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Sent: Wednesday, October 8, 2025 3:40 PM
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Subject: Re: Is it possible to voluntary clause from a master plan?
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Sent: Wednesday, October 8, 2025 1:04:00 PM
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Subject: Is it possible to voluntary clause from a master plan?

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It is possible to remove a voluntary clause from a master plan?, but it's very difficult and would require going through federal, state, and local regulatory processes. It would not be simple or quick. Here's a breakdown of how it works, what challenges you'd face, and what steps might be involved:

Since Part 161 became law in 1990, very few airports have ever won FAA approval for mandatory restrictions.

The process is time-consuming (often 5–10 years), extremely costly (hundreds of thousands of dollars), and politically complex — which is why most cities (like Ormond Beach) rely on voluntary noise abatement programs instead.

This is why the schools do what ever they want. Sadly! Extremely hard to make a change. Not impossible though.

from Master Plan:

Ormond Beach currently uses a Voluntary Noise Abatement Program. Pilots are asked to follow procedures (like staying above 1,000 ft over residential areas) but are not legally forced to. <-----why they don't do what Steven asks.

from Federal Aviation Administration:

Airports can propose mandatory noise restrictions, but under U.S. law those fall under 14 CFR Part 161 (“Notice and Approval of Airport Noise and Access Restrictions”) and have strict statutory requirements.

From Congress.gov:

Historically, many airports choose voluntary programs because getting FAA approval for mandatory restrictions is very hard. To implement mandatory measures, the airport must show that they satisfy six statutory criteria (including not placing an undue burden on interstate commerce) under Part 161.

The six statutory criteria you must meet:

Under 14 CFR Part 161 (the federal law that governs airport noise and access restrictions), any airport that wants to impose a mandatory restriction (such as curfews, altitude minimums, flight path prohibitions, etc.) must prove to the FAA that its rule satisfies six statutory criteria set by 49 U.S.C. § 47524(c)(2).

Here’s what those six criteria are, explained in plain language: used AI.

1 The restriction is reasonable, non-arbitrary, and non-discriminatory.

It must apply fairly to all aircraft and operators — the city can’t target one school or airline. For example: “No training flights below 1,000 ft over residential areas between 10 PM–7 AM” is general; “No Phoenix East flights below 1,000 ft” would be discriminatory. <-----EASY TO DO

2 It does not create an undue burden on interstate or foreign commerce.

The FAA and courts protect the national airspace system as a single, interstate network. If a local restriction would significantly hinder commerce — such as limiting training flights or commercial operations that move across states — the FAA can reject it.<-----HURTS NO ONE

3 It maintains safe and efficient use of the navigable airspace.

Safety and air-traffic control come first.

The FAA will deny any restriction that conflicts with standard air-traffic procedures, required altitudes, or creates congestion that could endanger pilots or the public. <-----WOULD NOT CREATE PROBLEMS

4 It does not conflict with a U.S. statute or regulation.

Local rules can't override FAA-issued flight rules or safety regulations (for example, the Federal Aviation Regulations in 14 CFR Parts 91 and 135).

Anything that effectively "regulates flight" instead of "managing airport access" will be invalid. <-----
-WOULD NOT CREATE PROBLEMS

5 The applicant has provided adequate opportunity for public comment on the proposed restriction.

There must be public notice, community hearings, and time for written input from residents, pilots, and operators before the restriction is proposed.

Transparency is required for FAA review. <-----I believe there have been 100s of these.

6 The restriction does not create an undue burden on the national aviation system.

Even if it's local, the FAA will ask: does this rule interfere with the broader network of airports or training routes?

If it could push flights into nearby airports or disrupt system-wide operations, it will fail this test. <-----
---WOULD NOT CREATE PROBLEMS

-----Sounds like it can be removed.-----

from bocaairport.com:

Because of these legal constraints, many airports maintain voluntary programs rather than mandatory ones.

What the obstacles are, Some of the major hurdles you'd face include:

-FAA approval under Part 161

-The airport must submit a proposal for restrictions (curfews, altitude minimums, or restricted access) and show that each measure meets the six statutory tests (e.g., not unduly burdening air commerce, consistency with safety, cost-benefit evidence).

