

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 12-02

A RESOLUTION OF THE TOWN COUNCIL 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 IMPLEMENT NOISE ABATEMENT PROCEDURES WHEN ARRIVING OVER THE TOWN OF FORT MYERS BEACH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Southwest Florida International Airport (SWFIA) is currently conducting a Federal Aviation Regulation (FAR) Part 150 Noise Study, and

WHEREAS, the Part 150 Noise Study is soliciting input from local governments, and

WHEREAS, additional information and issues impacting residents and visitors of the Town of Fort Myers Beach have arisen since Resolution No. 09-03 was approved by Town Council on March 16, 2009, and

WHEREAS, low flying aircraft continue to fly over densely populated Fort Myers Beach and its environmentally sensitive areas in increasing numbers, and

WHEREAS, island residents and visitors continue to be subjected to aircraft noise that begins before 7 AM and lasts past 10 PM, and

WHEREAS, there have been air quality concerns raised from the smell of burned aircraft fuel and residue buildup on surfaces below aircraft arrival routes, and

WHEREAS, there has been safety concerns raised due to birds striking aircraft at low altitudes and laser beams being aimed at aircraft, and

WHEREAS, airlines have adopted policies and procedures to improve fuel efficiency and reduce greenhouse gas emissions by optimizing flight planning to incorporate the most efficient routes and altitudes while also minimizing inefficient, low-altitude maneuvering, and

WHEREAS, other communities surrounding SWFIA are recommending alternative arrival routes to reduce the number of their over-flights and redirecting them over the Town of Fort Myers Beach, despite the fact that one of the goals of the Noise Study is to not sacrifice one neighborhood for the sake of another, and

WHEREAS, while the FAA has increased the altitude of aircraft arriving on the SHFTY arrival route over the Estero community by 1,000 ft, no increase in altitude has been implemented over the Town of Fort Myers Beach despite there being no apparent reason for failing to do so, and

WHEREAS, aircraft arrival procedures documented on pilot approach plates have not changed since the FAA modified the arrival airspace for SWFIA in October 2008 and the FAA continues to permit aircraft using an ILS or LOC navigation system to fly as low as 1,600 feet, and as low

as 2,000 feet if using an RNAV navigation system when flying over the Town of Fort Myers Beach on the approach to Runway 6, and

WHEREAS, the Town of Fort Myers Beach is approximately 10 nautical miles (nm) or about 11.5 statute miles from Runway 6, and

WHEREAS, arrival procedures documented on pilot approach plates for Tampa International, Orlando International, Palm Beach International, Miami International and Sarasota/Bradenton International Airports require aircraft to maintain a minimum altitude of 3,000 feet when they are approximately ten (10) nautical miles from the runway; and

WHEREAS, noise measurements made in August 2011 at one location on Fort Myers Beach confirm that some aircraft exceed desirable noise levels, and

WHEREAS, the number of aircraft landing to the northeast on Runway 6 and arriving over the Town of Fort Myers Beach is between 67% and 80% of all arriving flights, depending on weather conditions.

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

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

Section 2. The Town of Fort Myers Beach, Florida does hereby request that recommendations previously made in Resolution 09-03, which is attached hereto and incorporated herein as Exhibit “A,” continue to be considered. In particular, it is requested that arrival procedures for SHFTY STAR be modified to allow air traffic controllers to release aircraft prior to the PONTY waypoint for a visual approach flying over uninhabited Estero Bay. This modification would decrease the number of over-flights in densely populated Town of Fort Myers Beach.

Section 3. The Town of Fort Myers Beach, Florida requests that threshold conditions be evaluated to determine if controllers can route more aircraft to land to the southwest on Runway 24 rather than Runway 6 in order to more fairly distribute the impact of over-flights among all communities surrounding SWFIA.

Section 4. The Town of Fort Myers Beach, Florida requests that arrival procedures for SWFIA Runway 6 be modified to clearly state that pilots must maintain minimum altitude above 4,000 feet until they are east of Estero Island as depicted in Exhibit “B” which is attached hereto and incorporated herein by reference.

Section 5. The Town of Fort Myers Beach, Florida requests that Optimized Descent or Constant Descent Approach procedures be used for aircraft arriving SWFIA Runway 6 in order to reduce noise and fuel consumption.

Section 6. The Town of Fort Myers Beach, Florida requests that aircraft arriving between midnight and 6 AM be redirected so they do not fly over Estero Island.

Section 7. The Town of Fort Myers Beach, Florida requests that the installation of the flight tracking system for SWFIA be installed so that data can be included in the on-going Part 150 Noise Study.

Section 8. The Town of Fort Myers Beach, Florida requests that Port Authority representatives meet with the Mayor or his designee not less than quarterly.

Section 9. The Town of Fort Myers Beach, Florida requests that the Lee County Port Authority form a Community Advisory Board (CAB) composed of representatives from all communities surrounding the airport and appropriate FAA personnel. The goal of the CAB should be to deal with airport issues in a proactive, fair and equitable way.

