



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council and Naples Airport Authority Joint Workshop Meeting September 12, 2022 – 8:30 a.m.

It is noted for the record that all 1) documentation electronically appended hereto is also contained in the file for this meeting in the City Clerk's Office; and 2) added attachments are referenced in red as "ADDED ATTACHMENT".

1) CALL TO ORDER AND ROLL CALL

City Council Members Present:

Teresa Lee Heitmann, Mayor
Michael McCabe, Vice Mayor

Ted Blankenship
Ray Christman
Terry Hutchison
Paul Perry
Beth Petrunoff

Naples Airport Authority Commissioners Present:

Kerry Dustin, Chair
Richard Ruppert, Vice Chair

Rita Cuddihy
Donna Messer

Naples Airport Authority Commissioner Absent:

Michael Lenhard

Also Present:

Jay Boodheshwar, City Manager
Nancy Stuparich, City Attorney
Jessica Rosenberg, Deputy City Clerk
Jessica Hernandez, Deputy City Clerk
Chris Rozansky
Doug DiCarlo
Michael Arnold
Peter Kirsch
Scott Cameron
Jenna Heiderman
Patricia Wager

Donna Krall
Greg Melanson
Linda Nelson
Keith West
Robert Burns
Andrew Deane
Mike Faucett
Bruce Byerly
Bill Earls
Dan Sullivan
Mark London

2) PLEDGE OF ALLEGIANCE

Mayor Heitmann led in the Pledge of Allegiance.

3) SET AGENDA (ADD OR REMOVE ITEMS)

City Manager Jay Boodheshwar requested to add an item after discussions with the Naples Airport Authority as indicated in the motion below.

MOTION by McCabe to SET THE AGENDA adding an item to discuss City Attorney services; seconded by Hutchison and unanimously carried, all members present and voting (Blankenship-yes, Christman-yes, Hutchison-yes, McCabe-yes, Perry-yes, Price-yes, yes, Heitmann-yes).

4) PUBLIC COMMENTS

Keith West, Scott Cameron, Bill Earls, Dan Sullivan, and Pat Wager expressed support for the Naples Municipal Airport.

Greg Melanson said that he was optimistic that the Federal Aviation Administration (FAA) would approve raising the flight path ceiling, which would help alleviate noise. He expressed concern that most members of the Naples Airport Authority are Old Naples residents and own hangers on Airport property.

Jenna Heiderman, President of the Port Royal Association, and Donna Krall, President of the Royal Harbor Association, urged that no one neighborhood should be burdened entirely by the impact of airport operations and recommended encouraging pilots to ascend as high and as quickly as possible to minimize noise, if allowed by the FAA.

Linda Nelson spoke about pollution and noise caused by the Naples Airport.

[Letter from Port Royal Assoc. \(ADDED ATTACHMENT / J. Heiderman\)](#) 

5) NAPLES AIRPORT AUTHORITY (NAA) PRESENTATIONS

5.A) NAPLES AIRPORT MASTER PLAN (DOUG DICARLO, ENVIRONMENTAL SCIENCE ASSOCIATES).

City Manager Jay Boodheshwar introduced Naples Airport Authority (NAA) Executive Director Chris Rozansky, who announced that the Airport Master Plan has been completed. Doug DiCarlo, Environmental Science Associates, utilized an electronic presentation to offer an overview of the Airport Master Plan process including local rules and roles in airport planning. The presentation also detailed customer and public outreach, types of projects, and a review of approvals.

In response to Council's question concerning a timeline, Executive Director Rozansky said that the Planning Advisory Board (PAB) recommended approval of the Airport Master Plan, and only needed to be placed on a Council agenda for final consideration. He added that he did not foresee any changes to the Master Plan after the upcoming Noise Study is released. Council Member Blankenship suggested the inclusion of a study for a new airport location at the end of the current 20-year Master Plan. Mr. DiCarlo said there was no need to extend Runway 14-32 as the longer Runway 5-23 already accommodates heavier aircraft that are not affected by winds.

