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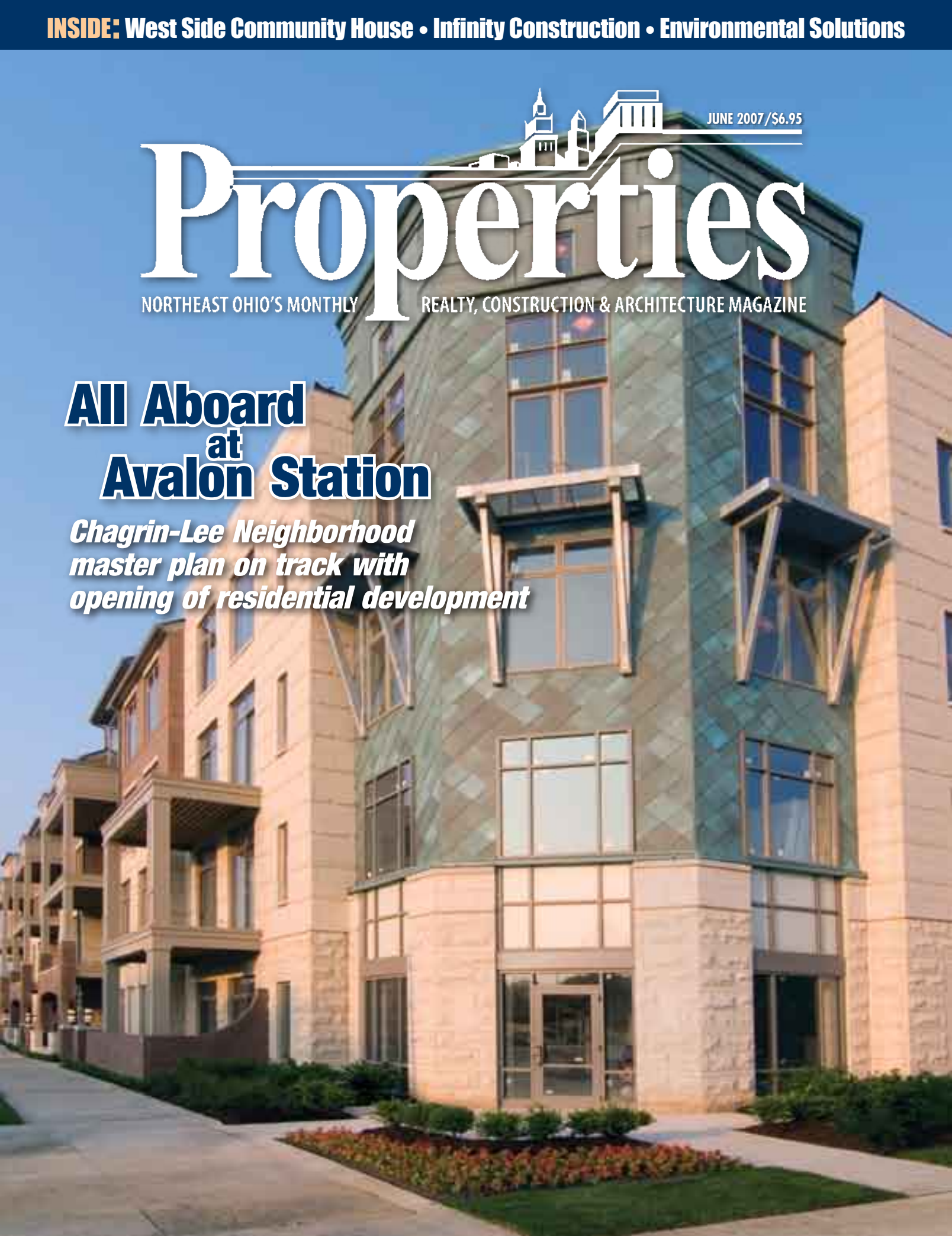


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by Scott Pease

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Rendering courtesy of City Architecture

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DAS Construction aspires to be leader of sustainable building in Northeast Ohio

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Energized With Green Design



KEN KRYCH

Summer is here at last and, fitting with our green surroundings, this month we bring to you our annual Environmental Solutions issue. This year we have nine different articles written by a host of local and regional experts on a wide variety of subjects pertaining to this field, from discussions on solar energy and environmental audits to profiles of some significant, green-focused companies in the region. We thank these contributors for their input. More and more each year, we find that this is becoming an important topic and trust you will find this special section informative and entertaining.

