

MINUTES OF THE NOISE ABATEMENT COMMITTEE MEETING
HELD THURSDAY, DECEMBER 1, 2005 6:00 P.M.
THE DEBERRY ROOM, 200 CANAL ST., NEW SMYRNA BEACH, FLORIDA

Mr. Gunter called the meeting to order with the following answering present to roll call:

Fred Gunter, Chairman
John Baker
Steven Zeh
Norm Decker
Andrei Raevsky
Patricia Doyle

Members Absent:
Wendy Michels
Roxy Karchner

There were no minutes for approval from the October 4, 2005 meeting due to absence of quorum.

MOTION by Mr. Gunter to accept minutes of the September 22, 2005 Meeting as written, SECONDED by Patricia Doyle
ALL IN FAVOR.

NEW BUSINESS

Recent resignation letter received October 1, 2005 from Greg Arnette and previous by Theo Mundell leaves two openings to fill on committee. This will go to the Airport Advisory Board for their recommendations for the openings.

Committee Work Session for Recommendation to the Airport Advisory Board

- 1). Develop and illustrate a Noise Exposure Map** – has been completed as part of 5 year Airport Master Plan.
 - a. Illustrate current noise levels
 - b. Illustrate future noise levels
- 2). Undertake Noise Compatibility Program**
 - a. Must be FAA approved
 - b. Must contain **voluntary** noise reduction plans

1. Touch & go policy
 - a. Restrict touch & goes to a specific time frame
 - b. 10:00 a.m. to 4:00 p.m.
 - c. Allowed Monday through Friday only
 - d. ATCT discretion

DISCUSSION:

Mr. Gunter said after consultation with Chuck Criswell of ATCT, that he recommends changing touch and go times allowed between 8:00 a.m. and 6:00 p.m. instead of 10:00 to 4:00. Mr. Raevsky said that he would prefer no touch and goes like it had been before the tower was constructed, but at least should be no more than from 10:00 to 4:00. Mr. Gunter mentioned after talking to Danny Perna, that voluntary restrictions of touch and goes, would give at least a 30% relief of less activity on the runways. Because the airport is Federally funded for public use and now that there is a control tower, there is not a safety issue that applied before the ATCT was in place, therefore a mandate cannot be made eliminating touch and goes. Suggestion from Mr. Baker to try a voluntary restriction for 90 days to see how the ATCT can manage and if there is any relief.

2). No touch and goes on weekend or holidays

DISCUSSION:

Mr. Gunter opened with his comment that this could be too restrictive for tenants of the hangars because most are weekend recreational flyers and this would impact their rights, and the majority of the traffic is Monday through Friday. Mr. Raevsky went on record to say that “regarding the city being a population of 21,000 and the people that would be affected - being the weekend recreational flyers and students, only number in the hundreds, but we should add the residents. It is not acceptable to look around the airport and say that we cannot restrict their activities because of the negative impact, because they negatively impact the residents. There should be a compromise that speaks for the 21,000.” Steven Zeh agreed that the touch and go policy should be tried from 10:00 a.m. to 4:00 p.m. Trisha Doyle and Norm Decker said they would like to see no restrictions for weekends and holidays, but voluntary restrictions allowing for touch and goes between 10:00 a.m. to 4:00 p.m. **Final recommendation is to strike item #2 of touch and go policy.**

- 3). Communication to:
 - a. Flight Schools
 - b. Notice to Airman Bulletins
 - c. Notice to Surrounding Airports and Communities
 - d. ATIS broadcasts regarding noise abatement policy for hours that ATCT is unmanned.
- 4). Monitor and adjust as needed based on recommendations from the AAB and situations as they arise.

- a. Compatibility Program must contain an effective Land Use Plan

3). Develop an Airport Noise Abatement Discipline Policy

- a. Design complaint form for reporting violations of restrictions
 1. Paper form
 2. Electronic form
- b. First violation filed with airport authority
 1. Logged into data base
 2. Verifies ownership of aircraft
 3. System generates written complaint warning to owner/operator of aircraft
 - Indicating complaint
 - Outlines policy
 - Delineates remedy steps

Subsequent actions or fines outside current FAA incident Reports and without mandated FAA rules would be questionable at this time.