Executive Director Rozansky said that a study to relocate the airport is not part of the Master Plan and added that the idea would require a separate review. NAA Chair Dustin said the NAA has previously studied the issue internally; however, he warned that the FAA will deny funding for existing infrastructure if it is aware that an alternate airport location is on the horizon. Noting possible rising sea levels, Council Member Hutchison said a relocation study would be prudent. Vice Mayor McCabe noted that the Airport Master Plan is based upon a 1.3 percent annual Airport operations growth rate, while the actual growth rate last year was 40 percent. As a result of those numbers, he asked if the Master Plan was outdated. In response, Executive Director Rozansky asked Council if it preferred that the NAA presented the current Master Plan or wait until after the Noise Study is completed. Vice Mayor McCabe replied that since assumptions used to create the Master Plan are already outdated, it should be updated before presenting it to Council for approval. In response to Mayor Heitmann, Executive Director Rozansky clarified that the 40 percent figure is related only to the increase in jet traffic. At Council's request, he said he would provide a statistical breakdown in private aircraft activity versus fractional and charter aircraft activity. In response to Council Member Christman, Executive Director Rozansky said the planned infrastructure would be able to accommodate jet traffic for the next 20 years. Regular aircraft services will not be returning to the Naples Airport in the short term, according to Executive Director Rozansky. Commissioner Ruppert said many hangars are old and vulnerable to hurricanes and need to be replaced. In response to Council Member Petrunoff, Executive Director Rozansky said that the Master Plan serves as a long term conceptional plan and contemplates safety and efficiency, not volume. Executive Director Rozansky said that the Airport is currently operating under the Master Plan adopted in 1997 and admitted that no capital improvements are

being impeded while the new Master Plan is awaiting approval. At Council's request, he explained the difference between the Master Plan, the Utilization Plan, and an interim Airport Layout Plan (ALP). Executive Director Rozansky added that the proper time to begin negotiating a new Airport lease would be after the Master Plan and the Naples Airport Part 150 Noise Study are completed.

PUBLIC COMMENT: Linda Nelson urged Council to not support the proposed west side buildout at the Airport and said the Master Plan should not be considered for approval until a voluntary night curfew is included. She warned that the proposed Airport buildout would increase operations up to 500 aircraft per day.

In response to Council Member Blankenship, Chair Dustin said a study was done to possibly divert overflow air traffic to either the Immokalee or Marco Airports. Council Member Petrunoff acknowledged that many people willingly bought property under the Naples Airport flight path; however not many of those could predict the increasing growth rate, and she asked whether the Growth Plan would stabilize or stimulate Airport growth.

Consensus to direct the Naples Airport Authority to move forward with the Airport Master Plan.

[Cover Page](#)  [Presentation - Naples Airport Master Plan](#) 

Recess: 10:45 a.m. to 11:04 a.m. It is noted for the record that the same Council Members and Commissioners were present when the meeting reconvened.

5.B) PART 150 NOISE STUDY UPDATE (MIKE ARNOLD, ENVIRONMENTAL SCIENCE ASSOCIATES).

Naples Airport Authority Executive Director Chris Rozansky presented the item and introduced Mike Arnold, Project Manager from Environmental Science Associates. Mr. Arnold proffered an electronic presentation detailing the Part 150 Noise Study which included a summary of outreach since April 2022 and details of the Joint Technical Advisory Committee (TAC) and Noise Compatibility Committee (NCC) Workshop in Coordination with the Federal Aviation Administration (FAA). He added that the Workshop generated a list of noise abatement measures, land uses, and programmatic measures. Noise abatement measures include raising aircraft arrival and departure altitudes, modifying routings, and dispersing activity. In summary, he said that the FAA supported the NAA's present approach taken up until that time and said measures will move forward quickly. Mr. Arnold noted that NAA Executive Director Rozansky appeared before the U.S. House Subcommittee on Aviation on Wednesday July 13, 2022, to discuss the state of the general aviation industry.

In response to Council Member Hutchison, Mr. Arnold said that the highest population density on arrivals and departures to the airport is to the southeast, and the lowest is to the northeast. Mr. Arnold detailed pros and cons of various suggested noise abatement measures. Council Member Hutchison asked Mr. Arnold to rank the suggested noise abatement measures from most effective to least. Vice Mayor McCabe noted that the Part 150 Noise Study is limited in scope and only addresses issues concerning the immediate area around the Airport. Thus, he urged taking immediate action, and not waiting until after the completion of the Part 150 Noise Study to begin to implement noise reduction measures.

