

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0185

Sponsored by: Councilmember Simon	A Resolution authorizing the County Executive to execute a non-binding Joint Statement to address the noise impact of the Cuyahoga County Airport, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County owns and operates a public airport known as the Cuyahoga County Airport for the convenience and necessity of the citizens of its County; and

WHEREAS, the Airport is located at 26300 Curtiss Wright Parkway, Richmond Heights, Ohio 44143 and situated in the cities of Richmond Heights, Highland Heights, and Willoughby Hills, and in both Cuyahoga and Lake Counties; and

WHEREAS, there is an awareness on the part of the County and the communities surrounding the Airport that the operation and activity at the Airport may generate an adverse noise impact on the surrounding areas; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the County Council hereby authorizes the County Executive to execute a non-binding Joint Statement, attached herein as Exhibit A, to address the noise impact of the Cuyahoga County Airport.

SECTION 2. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section

3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 4. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Ms. Simon, seconded by Ms. Conwell, the foregoing Resolution was duly adopted.

Yeas: Jones, Hairston, Simon, Baker, Miller, Tuma, Gallagher, Schron, Conwell and Brady

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: October 24, 2017

Committee(s) Assigned: Education, Environment & Sustainability

Journal CC028

November 14, 2017

EXHIBIT A

JOINT STATEMENT FOR THE CUYAHOGA COUNTY AIRPORT

This is a Joint Statement (“Joint Statement”) made this July 13, 2017 (the “Effective Date”) by and among the County of Cuyahoga, a body corporate and politic and a political subdivision of the State of Ohio organized and existing under the Charter of Cuyahoga County effective January 1, 2010, as same may have been amended, modified, and supplemented to the date hereof (the “County”), on behalf of the Airport Administration (AA), the Federal Aviation Administration Air Traffic Control Facility (“ATC”), the Airport tenants and users as identified on the signature page (“Tenants and Users”), the city of Highland Heights, the city of Richmond Heights and the city of Willoughby Hills, collectively the Noise Abatement Council (NAC) to address the noise impact of Cuyahoga County Airport:

WITNESSETH:

WHEREAS, the County owns and operates a public airport known as the Cuyahoga County Airport (the Airport) for the convenience and necessity of the citizens of its County;

WHEREAS, the Airport is located at 26300 Curtiss Wright Parkway, Richmond Heights, Ohio 44143 and situated in the cities of Richmond Heights, Highland Heights and Willoughby Hills and also in both Cuyahoga and Lake Counties;

WHEREAS, there is an awareness on the part of the County and the communities surrounding the Airport that the operation and activity at the Airport may generate an adverse noise impact on the surrounding areas; and

NOW, THEREFORE, be it resolved that the County, the AA, the ATC, and the Tenants and Users of the Airport, hereby commit to minimize the noise impact on the environment in the vicinity of the Airport by agreeing to abide by, to the greatest extent possible, the following conditions, procedures and policies:

- 1 Encourage all classes of aircraft to abide by the 2015 National Business Aircraft Association’s (“NBAA”) Noise Abatement Procedures published on the effective date of this agreement, and other local procedures as applicable and adopted from time-to-time by the Noise Abatement Council (“NAC”) through education and coordination with the ATC. These procedures are recommended as a standard for operations where aircraft manufacturers have not recommended specific procedures. Said procedures are attached hereto as Exhibit I and Exhibit II.
- 2 Initiate and monitor voluntary Airport procedures whereby all aircraft are requested not to schedule take offs or landings at the Airport, between the hours of 11:00 p.m. and 7:00 a.m.:
 - i. Discourage the use of the Airport for flight-training purposes by all turbojet and turboprop aircraft at all times.