One environmentally targeted story in particular is our special insert on DAS Construction and their expansion into green design and building.

In addition, this month we focus on one of DAS's Constructions latest completed

projects: the West Side Community Center, which helps children and the elderly in many ways on the near west side of Cleveland.

We also take a close look at the Cuyahoga Port Authority and its expand-

ing role in financing some of the most important projects in this region.

On the Cover

Our cover story this month focuses on the Lofts at Avalon Station, which has been in development in Shaker Heights for over five years. This is the first phase of a multi-phase project for the upscale multi-unit residential development. Fittingly, the projects incorporates a major sustainable design feature: a green roof which covers a 90-space indoor parking garage and gives an oasis of a green park-like setting.

Anniversaries In June

This month we also focus on the anniversaries of three top firms in our area: CT Consultants' 85th anniversary, EA Group's 25th anniversary and Infinity Construction Company's 10th anniversary. These profiles includes in-depth looks into the companies' history, philosophy and future plans. Looking ahead to next month, we plan to include a special insert section on Bolton Pratt's Construction 100th anniversary of building in the region.

Interior Design Issue Coming in July

Next month's issue will include our annual Interior Design special section, which will bring you coverage of a host of the hottest design projects in the area, such as the new Table 45 Restaurant at the Intercontinental Hotel and the Cleveland Clinic. If you would like to be part of this special issue, contact me today.

We welcome any ideas for upcoming features. If you have a project or story you think would make a good fit just give us a call at 216-251-0035 or contact me at kkrych@propertiesmag.com

Enjoy the great weather!

Positively,

Kenneth C. Krych
Owner/Publisher

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Highlighting notable industry events



1 (From right) **Henry L. Reder** and wife **Peggy Reder**, Buckingham Doolittle & Burroughs, LLP
 2 (From left) Architects **Robert Barclay**, **Michael Benjamin**, **Robert** and **Kevin Madison**

AIA Cleveland 2007 Historic Preservation Recognition Program

The AIA Cleveland Historic Resources Committee (HRC) recently welcomed over 80 guests for a grand event held at Josaphat Arts Hall (last year's award winner) to honor recipients of this year's preservation awards. Cocktails were followed by dinner, the presentation of the awards and a keynote speech from Mark Alan Hewitt, an architect, teacher and architectural historian.

Guests were welcomed by Beth Ann Kalapos, AIA Cleveland president. An introduction was provided by Anthony W. Hiti, chairman of the HRC committee, and awards were presented by Alan C. Fodor and Ted Sande, AIA emeritus.

Projects recognized for awards were: John Hay High School, Vitantonio Residence in Little Italy, Bingham Building, Clanonderry Residence, The Union Club, Finney Chapel Oberlin College, St. John A.M.E. Church and Fenn Tower at Cleveland State University. **P**

1 (From left) **Mellissa Johns**, **Janice Parham** and **Vicky Neece** of BOMA Greater Cleveland
 2 (From left) **L. Sarah Nehez** and **Joanne Haders**, of Plantscaping, Inc.
 3 **Lisa A. Rothacker**, Roth Construction
 4 (From left) **Chris Detrio** and **Allie Detrio**, of Western Waterproofing Company
 5 (From left) **Lori Alba** and **Matt Abrose**, of DAS Construction.
 6 (From left) **Donna J. McCaskey** and **Amy Cseh**, of The EA Group
 7 (From left) **Thomas Weglarz** and **Donnie Fisher**, of Cort Furniture Rental
 8 A balloon clown created many balloon creatures
 9 (From left) **Debbie Williams** and **Anne Dietrich**, of Lincoln Moving & Storage
 10 (From left) **Eric Butler** and **Arwen Eaken**, of Harmon, Inc.
 11 (From left) **George Mansour Jr.** and **David Neale**, of Wheeler Landscaping, Inc.
 12 (From left) **John Hansen** and **Mike Dolney**, of Suntrol Co. Glass Enhancing Films

Peace, Love & BOMA: Annual Vendor Show

The Building Owners and Managers Association (BOMA) of Cleveland held its annual vendor show at Windows on the River in the Flats. This year's theme was the 1960s, so many of the vendors dressed up and looked like they were on their way to Woodstock.