Congress.gov

-The FAA has rarely approved such restrictions. Many proposals fail to satisfy the legal criteria.

Congress.gov

-Economic and operational pushback

Flight schools, operators, and pilots may oppose restrictions, citing safety, training requirements, and cost impacts. <-----flying at 1000ft a couple of miles from the airport doesn't hurt any of the above.

-The airport must balance community needs with aviation operations and cannot hamper safety. <-----
---easy one

Local and political will

The city (Ormond Beach) or local government would need to support a change in the master plan, push the proposal, conduct public hearings, and commit resources.<-----Jason and Travis would support a change right?

-Residents would need to organize, show strong support, and press local leaders (the Mayor, City Commission, Airport Authority).<----this would be some work, people have lives and work. Is possible throw signatures.

-Demonstrating a necessity

To justify making the clause mandatory, there must be compelling noise, health, or safety data. You'd likely need noise studies, complaint logs, flight path maps, etc.

The airport's master plan updates or noise compatibility studies (Part 150) may need revision to support stricter rules.

Is it likely (specifically for Ormond Beach)?

Given what I found:

-Ormond Beach's master plan explicitly includes a Voluntary Noise Abatement Program as part of its policies.

-The airport's website mentions the voluntary noise procedures and that staff regularly remind schools and operators to follow them.

-The FAA noise policy tends to treat mandatory restrictions as rare and burdensome to approve.<-----
this would be easy to prove.

In the Ormond Beach "Fly Friendly" program, compliance is still described as voluntary (unless deviations are needed for safety).

So while the legal framework allows for mandatory noise restrictions, the current setup and precedent make it very unlikely that the clause can be removed overnight. It would require a major push, legal work, and FAA backing.

What the residents can do to try to remove or change it:

Push for a Part 150 study / update

-A Noise Compatibility Program (NCP) under FAA's Part 150 can analyze noise, propose mitigation measures, and help provide data to support stricter rules.<-----This has to be done at the affected locations at peoples homes. Not at the airport.
Federal Aviation Administration

-Use data from that study to propose stricter rules (ideally mandatory) in the master plan.

-Lobby local government & the airport authority

-Petition the City Commission / Mayor to adopt a resolution pushing for mandatory noise abatement.

-Attend public meetings, present data, rally support from neighbors.

-Submit a Part 161 proposal

-The city/airport could formally submit a noise restriction request under Part 161.

-It must go through the FAA review process, public comment, hearings, and satisfy legal tests.

-Engage with FAA / community groups

From Federal Aviation Administration:

Participate in FAA's policy reviews (e.g. the FAA is reviewing its noise policy under 2024 Reauthorization Act)

Then:

-Join or support local advocacy groups (like "Ormond CARES") that are already tracking non-compliance and noise issues.

Ormond Cares

-Collect strong evidence

-Document flight times, altitudes, noise, frequency.

-Use noise monitors if possible.

-Bring community complaints to officials and FAA.

There is a lot to prove to make this change. Crazy to me a

On Wednesday, October 8, 2025 at 12:20:10 PM EDT, George Palmer <gpalmer67@att.net> wrote:

Good morning, All 2 schools are really harassing me today, they are crazy people. Get that guy for wanting us to follow rules!

It's apparent that we need to organize and visit each of the flight schools to discuss what they're doing. We should invite

the news to come and simply show up—no appointment needed. The schools don't listen to the airport towers or the airport managers; they do whatever they want.

They're supposed to fly above 1,000 ft when flying over neighborhoods, but today's list below shows they don't care, even after being reminded. It's very telling of what we're dealing with.

Just know that Phoenix East Aviation is mostly composed of international students, instructors, and owners—they don't seem to care about the residents here. The same goes for Sunrise and Embry-Riddle. When asked to follow the rules, they often double down and become even more defiant.

Let's be clear: the Daytona Beach tower isn't exactly on our side either. I appreciate that Steven is trying to get the schools to at least follow the 1,000-ft rule, but there's only so much he can do. If the schools refuse to listen because of a "voluntary" clause in the rule-book, his hands are tied.

What really needs to happen is for that voluntary clause to be removed. Is that possible, Steven? Can residents ask the Mayor to have it removed?

