

**CITY OF NORTH LAS VEGAS
SPECIAL CITY COUNCIL MEETING MINUTES**

April 15, 2009

CALL TO ORDER

4:32 P.M., Council Chambers, 2200 Civic Center Drive, North Las Vegas, Nevada

ROLL CALL

COUNCIL PRESENT

Mayor Michael L. Montandon
Mayor Pro Tempore William E. Robinson
Councilwoman Stephanie S. Smith
Councilwoman Shari Buck
Councilman Robert L. Eliason

STAFF PRESENT

City Manager Gregory E. Rose
Assistant City Manager Sam Chambers
Assistant City Manager Maryann Ustick
City Attorney Carie Torrence
Acting City Clerk Anita Sheldon
Fire Chief Al Gillespie
General Services and
Communications Director Brenda Fischer
Parks and Recreation Director Mike Henley
Police Chief Joe Forti
Utilities Director David Bereskin
Assistant to the City Manager Michelle Bailey-Hedgepeth
Senior Assistant to the City Manager Kenny Young
Municipal Court Administrator Debbie Miller

VERIFICATION

Anita Sheldon
Acting City Clerk

BUSINESS

1. DISCUSSION AND/OR ACTION REGARDING THE ADOPTION OF THE WILLIE McCOOL REGIONAL PARK FLY FIELD RULES AND REGULATIONS.

City Manager Gregory Rose explained that City staff had been working with the McCool Citizens Advisory Board and Parks and Recreation Advisory Board to develop rules and regulations for the McCool Airfield.

Parks and Recreation Manager Jim Stritchko explained that on August 6, 2009 the City Council passed Resolution Number 2405 forming the McCool Airfield Advisory Committee and said the purpose was to address five areas. One area was to establish a decibel level for the fly field. On March 19, 2009 the McCool Airfield Advisory Committee passed a motion to adopt a decibel level at the airfield of 98 decibels at 25 feet. The Parks and Recreation Advisory Board passed a motion on March 24, 2009 to adopt the decibel level of 96 decibels at 10 feet. Once the decibel level was established, Staff presented a draft of the rules and regulations for the flyers to abide by when using the field. The McCool Airfield Advisory Committee passed a motion to adopt the recommended registration process. The Parks and Recreation Advisory Board adopted the recommended registration process with the changes to detail the process of measuring the decibel level for each plane which was included in the rules and regulations. Included in the rules and regulations was the outline of definitions, prohibitions and membership card requirements which stated that each member be a member of the Academy of Model Aeronautics. Once the requirements were met, the plane decibel level was tested.

Manager Stritchko explained that each plane must be registered and could only be registered once they met the decibel level of 96 decibels at 10 feet. All registrations would be done at the site and recorded by the City Staff. Stickers would be placed on the registered plane to identify the plane as a registered flyer. The flying regulations stated that the flyer needed to abide by the Academy of Model Aeronautics and the City of North Las Vegas regulations. The Parks and Recreation Department Staff would handle the violations and involve the Police Department when necessary.

Manager Stritchko said the committee would continue to meet on other issues regarding the fly field and address any complaints from flyers and residents. Parks and Recreation Staff would be responsible for the administrative enforcement of the registration process and rules and regulations of the fly field site. One of the challenges that the committee faced was how to handle the people not complying with the rules and regulations currently in place. Formalizing the rules and regulations would allow Staff the ability to document and track violators, suspend trespassers and give citations per the Municipal Code. In the event a citation was needed, the Police Department would be the responsible party citing the individual.

Deputy City Attorney Sandra Morgan explained that the Municipal Code provided an enforcement mechanism in Title 12, Chapter 16.110 that allowed the rules as proposed by the Parks and Recreation Department to be enforceable once ratified by the City Council.

Mayor Pro Tempore Robinson asked if the residents living in the area of the airfield were involved in the process. Manager Stritcko explained there were three residents on the committee.

Darrell Stubbs, 105 Frad Avenue, North Las Vegas, member of the McCool Airfield Advisory Committee said that in the past, some of the aircrafts were 120-130 decibels. He explained that most people had complied with the reduction of the sound levels. He said that the committee motion on the level of 96 decibels at 10 feet had failed and the motion on the 98 decibels at 25 feet passed unanimously. Mr. Stubbs said that the recommendation by the McCool Airfield Advisory Committee was invalidated by Staff's recommendation of the Park and Recreation Advisory Board motion of 96 decibels at 10 feet. He requested that the City Council accept the draft with the original sound levels of 98 decibels at 25 feet as recommended by the McCool Airfield Advisory Committee.

Greg Minden, 8241 Unicorn Street, Las Vegas, said he was a flyer at McCool Airfield and explained that the City allowed homes to be built near the airfield and promised that the homeowners would sign a disclosure that would inform them of noise issues at the airfield. The organized flyers reduced the hours of airfield usage, discontinued regional contests, altered the flight paths and modified aircrafts to decrease the noise level. He explained that the 98 decibels at 25 feet over a hard surface of 24 inches was attainable. He said that 85-90% of the aircrafts could not reach the standard of 96 decibels at 10 feet. He explained that adopting the proposed draft would close the airfield to most flyers. He felt that the intent was to close the airfield since the committee's recommendation was overturned. He questioned the validity of the proposed amended noise levels.

Councilwoman Buck clarified that she did not want the airfield closed but was concerned with the noise level and flying aircraft over the residential area. She recommended a neighborhood meeting to discuss the proposed rules and regulations before the resolution was brought forward to the City Council for adoption.

