

**RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 09-03**

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA SUPPORTING EFFORTS TO DECREASE THE NUMBER OF AIRCRAFT FLIGHTS OVER THE TOWN, INCREASE THE ALTITUDE OF AIRCRAFT AND HAVE AIRCRAFT ABIDE BY NOISE ABATEMENT ARRIVAL PROCEDURES WHEN ON VISUAL APPROACH OVER FORT MYERS BEACH; REQUESTING NOTIFICATION; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Federal Aviation Administration (FAA) has redesigned the airspace impacting arrivals and departures for the Southwest Florida International Airport (RSW) in Fort Myers, Florida, and

WHEREAS, the new arrival route, SHIFTY ONE STAR, to RSW Runway 6 was implemented on September 30, 2008, and

WHEREAS, for the first time aircraft are arriving at RSW over the southern half of the Town of Fort Myers Beach, and

WHEREAS, the FAA airspace redesign for RSW was implemented without a public hearing, and

WHEREAS, the RSW Final Federal Aviation Regulations Part 150 Noise and Land Use Compatibility Study (RSW P150 Study) was adopted by the Board of Port Commissioners (BOPC) on May 9, 2005, and

WHEREAS, the RSW P150 Study "Keep 'em High" voluntary noise mitigation program encourages aircraft to keep as high as possible, and

WHEREAS, the RSW Part 150 Study voluntary noise mitigation procedures recommend that aircraft arriving under visual flight rule (VFR) conditions to Runway 6 and intercepting the extended centerline over the Gulf of Mexico west of Fort Myers Beach should remain above 3,000 ft when transiting over Fort Myers Beach, and

WHEREAS, aircraft routinely transit over the Town of Fort Myers Beach at lower than 3,000 ft under VFR conditions, and

WHEREAS, the RSW Part 150 Study recommends that the Lee County Port Authority (LCPA) acquire a form of passive radar system that has the plotting of flight tracks capability because it allows for better monitoring and tracking of actual operational characteristics, and

WHEREAS, a flight tracking system will provide better feedback to the community regarding specific events and provide a means of fine tuning, identifying and/or assessing future noise abatement, and

WHEREAS, no flight tracking system has been installed at RSW since the recommendation was approved by the BOPC on May 9, 2005, and

WHEREAS, in a letter dated June 26, 2008 from Mr. Robert M. Ball, Executive Director, LCPA, to Mr. Larry Kiker, Mayor, Town of Fort Myers Beach, it was stated that as a result of the RSW P150 Study, the FAA and airline pilots are encouraged to implement noise abatement procedures as recommended by the LCPA, approved by the BOPC and the FAA, and

WHEREAS, in the June 26, 2008 letter from Mr. Ball it is stated that currently at RSW, the FAA air traffic controllers encourage airline pilots to utilize arrival and departure procedures to reduce the level of over flights to any *one* community, and

WHEREAS, at a Town of Fort Myers Beach Council meeting of April 20, 1998, LCPA and FAA representatives stated that their goal is to spread the noise impact and they cannot establish a “railroad track” over any one area, and

WHEREAS, implementation of the new SHIFTY ONE STAR arrival route has resulted in an increase in the percentage of over flights for the Town of Fort Myers Beach when aircraft are under VFR conditions, and

WHEREAS, an area within about one mile of the PONTY Waypoint, which is 11 nautical miles from the end of the runway and directly over the Town of Fort Myers Beach, has become a “railroad track” for arriving aircraft, and

WHEREAS, aircraft are not required to be aligned with the runway until reaching MUFFE Waypoint (five-mile marker), but usually are directed to the seven-mile marker, and

WHEREAS, the Town of Fort Myers Beach has more over flights arriving at altitudes below 3,000 ft than any community in Lee County that is outside the five-mile or seven-mile markers, and

WHEREAS, a new RSW Part 150 Study will be initiated in the fall of 2009, and

WHEREAS, the number of noise and pollution complaints made to the RSW Noise Coordinator by Town of Fort Myers Beach property owners, residents and visitors has increased significantly since implementation of the FAA Airspace Redesign.

IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section 1. The above recitals as set forth in the various “Whereas” clauses are hereby adopted and incorporated into the body of this Resolution.

Section 2. The Town of Fort Myers Beach, Florida does hereby request that controllers of aircraft arriving at RSW via SHIFTY ONE STAR be allowed to release aircraft two miles prior to the PONTY waypoint for a visual approach flying over the uninhabited Back Bay joining the seven-mile marker. (See attached map) Dependent factors include weather and traffic conditions with safety being the foremost consideration of controllers. No residential communities would be negatively impacted by this procedural change. This request is similar to the TYNEE ONE STAR approach from the north that directs aircraft to fly over the Back Bay and well away from the Town of Fort Myers Beach.

Section 3. The Town of Fort Myers Beach, Florida does hereby request that the “Keep ‘em High” voluntary noise abatement recommendations from the RWS Part 150 Study for aircraft using visual flight rules while transiting the Town of Fort Myers Beach be better implemented and instituted by:

- A. Allowing flight controllers to use verbal commands to remind aircraft to stay above 3,000 ft until crossing the shoreline, and
- B. Having the pilot’s approach plates changed to provide a clear reminder to stay above 3,000 ft until crossing the shoreline.

Section 4. The Town of Fort Myers Beach, Florida does hereby request that the Lee County Port Authority acquire a passive radar system that has the plotting of flight track capability, as recommended by the RSW Part 150 Study, in order to provide better monitoring and tracking of actual operational characteristics and provide better feedback to the community regarding noise abatement programs.

Section 5. The Town of Fort Myers Beach, Florida does hereby request that it be a participant in the Fall 2009 RSW Federal Aviation Regulations Part 150 Noise Study and, as such, receive advance notice of any FAA or RSW activities, documents or meetings which pertain to the subject matter of this resolution.

Section 6. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

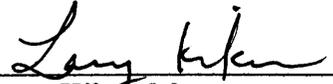
The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Tom Babcock and seconded by Council Member Jo List, and, upon being put to a vote, the result was as follows:

Larry Kiker, Mayor - aye
Tom Babcock, Councilmember - aye
Bob Raymond, Councilmember - aye

Herb Acken, Vice Mayor - aye
Jo List, Councilmember - aye

DULY PASSED AND ADOPTED this 16th day of March, 2009

ATTEST:

By: 
Larry Kiker, Mayor

By: _____
Herb Acken, Vice Mayor

By: 
Tom Babcock, Councilmember

By: 
Jo List, Councilmember

By: 
Bob Raymond, Councilmember

By: 
Michelle D. Mayher, Town Clerk

Approved as to form by:


Anne Dalton, Town Attorney