10/8/2025 9:00AM to 11:23 pm OVER Ormond Lakes
Phoenix East Aviation BPX264 C172 795 FT AGL
Phoenix East Aviation BPX283 C172 870 FT AGL
Sunrise Aviation N681DW C172 870 FT AGL
Phoenix East Aviation BPX288 C172 820 FT - 895 FT AGL
Phoenix East Aviation BPX252 C172 870 FT AGL
Phoenix East Aviation BPX290 C172 820 FT AGL
Sunrise Aviation N2138G PA44 770 FT AGL Over my house

On Wednesday, October 8, 2025 at 10:14:52 AM EDT, DEBBIE CHANDLER <brantleyhill@msn.com> wrote:

Surely these student flights are required by law to leave their transponders on? At this point there must be a law these schools are breaking? What recourse as law abiding tax paying citizens do we have? Should we call 911 at 10:00 pm as we would if a neighbor was making loud noises that keep us from sleeping? What are our options - I am asking the administrators and those in charge of our health and well being. Please respond.

Thanks,

Debbie Chandler
315 Coquina Avenue
Ormond Beach

Sent from my iPhone

On Oct 8, 2025, at 1:21 PM, normanechelberry@cfl.rr.com wrote:

Last night (Tuesday Oct. 7) and Wednesday, Oct. 8 morning was experiencing how little courtesy flight schools have for residences and ignoring requests by the City of Ormond Beach to follow the voluntary noise abatement path and training hours.

In my two story house with a upper balcony and sliding doors, I tried to go to bed at 9:00 pm. I kept hearing airplanes flying near or over my house. About 9:30 pm I went downstairs to my computer to see what aircraft they were. I went back upstairs and at 10:30 pm it was still going on so I got up and went back downstairs to take another look. Finally, sometime after 10:30 pm they stopped. Although I am aware the aircraft are not required to use transponders with ADSB I am noticing some that during the day use flightradar24 but not evening hours. If I don't see an aircraft there I switch to ADSB Gen and sometimes find it there. I have upgraded subscriptions to both. And I am noticing some are not turning on the transponder, going over my house and then turning them on after they get farther west. And resetting the transponders so it doesn't show previous loops. In my next email my noise abatement complaint log (now 6 pages) has notes of aircraft doing this. To me, it's trying to avoid identifying noisy planes.

Then Wed. morning (today Oct. 7) flights started at 7:08 am. Below are observations (I also have screenshots):

Tuesday night Oct. 7

9:30 pm BPX290 (PEA) turns on its transponder after going over my house headed west

10:08 pm ERU812 turns on its transponder after it departs east and going over my house

10:09 pm BPX290 (PEA) flies directly over my house

10:11 pm I switched to ADSB Gen to check BPX290 and see it has already went over our homes 5 times, not showing on flightradar24. So

they must be using two transponders .

10:13 pm BPX290 (PEA) turns on its transponder after passing over our homes and returns to the airport.

10:16 pm BPX290 again repeats turning on the transponder after taking off and passing home

10:20 pm BPX passes over our homes, now the 6th pass on ADSB Gen On flightradar24 it shows the transponder turned on after going over near my house.

Wed. morning, Oct. 8

7:09 am (before 8 am) on flightradar25 N/A P28 but showing on ADSB Gen as N674A starts flights over Tomoka Estates

7:16 am same aircraft as above N/A P28A resets its transponder and takes off again over Tomoka Estates

7:26 am same aircraft as above takes off again over Tomoka Estates after resetting the transponder showing on flightradar24

7:31 am BPX297 (PEA) takes off over Tomoka Estates

7:32 am BPX290 (PEA) takes off over Toomoka Estates

7:45 am ERU460 takes off over Tomoka Estates

7:52 am ERU855 takes off and flies over my house

7:56 am BPX297 (PEA) makes its second pass over Tomoka Estates

ALL BEFORE 8 AM

Living here 28 years I have never seen so much noise from flight schools that ignore the voluntary noise abatement path. And nothing can be done. Later today I will be sending my latest log with noise abatement incursions for our neighborhood.that is 6 pages long detailing the aircraft/date/time and notations

Norman Echelberry

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Ormond Beach, FL 32174

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My noise abatement site: www.ormondbeach.in (constantly being updated with logs and complaints)



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