There were over 50 vendors who are members of BOMA and attendance neared 200. **P**

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1 (From left) **Jeff Wherry**, of Wherry Associates; **Johna Walter**, of OM Workspace; **Danna Haders**, of Wherry Associates; and **Katherine T. Hurtuk**, of Staubach Corporate Services

2 (From left) **Christopher J. Grobelny**, of Weston, Inc., **David O'Neill, Jr.**, of Colliers Ostendorf Morris, and **James Asher**, of Weston Inc.

3 (From left) **Michael Maumer** and **Michael Downing**, of Downing Realty

4 (From left) **Myrna L. Previte** and **Julie White**, of Kowit & Passov Real Estate Group, with **Robin Pospisil** and **Giselle Oliveria**, of Breen & Fox

Honoring Top Projects

Cleveland NAIOP chapter presents 24th annual Awards of Excellence Banquet

Story & photos by Ken Krych

Nearly 300 of the elite in Cleveland's architectural, building, real estate and developmental communities recently attended the Cleveland chapter of National Association of Industrial and Office Properties (NAIOP)'s 24th Annual Awards of Excellence Banquet, held at the Intercontinental Hotel and Conference Center in Cleveland.

A sumptuous luncheon was served as guests were welcomed by Chapter President Amy Regal, of Chicago Title Insurance Company. Special guest emcees included Brian Hurtuk, Brian Owendorf and Alec Pacella.

Each year NAIOP holds this event to honor key individuals and top developments and projects in the region.

Initial honors included a Member of the Year award presented to Scott McCready, of ATC Associates, and an industry recognition award presented to

Susan Rapacki, of S. Rose Company. The lifetime achievement award was given posthumously to Todd Gabriel, of Grubb and Ellis, for his high performance and contributions during his lifetime.

Keynote speaker Robert Stark of Stark Enterprises discussed his planned development for the Warehouse District with many slides and explained his concept of "community cores" and mixed used development potential for the area.

"We really stand on the shoulders of those who came before us," Stark says.

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"Leadership is about collaboration in the 21st century. New government needs to step up to accomplish remarkable, positive things with a positive attitude. We need to build new infrastructures and new cities with our city."

For the Warehouse District area he is planning a mixed-use development all to start at basically the same time, which would include a million and a half square feet of office, retail and residential space each and would complete what he says started 24 years ago.

Major awards presented at the event for projects completed in 2006 included:

Architectural Design of the Year

Weber Murphy Fox for the Cleveland State University Recreation Center

Interior Design of the Year

Vocon for its work on the Cleveland Cavaliers offices

High Performance Design of the Year

City Architecture for the Beachwood Municipal Center

Development of the Year – Office

CRESCO Real Estate and Duke Realty for the Fasson Roll North America headquarters building

Development of the Year – Industrial

GEIS Companies for Designer Showcases

Office Transaction of the Year

Joseph Barna and George Pofok of CRESCO Real Estate for the Avery Dennison deal

Industrial Transaction of the Year

Fred Herrera of CB Richard Ellis and Peter Cary of Munsell Realty for the



WINNING LOOK Vocon took home the Interior Design of the Year award for its work on the Cleveland Cavaliers offices.

Maxus Energy Corporation sale to Ricerca BioSciences

Renovation of the Year

Downing Realty for the Old Brooklyn Family Services Center

Investment Transaction of the Year

Terry Coyne and Alec Pacella of Grubb & Ellis, for the sale of Keystone Diamond Royal to Headwater Capital Management

Office Broker of the Year

Tom Gustafson of Colliers Ostendorf-Morris

Industrial Broker of the Year

David O'Neill of Colliers Ostendorf-Morris

Industrial Developer of the Year

Geis Companies

Lifetime Achievement Award

Todd Gabriel of Grubb & Ellis, Inc. (posthumously)

Member of the Year

Scott McCready of ATC Associates

Industry Recognition Award

Susan Rapacki of S. Rose Company

The luncheon was followed by a cocktail reception and networking. It was a beautiful event, held in a beautiful spot on a beautiful day in spring. **P**



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April Construction Slides 5%

The value of new construction starts fell 5% in April to a seasonally adjusted annual rate of \$565.1 billion, according to McGraw-Hill Construction, a division of The McGraw-Hill Companies. Both nonresidential building and residential building experienced a slight loss of momentum, while the public works sector dropped sharply after its heightened amount in March.

