse and confrontation, but he didn't feel Mr. Franke would do anything violent, until the day Mr. Franke physically assaulted him. Mr. Busbea says he was at the airport when Mr. Franke confronted him, attacked him, tackled him to the ground and choked him. Mr. Busbea says since then, he avoids the

airport entirely. Mr. Busbea says before that, there were multiple instances where Mr. Franke would become aggressive and verbally abusive over issues concerning their hangar. One incident involved Mr. Busbea moving an airplane that was blocking Mr. Busbea's airplane inside their hangar. Mr. Busbea says he admits Mr. Franke can be pleasant at times, but that there is a whole darker side to him. Mr. Busbea said he even tried to tell the 3rd partner, Mr. Denniston, that Mr. Franke is just talk and won't do anything physical. Mr. Busbea says that changed the day that Mr. Franke assaulted him. Mr. Busbea says he is a small business owner, and doesn't have a lot of free time, but when he does he loves coming to the airport, where he has been coming for over 10 years until Mr. Franke made him fearful to come back. Mr. Busbea says that the last month that Mr. Franke was banned from the airport, he has finally been able to come out and enjoy the airport, and it has been great to be able to enjoy the airport without fear of being attacked.

Next to speak is Danielle Marks. Mr. Halter asks Ms. Marks if everything she is about to say is the truth. Ms. Marks says yes. Ms. Marks says she isn't in the aviation community, and has only met these people once or twice. She says she had gone on a couple of dates with Mr. Busbea, and they were at the airport together the day Mr. Franke assaulted Mr. Busbea, and she witnessed the attack. She said they were in her daughter's car, and Mr. Busbea got out to talk to Mr. Franke. Ms. Marks says Mr. Franke then slammed Mr. Busbea into the car. She got out of the car to see Mr. Franke on top of Mr. Busbea choking him. Ms. Marks said she saw Mr. Franke's face become bright red while choking Mr. Busbea, and Mr. Franke looked up at her while choking him. Ms. Marks says she thought about recording the attack on her phone for police evidence, but she was worried in the time it took her to do that, Mr. Franke would kill Mr. Busbea. Ms. Marks got emotional while saying she felt like she was witnessing a murder. Ms. Marks says she put her hands on Mr. Franke's hands and begged him to stop, which Mr. Franke then did stop. Ms. Marks says Mr. Busbea then said let's just leave now, so they left. Ms. Marks said she felt like Mr. Busbea didn't even fully register what just happened and how bad it was, and that maybe he still hasn't realized that.

Next to speak is Josh Eason. Mr. Eason introduces himself as Mr. Franke's attorney. He asks to make sure this commission meeting is on record. Mr. Halter says that it is. Mr. Eason then says he just asks that the commission make their vote.

City Attorney Jason Carter then advises the commission of their role. Mr. Carter says they have two decisions to make: based on the rules and regulations of the airport, the commission has to decide if Mr. Franke has broken the rules through Disorderly conduct, and nuisance behavior. Mr. Carter says disorderly conduct is defined as instigating trouble. Mr. Carter says in society we want peace, and says disorderly conduct is behavior that disrupts that peace. Mr. Carter says a nuisance act can be described as behavior that prevents someone from their right to peace and comfort. Mr.

Carter says that behavior doesn't have to necessarily be illegal, such as loud music. That action isn't illegal, but becomes a nuisance if it is disrupting the peace of others. Mr. Carter says generally, 3 or more episodes of that behavior can be described as a nuisance act. Mr. Carter says the commission has two things to decide: Did Mr. Franke violate the rules through disorderly conduct and nuisance behavior, and if so, what action to take. Mr. Carter says the commission has the authority to ban someone from the airport for such period of time to protect the safety of all airport users. The commission has the authority to determine what that period of time should be, but advises against a permanent ban due to the language of the rules and regulations.

Mr. Julian makes the motion to determine if Mr. Franke has violated the rules through disorderly conduct and nuisance behavior, with an affirmative "yes" answer if the commission believes Mr. Franke did violate those rules. Mr. Hughes seconds. A roll call vote was called:

Mr. Bentley: Yes

Mr. Julian: Yes

Mr. Halter: Yes

Mr. Hughes: Yes

Ms. Smith: Yes

Mr. Burkett: Yes

Mr. Blakey: Yes

The motion carries unanimously.

Mr. Julian says he would suggest starting banishment at one year, and maybe longer. Mr. Burkett says he would like to see something longer than that, that a year is too short. Mr. Burkett recommends 3-5 years. Mr. Halter says the commission can determine the length of time, and allow Mr. Franke an opportunity to petition for readmittance at some point. Mr. Halter suggests banning Mr. Franke for 5 years and allow him to petition for readmittance 2 years from this date. Mr. Julian makes the motion to ban Mr. Franke for 5 years, and allow him to petition for readmittance 2 years from this date. Mr. Burkett seconds the motion. A roll call vote was called:

Mr. Bentley: Yes

Mr. Julian: Yes

Mr. Halter: Yes

Mr. Hughes: Yes

Ms. Smith: Yes

Mr. Burkett: Yes

Mr. Blakey: Yes

The motion carries unanimously.

Mr. Halter allows anyone who would like to leave the meeting now to do so. The meeting went back to order on the agenda, starting with the financial statement.

Engineer's Report

Jordan Culver announces the FAA did their first part of the flight check, which passed. He says they weren't able to do the night time check because of plane problems, but it has been rescheduled for this coming Wednesday, and he doesn't expect any problems. He says that once that is complete, the lighting grant will be ready to close out once the contractors have completed their cleanup.

Directors Report

None

Public Comment

None

Mr. Burkett moves to adjourn, Mr. Blakey seconds.

The meeting is adjourned.