Lawrence Paiva, 3016 Big Green Lane, Las Vegas, explained that he took calibrated meter readings at the site and said that a Harley Davidson motorcycle had a level from 100-104 decibels, various edgers and leaf blowers had levels of 98-100 decibels, passenger vehicles had levels of 95-98 decibels, heavy trucks had levels of 97-99 decibels and his model airplane had a level of 96 decibels. He asked if the City would cite the motorcycles, trucks and leaf blowers exceeding the 96 decibels. He felt the flyers were being punished.

Greg Condon, 7118 Spindle Berry Street, Las Vegas, said he did not have any plane that would be able to pass the noise level test. He converted an airplane to pass the 98 decibels at 25 feet but would not be able to fly that plane if the levels were amended. He felt that the flyers had made adjustments to reduce noise levels but the homeowners have not made any attempts to sound proof their homes.

Janice Miller, 8216 Old Cistern Court, Las Vegas, felt that the City was accommodating the wishes of few individuals and not the many flyers.

Ray Gilkey, 8138 Villa Del Cielo Street, Las Vegas, was a flyer and said the 98 decibels at 25 feet was the Academy of Model Aeronautics rule. He explained the rules stated it was 98 decibels at 25 feet over a hard surface and 98 decibels at nine feet over sod. Mr. Gilkey said there were three residents on the committee that supported the proposed noise levels.

Frank Kelley, 3052 Fresco Court, Las Vegas, said he was disappointed that the McCool Airfield Advisory Committee's recommendation was not included in the draft proposal. He felt that the committee's recommendation was ignored and said that the flyers felt the recommendation was attainable.

Tom Collins, 3171 El Camino Road, Las Vegas, said he installed special mufflers to reduce the noise level of his airplane and would need to make additional modifications to meet the proposed recommended noise levels.

Karen Wall, 10643 Bandera Mountain Lane, Las Vegas, said her son had been going to the airfield since he was eight years old and enjoyed aviation. She said that the flyers were devoted and dedicated to the hobby and provided community involvement and support.

Scott Sauer, 3305 East Rome Boulevard, #3135, North Las Vegas, felt the document should not reference the Academy of Model Aeronautic rules that may change in the future, but rather repeat the rules in the document to maintain control.

Mayor Pro Tempore Robinson felt that there needed to be a meeting between the flyers and the residents in the area for a mutual agreement.

Councilman Eliason questioned the decibel level at other parks with games in progress. Manager Stritchko had no specific details.

Councilwoman Buck confirmed that the park hours were 8 a.m. – 8 p.m. and questioned whether there should be a day of closure. Manager Stritchko said the hours were reduced and tournaments were discontinued. Councilwoman Buck questioned the Academy of Model Aeronautics annual membership fee. A flyer stated the fee was between \$50 - \$68 dollars per year and City membership fee was \$20.

Councilwoman Buck asked if there was a difference in fees between residents and non-residents. Manager Stritchko said the City had one fee.

Councilwoman Buck questioned why the decibel level was different than the recommendation by the McCool Airfield Advisory Committee. Manager Stritchko said that the talks were based on the 96 decibels. He explained that a motion was passed to follow Academy of Model Aeronautic standards, but there was no decibel level for flying at a field. He said that the 98 decibels at 25 feet was a tournament level decibel level and that Academy of Model Aeronautics guidelines said the cities set their own decibel level for the fly field. He explained that the decibel level was at the fly field site. It was also measured at the property line and the decibel level was 60-62 decibels.

Councilwoman Buck questioned whether the planes that measured five to six feet in wing span met the 98 decibel at 25 feet requirement. Manager Stritchko said the measurement had not been taken and would not be measured until the policy was in place. Councilwoman Buck confirmed with Mr. Stubbs that the larger planes were above the 98 decibels. Mr. Kelly explained that the concern was with a 12 foot airplane. He said the five and six foot airplanes were more common and considered sport aircrafts which would not have difficulty meeting the requirements of 96 decibels at 10 feet. The larger planes could be modified to meet the 98 decibels at 25 feet but not the proposed requirements.

Councilwoman Buck questioned the process for filing a complaint against violators. Manager Stritchko said that the Parks and Recreation Department would be the first contact and the Police Department would need to witness the violation. The Parks and Recreation Department could administratively, if receiving continuous reports, suspend and trespass the violator from the site. Manager Stritchko explained that in the agreement, it would be stated that a decibel reader would perform random checks on decibel levels. Deputy City Attorney Morgan explained that the rules allowed for the Director of Parks and Recreation to revoke the membership card.

Councilwoman Smith felt that the recommendation by the McCool Airfield Advisory Committee should be followed.

ACTION: STAFF RECOMMENDATION WAS ACCEPTED, AS AMENDED TO THE MAXIMUM DECIBEL LEVEL AT THE AIRFIELD BEING 98 DECIBELS (dB) AT 25 FEET.

MOTION: Councilwoman Smith
SECOND: Councilman Eliason
AYES: Mayor Montandon, Councilmembers Smith, Buck and Eliason
NAYS: Mayor Pro Tempore Robinson
ABSTAIN: None

PUBLIC FORUM

There was no public participation.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 5:35 P.M.

MOTION: Mayor Montandon

SECOND: Councilman Eliason

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmembers
Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

APPROVED: May 20, 2009

Mayor Michael L. Montandon

ATTEST:

Anita Sheldon
Acting City Clerk