For the first four months of 2007, total construction on an unadjusted basis came in at \$184.6 billion, down 17% from the same period a year ago. The year-to-date decline for construction starts reflects the comparison to the elevated activity in the first four months of 2006, which was just prior to the time when the single family correction grew pronounced. Excluding residential building from the year-to-date statistics, new construction starts in the first four months of 2007 were down 3% from last year.

The April statistics lowered the Dodge Index to 120 (2000=100), compared to a revised 126 for March.

"The weak residential sector continues to shape the pattern for overall construction activity," says Robert A. Murray, vice president of economic affairs for McGraw-Hill Construction. "The rate of decline for single family housing is not as severe as what took place earlier, but the level of activity is down substantially from the initial months of last year, and renewed expansion is not anticipated any time soon."

"The nonresidential building and public works sectors in early 2007 have been volatile on a month-to-month basis, but in a broad sense both have been able to hold fairly close to last year's pace."

Nonresidential building

Nonresidential building in April slipped 3% to \$191.8 billion (annual rate). For the commercial structure types, moderate declines were reported for stores, down 4%; and offices, down 9%.

The slower rate of contracting for offices was cushioned by the start of several large projects, including \$183 million related to renovation work at the Pentagon in Arlington, Virginia and \$166 million for a new office building in the Los Angeles, California area. On the

April Construction Contracts for Cleveland Area

McGraw-Hill Construction recently reported on April contracts for future construction in the metropolitan statistical area of Cleveland, consisting of Ashtabula, Cuyahoga, Geauga, Lake, Lorain and Medina counties. An authority on the construction market, the firm produces Dodge Reports and Sweets Catalog Files. According to the Dodge Analytics unit of McGraw-Hill Construction, the latest month's construction activity followed this pattern:

	2007	2006	Percent Change
Nonresidential	\$67,990,000	\$78,996,000	-14
Residential	\$75,363,000	\$114,191,000	-34
Total Building	\$143,353,000	\$193,187,000	-26

For the year-to-date on a cumulative basis, the totals are:

	2007	2006	Percent Change
Nonresidential	\$277,840,000	\$348,373,000	-20
Residential	\$289,257,000	\$370,324,000	-22
Total Building	\$567,097,000	\$718,697,000	-21

- Nonresidential buildings include commercial, manufacturing, educational, religious, administrative, recreational, hotel, dormitory and other buildings.
- Residential buildings include one- and two-family houses and apartments.

Source: McGraw-Hill Construction

plus side, April showed stronger activity for warehouses, up 8%; and hotels, up 17%. The hotel gain was aided by such large projects as the \$194 million hotel portion of the \$450 million Mandarin Oriental hotel/condo tower in Chicago, Illinois, plus the start of two large hotels in Orlando, Florida valued respectively at \$172 million and \$129 million.

"While the steep rise for hotel construction in 2006 was led by a surge of hotel/casino projects, the current year is seeing broader strength across the lodging spectrum," Murray says.

Reflecting this, the top two metropolitan areas for hotel construction starts in 2006 were Las Vegas, Nevada and Atlantic City, New Jersey; so far in 2007 the top two metropolitan areas for hotel projects are Chicago, Illinois and Orlando, Florida. The manufacturing plant category in April receded 7%, with the large projects for the month including groundbreaking for a \$170 million ethanol plant in Indiana and

an \$80 million pharmaceutical plant in Massachusetts.

For the institutional side of the nonresidential market, weaker activity was reported for three of the smaller categories – churches, down 6%; transportation terminals, down 48%; and dormitories, down 60% from an exceptionally strong March. The educational building category in April held steady, at a level 6% higher than the average monthly rate for 2006. Helping to keep the educational building category moving at a brisk pace was a strong volume of public school construction in such states as Texas, California, Pennsylvania, Ohio, and Minnesota, as well as the start of a \$175 million museum expansion in Boston, Massachusetts.

Healthcare facilities in April grew 1%, with large hospital projects started in West Virginia (\$169 million) and Alabama (\$116 million). The public building category increased 11%, helped by the April start of a \$150 million

detention facility in West Virginia, while the amusement category (arenas, convention centers) advanced 20%.