Regarding efforts to reduce noise by elevating the 2,000-foot aircraft "hold down" or ceiling altitude, Vice Mayor McCabe said that since Naples is a Class D airport, the allowable ceiling height is 2,500 feet. He suggested Naples reclassify as a Class C airport, which would allow the ceiling to be raised to 4,000 feet and the allowable ceiling height adjustment could be done without FAA approval. In response, Mr. Arnold detailed the process involved with reclassifying the Naples Airport. Executive Director Rozansky subsequently detailed progress on moving forward with the FAA on noise abatement measures. Council Member Blankenship said that after doing as much as possible to reduce aircraft noise, efforts need to be made to spread the remaining noise evenly. A discussion ensued concerning the idea of reducing the decimal threshold from 60 to 55, which would increase the impact area, and possibly affect future residential construction. Council Member Blankenship said noise reduction measures could be implemented immediately and

urged for an accelerated Part 150 Noise Study timeline. Regarding matters with the FAA, Council Member Christman said that it is important for the City to engage the services of a person with experience dealing with the federal agencies. Council Member Petrunoff said the Windermere Airport successfully changed its flight pattern and suggested it would be beneficial to investigate on how that was achieved. She added that after a recent conversation with United States Representative Byron Donalds, she learned that the FAA was currently in a state of flux, and most likely not able to assist Naples at this time. In response to Commissioner Cuddihy, Mr. Arnold said that on-board diagnostics (OBD) would help aircraft land from higher altitudes. He added that OBD technology shows promise but is not a solution at this time. Mr. Arnold reviewed the proposed noise abatement measures and detailed how each would benefit certain areas and not benefit others. In response to Chair Dustin, Executive Director Rozansky said the Part 150 Noise Study is a required tool for petitioners to engage the FAA. He continued by detailing Phases One and Two of the Part 150 Noise Study. Executive Director Rozansky elaborated on the next steps moving forward with noise abatement, stating that a dialogue with the FAA would take place in the next few weeks, then the NAA would consult with the Naples Airport Technical Advisory Board (TAC) and City Council.

PUBLIC COMMENT: Robert Burns questioned why there is no chart for departures at the Naples Airport. In response, Executive Director Rozansky said that Naples Airport consults with Regional Southwest Airport on the direction of departures, and there is flexibility in departure paths. Andrew Deane, former Port Royal Board Member, and pilot, said that the safest departure route is not down Naples Bay, but directly west over the Gulf of Mexico. Mike Faucett, representing the North Naples Bay Association, spoke about curfew compliance. In his estimation, 90 percent of curfew complaints are caused by one offender. In response, Commissioner Ruppert detailed measures that Commissioners have taken to confront curfew violators.

In response to Mayor Heitmann's request for a consensus to consider the Master Plan before the Part 150 Noise Study is finished, Vice Mayor McCabe discussed the merits of waiting to consider the Master Plan until the Part 150 Noise Study is finalized. Executive Director Rozansky estimated that the Part 150 Noise Study will be completed in the spring of 2023, then submitted to the FAA. In conclusion, Mayor Heitmann asked the NAA to review the Part 150 Noise Study as soon as possible to present to Council, and Council will then consider the Master Plan.

[Presentation – Part 150 Noise Study Update](#)  [FAA Meeting Request](#) 
[FAA Letters 2022](#) 

Recess: 12:55 p.m. to 1:28 p.m. It is noted for the record that the same Council Members and Commissioners were present when the meeting reconvened.

5.C) UNDERSTANDING AIRPORT NOISE RESTRICTIONS (PETER KIRSCH, NAA LEGAL COUNSEL).

Naples Airport Authority (NAA) Executive Director Chris Rozansky introduced Peter Kirsch, an Attorney at Kaplan Kirsch Rockwell, who utilized an electronic presentation that detailed proper measures to address airport noise. Attorney Kirsch stated that the NAA does not have complete control over its airport or how it accommodates operations. He added that airports are subject to complex federal oversight and laws that apply to other government functions. For example, local noise regulations do not apply to airports. He continued by explaining local regulations only have authority over an aircraft until it leaves the ground, at which time the aircraft becomes subject to the jurisdiction of the FAA. He then explained statutes and regulations that govern aircraft noise, with emphasis on the fact that no access restrictions can be adopted by an airport without FAA approval. The presentation continued with a summary and effects of Part 161 regulations, and how the FAA determines a noise problem. Attorney Kirsch shared a history of local airport attempts to adopt restrictions since 1990, which showed that only one local restriction successfully gained FAA approval. He warned that attempts to impose local restrictions would involve many legal hurdles.

