

COUNCIL CHAMBER

City of Berea, Ohio

RESOLUTION No. 2015-71

By Nick Haschka

Sponsored By Mayor Cyril M. Kleem
Council President Mary K. Brown
All Members of Council

A RESOLUTION

AUTHORIZING AND APPROVING PARTNERING WITH THE CITY OF BROOK PARK IN AN EFFORT TO ESTABLISH A QUIET ZONE DESIGNATION AREA AND LOCKOUT GATES FOR THE SHELDON ROAD-NORFOLK SOUTHERN CROSSING AND AUTHORIZING THE MAYOR OF THE CITY OF BROOK PARK, OR HIS DESIGNEE, TO ISSUE, ON BEHALF OF THE CITY OF BEREA, A NOTICE OF INTENT TO THE NORFOLK SOUTHERN RAILWAY AND PURSUE SUCH ACTIVITIES AS ARE NECESSARY TO FULLY DETERMINE THE FEASIBILITY OF SUCH AN ENDEAVOR, AND DECLARING AN EMERGENCY.

WHEREAS, the Norfolk Southern Railway has a set of railroad tracks that cross Sheldon Road, between State Route 237 and Eastland Road; and

WHEREAS, said railroad crossing is located on the border between the City of Berea and the City of Brook Park; and

WHEREAS, residents in both communities have expressed frustration and concern at the frequency and intensity of the noise generated by the horns of the trains running along these tracks; and

WHEREAS, the City of Berea would like to partner with the City of Brook Park in an effort to establish a quiet zone designation area and lockout gates for the Sheldon Road-Norfolk Southern Crossing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berea, State of Ohio:

SECTION 1: That the Council of the City of Berea hereby authorizes and approves partnering with the City of Brook Park in efforts to establish a quiet zone designation area and lockout gates for the Sheldon Road-Norfolk Southern Crossing.

SECTION 2: That Council hereby authorizes the Mayor of the City of Brook Park, or his designee, to issue, on behalf of the City of Berea, a notice of intent to the Norfolk Southern Railway and pursue such activities as are necessary to fully determine the feasibility of such an endeavor.

SECTION 3. That Council does not authorize the City of Brook Park to commit or allocate funding on behalf of the City of Berea until such time as further legislation is brought forth, considered and properly adopted by this Council.

SECTION 4: That the Clerk of Council is hereby directed to send a certified copy of this Resolution to the Clerk of Council of the City of Brook Park.

SECTION 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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SECTION 6: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that it is immediately necessary to explore the idea of establishing a quiet zone in order to determine the cost and feasibility of a designation that would positively impact countless residents in both Berea and Brook Park. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: November 16, 2015

ATTEST: [Signature]
Clerk of Council

[Signature]
President of Council

APPROVED: November 23, 2015
[Signature]
Mayor

Approved as to Form:

[Signature]
Director of Law