- ii. Discourage through education any training flights by any category of aircraft between the hours of 11:00 p.m. to 7:00 a.m.
 - iii. Discourage all flight activity over the school adjacent to the southwest quadrant of the airport, through Notice to Airmen (NOTAMs) and other forms of communication.
- 3 Recommend all Airport departures be initiated from the threshold on runways 24 and 6, except when authorized by the ATC.
- 4 Request the ATC advise all turbojet, turboprop and multi-engine aircraft to climb out to a minimum altitude of 1900 feet MSL (Mean Sea Level) or a minimum distance of two miles before making any turns. Single Engine Aircraft to be allowed earlier turn out as required for safe operations and to afford minimum separation from higher performance aircraft.
- 5 Recommend a pattern altitude for turbine aircraft of 2400' MSL and 1900' MSL for piston aircraft. The ATC reserves the right to specify departure and arrival instruction with respect to separation and safety.
- 6 Encourage minimal use of reverse thrust consistent with safe flight operations and runway conditions.
- 7 Discontinue aircraft engine maintenance run-ups between the hours of 9:00 p.m. and 9:00 a.m.
- 8 Recommend full power aircraft engine run-ups be conducted at a designated remote run-up area.
- 9 Maintain appropriate signage adjacent to takeoff points to remind pilots when they are in a noise sensitive area.
- 10 Schedule, at minimum, semi-annual meetings of the NAC for the purpose of reviewing factual data and related information gathered by the NAC, enhance citizen understanding, and to make recommendations to the County with noise reduction as a goal. The NAC is comprised of one (1) representative from each of the AA, the ATC, the Tenants and Users, the city of Richmond Heights, the city of Highland Heights, and city of Willoughby Hills.
- 11 The NAC will periodically review procedures and operations relative to their impact on the community and make recommendations to the County for consideration.

- 12 This Joint Statement is not a binding contract, ordinance, regulation or operational restriction.
- 13 The Joint Statement is voluntary and does not create any liability including joint or several liability for act(s) of non-compliance with this Joint Statement.
- 14 BY ENTERING INTO THIS AGREEMENT, THE PARTIES HERETO AGREE ON, TO CONDUCT THIS TRANSACTION BY ELECTRONIC MEANS BY AGREEING THAT ALL DOCUMENTS REQUIRING COUNTY SIGNATURES MAY BE EXECUTED BY ELECTRONIC MEANS, AND THAT THE ELECTRONIC SIGNATURES AFFIXED BY THE COUNTY TO SAID DOCUMENTS SHALL HAVE THE SAME LEGAL EFFECT AS IF THAT SIGNATURE WAS MANUALLY AFFIXED TO A PAPER VERSION OF THE DOCUMENT. THE PARTIES ALSO AGREE, TO BE BOUND BY THE PROVISIONS OF CHAPTERS 304 AND 1306 OF THE OHIO REVISED CODE AS THEY PERTAIN TO ELECTRONIC TRANSACTIONS, AND TO COMPLY WITH THE ELECTRONIC SIGNATURES POLICY OF CUYAHOGA COUNTY.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, this Joint Statement has been executed by the undersigned as of the Effective Date.

COUNTY OF CUYAHOGA, OHIO

By: _____
Armond Budish, County Executive

The legal form and correctness
of this Contract is hereby approved:
Law Department
County of Cuyahoga, Ohio
Robert J. Triozzi, Director of Law

By: _____
Assistant Director of Law

Date: _____

CUYAHOGA COUNTY
AIRPORT ADMINISTRATION
By: _____
Name: _____
Title: Airport Manager

FEDERAL AVIATION ADMINISTRATION
AIR TRAFFIC CONTROL TOWER
By: _____
Name: _____
Title: _____

CITY OF HIGHLAND HEIGHTS
By: _____
Name: _____
Title: _____

CITY OF RICHMOND HEIGHTS
By: _____
Name: _____
Title: _____

CITY OF WILLOUGHBY HILLS
By: _____
Name: _____
Title: _____

THE CLEVELAND JET CENTER
By: _____
Name: _____
Title: _____

CORPORATE WINGS – CLEVELAND LLC
By: _____
Name: _____
Title: _____

EATON CORPORATION
By: _____
Name: _____
Title: _____

FIVE STAR AVIATION LLC

By: _____
Name: _____
Title: _____

FLEXJET, LLC

By: _____
Name: _____
Title: _____

LONE RANGER JETS LLC

By: _____
Name: _____
Title: _____

NEXTANT AEROSPACE, LLC

By: _____
Name: _____
Title: _____

PACE AVIATION

By: _____
Name: _____
Title: _____

PROGRESSIVE CASUALTY
INSURANCE COMPANY

By: _____
Name: _____
Title: _____

SWAGELOK COMPANY

By: _____
Name: _____
Title: _____

T&G FLYING CLUB, INC

By: _____
Name: _____
Title: _____

ZOMAR

By: _____
Name: _____
Title: _____