Attorney Kirsch said that the NAA is known throughout the FAA as an airport that asks for the most benefits for its community. In lieu of imposing local restrictions, Attorney Kirsch offered alternate noise mitigation solutions and possible legislative efforts. He then presented a summary of federally enacted noise provisions passed in 2018 and the impact on airports. He recommended the best way to include language in a federal bill that would benefit Naples specifically is to have a member of Congress include the language in the upcoming FAA Reauthorization Bill early and structure it in such a way to have national appeal. Attorney Kirsch explained that Congress passes a statute every five years that reauthorizes the FAA, which in 2018 included many noise provisions. He added that there is an opportunity to add tailored relief in the next FAA reauthorization, scheduled in 2023. Attorney Kirsch concluded by sharing a list of recommended NAA requests and suggested various efforts to gain approval.

Attorney Kirsch explained that it is urgent to engage with Congress immediately to ensure Legislative success in 2023. In response to Council Member Petrunoff, Attorney Kirsch recommended that to improve odds for success, the NAA needs to focus on lobbying efforts on noise matters only, and not introduce additional issues. In response to Council Member Hutchison, Attorney Kirsch offered lobbying advice by stating that the Part 150 Noise Study would need to be completed before the FAA will consider any request. In addition, he recommended the NAA announce its intent to perform a Part 161 Study which would convey a degree of seriousness to Congress. He added that the NAA needs to be the lead in lobbying efforts, while Council needs to focus on support. Vice Mayor McCabe made the claim that the Noise Exposure Map is flawed. Attorney Kirsch recommended that the NAA and Council complete the Part 150 Noise Study, which would be beneficial during a possible future lawsuit appeal. He added that to enhance the NAA's chances for success, it needs to demonstrate that Naples is a unique test case. Identifying noise violators publicly has proven to be an effective way to curtail after hours air traffic, Attorney Kirsch stated. In response to Council Member Christman, Attorney Kirsch offered examples of effective language that would enhance the NAA's chances to obtain Congressional approval of issues unique to the Naples Airport. Council Member Blankenship suggested adding a link in the community newsletter that identifies curfew violators and added that it would be a good idea to thank previous offenders who are now in compliance. In response to Council Member Blankenship, Attorney Kirsch explained that the Part 161 Study would be a continuation of the Part 150 Noise Study and would not constitute starting over. Attorney Kirsch agreed with Council Member Blankenship that working in phases regarding noise issues would be an effective strategy. Attorney Kirsch warned that language which restricts a specific operator access to the Airport would decrease the chance of passage. He added that demands must be reasonable. Attorney Kirsch said that the FAA will not think kindly of the NAA's plans to begin a Part 161 Study. If getting aircraft higher and faster is the most important issue, he said that the FAA most likely will approve that request, under the condition that the NAA drop plans to conduct the Part 161 Study. In response to Council Member Petrunoff, Attorney Kirsch said that a lawsuit can only be filed after the rejection of the Part 161 Study, but not after the Part 150 Noise Study. Regarding the curfew issue, Attorney Kirsch said that Council had much more latitude to punish violators than does the NAA.

PUBLIC COMMENT: Mark London, a tenant at the Naples Airport since 1987, shared practical situations that necessitate early or late aircraft traffic at the airport.

Upon the conclusion of Item 5.C, Mayor Heitmann announced that the remaining Items on the agenda were information only items. She added that a discussion and recommendations concerning the Part 150 Noise Study and the Part 161 Study should be held during a Regular Council meeting.

PUBLIC COMMENT: Bruce Byerly, owner of the Naples Jet Center and a member of the Naples Noise Compatibility Committee, offered support for the Naples Airport staff and said the Airport is an asset to Naples. Linda Nelson thanked the NAA for doing a good job addressing the night curfew.

Mayor Heitmann thanked the NAA for attending the meeting and expressed support for the partnership between the City and the Naples Airport.

[Presentation - Understanding Airport Noise Restrictions](#)

[Peter Kirsch Memorandum - Regulatory Oversight of Use Restrictions](#)

[Peter Kirsch Bio](#) [Handout \(ADDED ATTACHMENT / M. Arnold\)](#)

5.D) OPTIONS AVAILABLE TO THE CITY OF NAPLES AND AIRPORT AUTHORITY TO MITIGATE GROWTH IN AIRCRAFT VOLUME (JAY BOODHESHWAR, CITY MANAGER).