4). Develop Real Estate Notification Policy

- a. Delineate Airport Noise Disclosure Ordinance for all real estate transactions
 1. Identifies property in relation to Noise Exposure Zones;
 - Incorporated city limits
 - Unincorporated city limits
- b. FDOT and FAA has model letters or will help develop notification
- c. Notify Board of Realtors for endorsement and enforcement
- d. Notify County and request compliance for all deed filings in Noise Exposure Zones
- e. Notify Department of Professional Regulation of local policy

PUBLIC INPUT

Cindy Ratighan of 1339 Scarlett Trail in Tara Trails would like to see touch and goes done only Monday through Friday because of non-stop volume and turning left over her house. She feels there needs to be some compromise because of the environmental impact of the pollution from the planes also. In addition, she was misled when she purchased her house because she was told “that the New Smyrna Beach airport was a sleepy little airport and there wasn’t much traffic.” Suggests raising money or whatever is necessary to relocate airport further west away from residential area.

Mr. Randall Hitchcock of 2250 Captain Butler Trail in Tara Trails discussed that in conversations with Danny Perna of Epic Aviation, volume at their flight school

has increased three times in the past, and he wouldn't be opposed to eliminating touch and goes. Mr. Hitchcock feels also that in conversations with other pilots that if touch and goes are just a voluntary restriction, that it will do no good, because it's just that – voluntary – and if they can do it and get away with it – then they will. If there is no real punishment, then what is to stop them from violating the policy. Mr. Hitchcock mentioned that there still seems to be no impact from what the committee is doing and is afraid that issues could just drag on and on.

Mr. Albert Leibowitz of 1227 Turnbull Bay Rd., feels the answer is that if touch and goes were eliminated, the tower's volume would decrease and hopefully their funding would be decreased or cut off. This in turn would maybe even close the tower, eliminate touch and goes again, and would make things much more peaceful like it used to be.

Mr. Gunter responded that what is done here in these meetings might not impact or seem like it's changing much right away, but it is laying the foundation for these issues in the next 5, 10, and 15 years. If they don't take hold or make any improvements, then the next step can be taken to move toward the FAA Title 14 Part 150 Noise Study that should come in with some stronger resolutions.

Mr. Richard Abbott of 1065 Clubhouse Blvd. in Sugar Mill, asked if the city has any prerogative on what the hours of operation are for the ATCT? **Rhonda Walker** responded that the tower is open from 7:00 am till 10:00 pm and if the city restricted any flights in or out, it would effect federal funding for a public use airport. Planes and helicopters can use our nondirectional beacon and runway lights that are pilot activated, and still come in and out at any hours. **Cindy Ratighan** questioned as to whether the flight schools could have any mufflers or noise control installed on their planes? When they are turning off the end of the runway on takeoff, the noise level is the loudest, and can't they be turned to go out over the water?

Ms. Morrisa Tyner of Fairgreen, stated that she would like to see a liason reestablished with Embry Riddle Aeronautical University that would be a public relations consideration of our affected neighborhoods. Mr. Gunter reminded that the item is covered under the Notice to Flight Schools etc.

BREAK

Mr. Gunter reopened the meeting and declared that after workshop and discussions from committee members and public input, the recommendations above will stand with the exception of #2 that is the elimination of touch and goes on weekends and holidays. This item is too restrictive and is being stricken from the original recommendations. Also items (h) and (i) (from the agenda) under #3 Noise Abatement Discipline Policy, that called for actions or fines, will be removed because the city would not be authorized to enforce without FAA mandated rules.

Motion made by Fred Gunter for committee vote on above recommendations with exception of #2 – eliminating touch and goes on

weekends. (To clarify, a yes vote would make the touch and goes possible 7 days a week, but only between hours of 10:00 and 4:00)

AYE: John Baker, Steven Zeh, Fred Gunter, Norm Decker, Patricia Doyle

NAY: Andrei Raevsky

MOTION CARRIED : 5 – 1

Motion made by Fred Gunter to strike items from the recommendation to the AAB (h & i from the agenda) under Noise Abatement Discipline Policy, that second violation would generate a summons to appear, and third would be referral to the FAA.

AYE: John Baker, Steven Zeh, Fred Gunter, Norm Decker, Andrei Raevsky, Patricia Doyle

NAY: None

MOTION CARRIED: 6 – 0

Motion made by Fred Gunter for remainder of recommendations to remain as a whole to be submitted to the AAB.

AYE: John Baker, Steven Zeh, Fred Gunter, Norm Decker, Andrei Raevsky, Patricia Doyle

NAY: None

MOTION CARRIED: 6 - 0

MOTION to adjourn made by Norm Decker, SECONDED by John Baker

All in favor

MEETING ADJOURNED AT 7:45 P.M.

cc: Mayor & Commission (5)
City Manager's Office (3)
Members of the Press (3)
Airport Businesses (12)
Khalid N. Resheidat, P.E., Public Works Director
Rhonda Walker, Asst. Public Works Director
Chuck Criswell, ATCT Manager