Section 10. 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 Mandel and seconded by Council Member Kosinski and, upon being put to a vote, the result was as follows:

Larry Kiker, Mayor - aye
Joe Kosinski, Council member - aye
Alan Mandel, Council member – aye

Bob Raymond, Vice Mayor – aye
Jo List, Council member – aye

DULY PASSED AND ADOPTED this 3rd day of January, 2012.

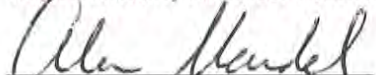
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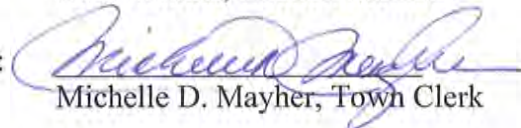
By: 
Larry Kiker, Mayor

By: 
Bob Raymond, Vice Mayor

By: 
Joe Kosinski, Council Member

By: 
Jo List, Council Member

By: 
Alan Mandel, Council Member

By: 
Michelle D. Mayher, Town Clerk

Approved as to form by:

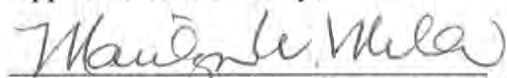

Fowler, White, Boggs – Town Attorney

EXHIBIT A

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

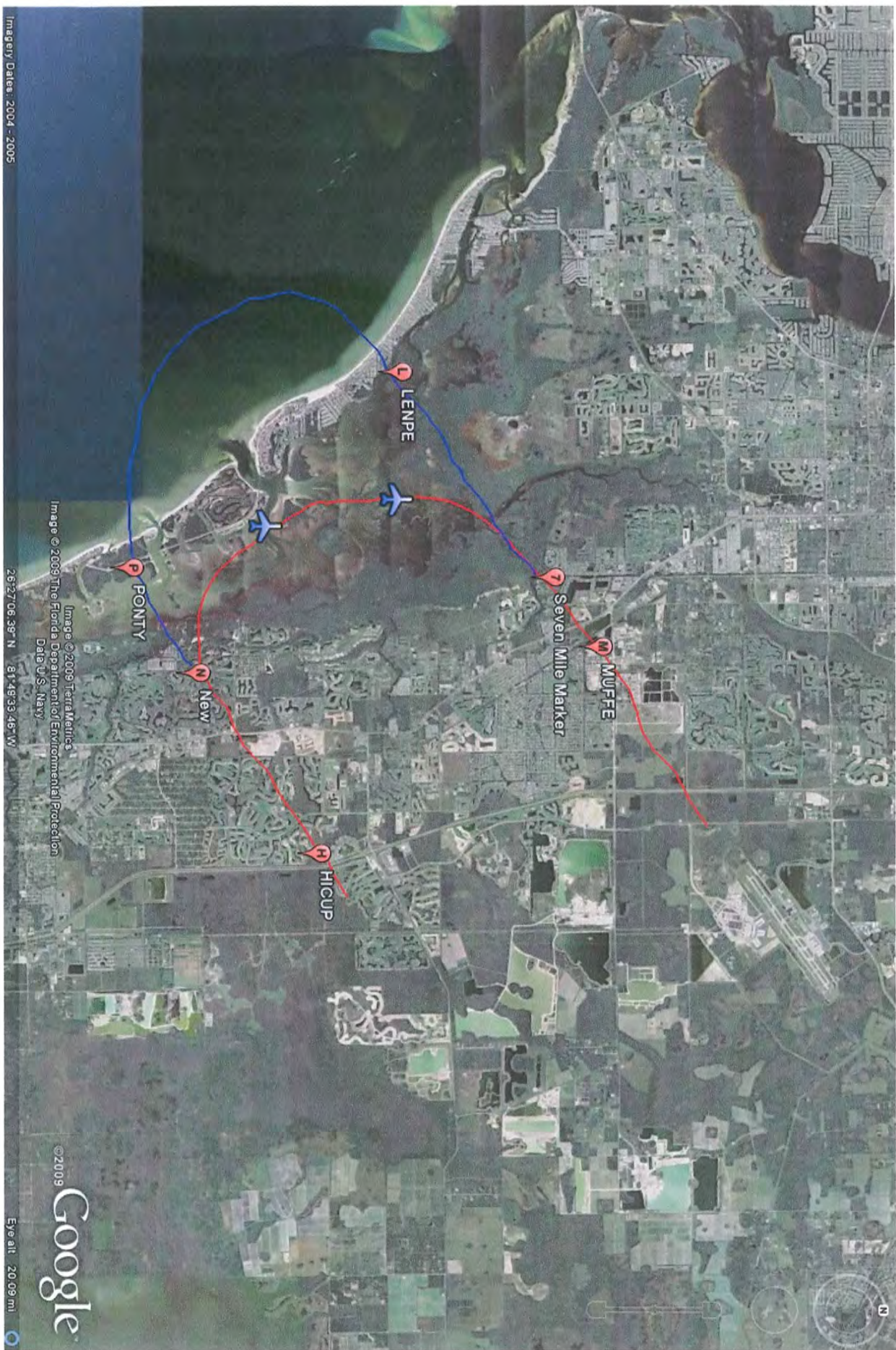


EXHIBIT B