Residential building

Residential building, at \$273.4 billion (annual rate), retreated 1% in April. Single family housing registered a 3% decline in dollar volume, due to this performance by major region – the South Atlantic and West, each down 6%; the Midwest, down 3%; the Northeast, down 2%; while the South Central ran counter with a 5% gain. The sharp pullback by investor-led demand over the past year continues to dampen the housing market, keeping the inventory of unsold homes at a high level. At the same time, the cost of financing remains low, as the 30-year fixed mortgage rate for April averaged 6.2%, essentially the same reading that was reported for the first three months of 2007. Multifamily housing in April improved 5%, in what's likely a brief departure from the downward trend that's been present for this structure type during the latter half of 2006 and the initial months of 2007. Boosting the multifamily category in April was the \$216 million condo portion of the Mandarin Oriental hotel/condo tower in Chicago, Illinois, plus major multifamily projects in Honolulu, Hawaii (\$197 million) and Boston, Massachusetts (\$100 million).

"Recent years witnessed a substantial number of high-rise condominium projects that reached groundbreaking," Murray says. "Such projects are still being started in 2007, but to a lesser degree than before, as the condo boom winds down."

Nonbuilding construction

Nonbuilding construction in April plunged 19% to \$99.9 billion (annual rate), dropping from the elevated volume that had been reported for March. In mid-February, Congress had agreed on fiscal 2007 funding for the federal-aid highway program, and this contributed to a huge 53% jump for highway and bridge projects in March. The amount of highway and bridge construction that reached the start stage in April retreated 30%, as activity returned to a more typical pace. Through the first four months of 2007, highway and bridge construction was reported to be up 1% compared

to last year. Also retreating from a very strong March were water supply systems, down 9%; and sewers, down 38%. River/harbor development work in April jumped 22%, aided by the start of a \$189 million dredging and terminal project in Jacksonville, Florida.

The decreased volume for total construction during the first four months of 2007 was the result of this performance by major sector – residential building, down 29%; nonresidential building, down 3%; and nonbuilding construc-

tion, down 2%. In coming months, it's expected that the decline for residential building will moderate, exerting less of a downward pull on the year-to-date amount for total construction. For the five major regions, total construction during the first four months of 2007 relative to last year was the following – the South Central, down 9%; the Northeast, down 14%; the Midwest, down 15%; the South Atlantic, down 18%; and the West, down 25%. **P**

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The Cost of Not Going Green

It is estimated that trillions of dollars of commercial property owned by real estate investment trusts, corporations and other investors around the world will soon become obsolete – and will drop in value, according to a 2006 *Barron's* article titled “As Green as the Grass Outside.” A significant real estate market shift is gathering momentum. That shift is green building!

In December, the U.S. Green Building Council had certified 669 buildings as green with 4,926 waiting in the queue for ratings, an indication of the enormous surge in U.S. market demand and the number of buildings being constructed with green considerations in mind. The USGBC also estimates that 5% of all new US commercial construction will end

ing owners and managers to implement green practices within their facilities will continue to increase. Going green doesn't necessarily have to cost more and it doesn't have to happen overnight. Building owners and managers should consider focusing on one greening effort at a time.

Below are a few ideas to get you started on the path to a greener future:

- Convert to waterless urinals – an estimated 48% reduction in water use
- Use low or no VOC paint for your next paint job
- Implement a facility-wide recycling program
- Convert to high efficiency lamps and light fixtures
- Consider installing recycled carpet or tile

Building owners and managers should also consider participating in the BOMA Energy Efficiency Program, (BEEP). (See

www.boma.org for more details) This innovative operational excellence program, developed in conjunction with the US EPA Energy Star Program, was designed to teach you how to reduce

energy consumption and costs with proven no- and low-cost strategies for optimizing equipment, people and practices.

BOMA Greater Cleveland is proud to provide this space to our Associate Members so they can inform, educate and share their knowledge with property management professionals. This article was written by Lori M. Alba, director of marketing of DAS Construction Co. She can be reached at lalba@dascon.com. DAS Construction Co has been an active member of BOMA Greater Cleveland since 1994.