No discussion.

[Agenda Memorandum](#)

5.E) 2022 AVIATION AND ECONOMIC TRENDS (ZACHARY BURCH, NAA COMMUNITY ENGAGEMENT AND COMMUNICATIONS MANAGER).

No discussion.

[Presentation - 2022 Aviation and Economic Trends](#)

5.F) FY23 OPERATING AND CAPITAL BUDGET (KEN WARRINER, SENIOR DIRECTOR OF FINANCE AND ADMINISTRATION).

No discussion.

[FY2023 City of Naples Airport Authority Operating and Capital Budget - September Draft](#)

[Presentation - FY2023 Budget - September Draft](#) [CIP - 5 Years](#)

5.G) GRANT AND LEASE OBLIGATIONS (JUSTIN LOBB, DEPUTY DIRECTOR OF AVIATION).

No discussion.

[Presentation - Grant and Lease Obligations](#)

[Grant and Lease Spreadsheets 06-27-22](#) [FAA Sponsor Assurances](#)

5.H) FLY SAFE FLY QUIET INITIATIVES (ZACHARY BURCH, NAA COMMUNITY ENGAGEMENT AND COMMUNICATIONS MANAGER).

No discussion.

[Presentation - Fly Safe Fly Quiet and Curfew Initiatives](#)

5.I) ADVANCED AIR MOBILITY OVERVIEW (DOUG DICARLO AND MIKE ARNOLD, ENVIRONMENTAL SCIENCE ASSOCIATES).

No discussion.

[Presentation - Advanced Air Mobility Overview](#)

Recess: 3:11 p.m. to 3:27 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

DISCUSSION OF LEGAL SERVICES (ADDED ITEM)

This item was not discussed. See Item 6.

6) COMMUNICATIONS FROM THE MAYOR, CITY COUNCIL, AND STAFF

City Manager Jay Boodheshwar referred to the item added to discuss the City's legal services, but explained that specific direction cannot be offered, nor action taken, during a Workshop session. He suggested scheduling a 3:00 p.m. time-certain Special Meeting on September 19th to discuss the issue. City Attorney Nancy Stuparich said that with proper notice, it is possible to act on an item during a Workshop. Mayor Heitmann said the September 19th Special Meeting will also include a discussion concerning the scope of services regarding the City's aviation attorney, Steven Tabor. City Manager Boodheshwar announced that the two topics on the September 19th Workshop Agenda are lot combinations and density bonuses. A discussion ensued concerning the inclusion of an overview of the Comprehensive Plan as it pertains to the Naples Airport during the September 19th Special Meeting. Due to the lack of prior notice, City Attorney Stuparich advised against holding a discussion concerning the City's legal services during the present meeting, noting that it is a substantive matter and public notice was not offered. In consideration of the 60 days' notice City Attorney Stuparich provided, Council Members Blankenship and Hutchison spoke about the importance of having a list of options ready concerning the City's legal services before discussion the following week. Mayor Heitmann spoke

about the importance of drafting a letter concerning Naples Airport matters for the local Congressman before the end of the September deadline as mentioned previously in the meeting. In response, Council Member Christman said that it would be more beneficial to wait to act on Airport matters when the Naples Airport Authority (NAA) returns with its findings. City Manager Boodheshwar suggested a review of the information learned at that day's Workshop during the Special Meeting on September 19th. He added that it would be beneficial to have Attorney Tabor present via Zoom during the meeting. City Manager Boodheshwar assured Council that he would have options concerning the City Attorney at the September 19th Special Meeting. Council Member Petrunoff stressed the importance of being in alignment with the NAA regarding Airport noise matters. A Council discussion ensued concerning how to handle the appearance of Attorney Tabor at the September 19th Special Meeting.

7) ADJOURNMENT

4:07 p.m.

Teresa Lee Heitmann, Mayor

Patricia L. Rambosk, City Clerk

Meeting Clerked by:

Jessica R. Rosenberg, Deputy City Clerk

Jessica Hernandez, Deputy City Clerk

Minutes prepared by:
Dave Horton, Executive Assistant

Minutes Approved: 11-2-22