Janice Parham
Janice L. Parham
Executive Vice President
BOMA Greater Cleveland

For more info on this article or BOMA Greater Cleveland, contact Janice Parham at 216.575.0305 or jparham@bomacleveland.org

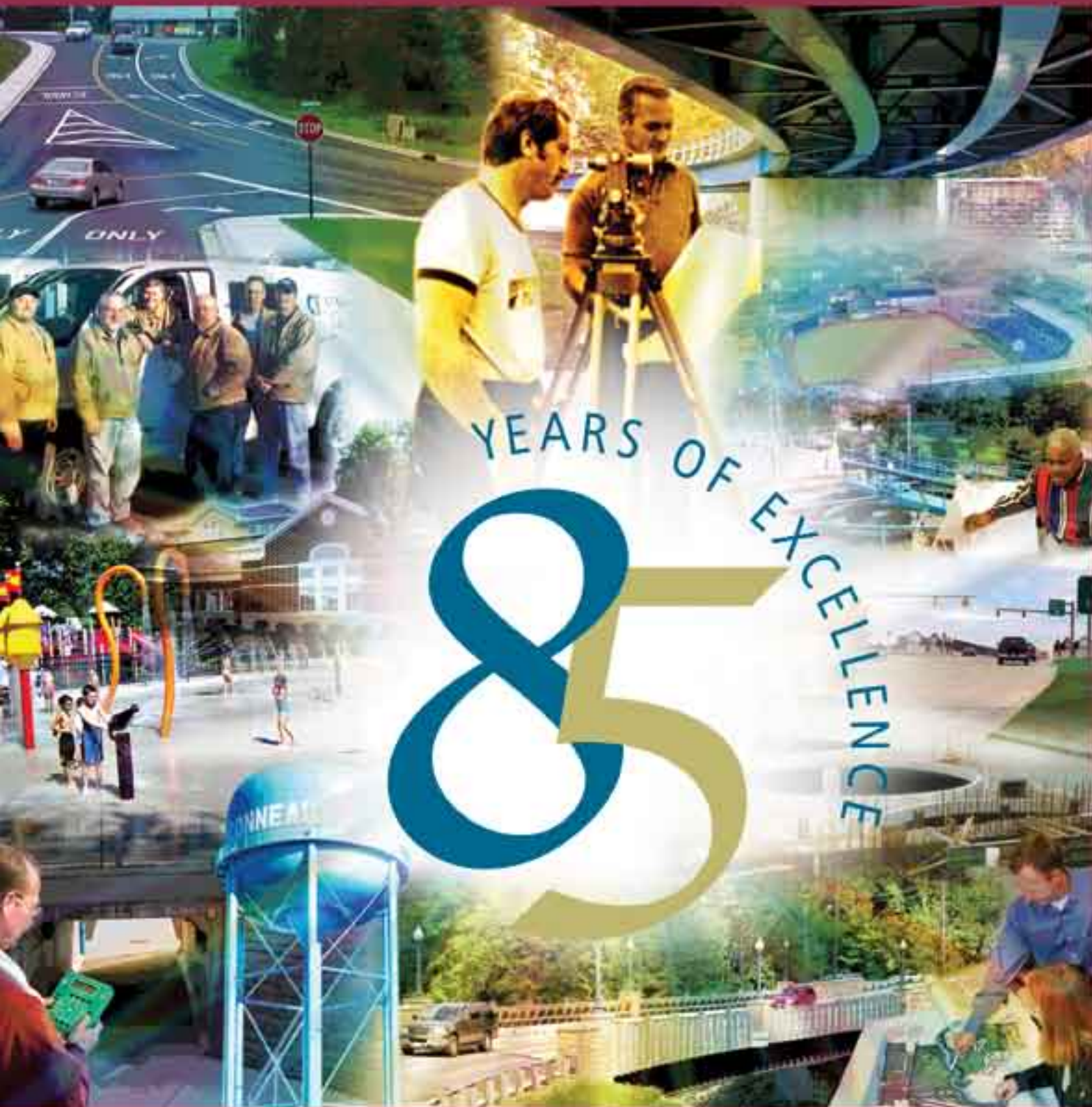


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Professional Partners

CT Consultants celebrates 85 years of building trust

By Linda Bloom | Photos courtesy of CT Consultants, Inc.

Telling the story of CT Consultants in this, their 85th year, takes us backwards in time and into the future. How could recent 1981 college graduate, Dave Wiles, today's president of CT Consultants, know that he was destined to rise from the ranks to lead this company? Unbeknownst to this rookie draftsman, the firm was in the midst of a metamorphosis.

The company began in 1922 as Frank A. Thomas & Associates, (the "T" in CT), and in 1984 merged with another Northeast Ohio firm of complementary size, experience and expertise, Colpetzer-Woods Consultants, Inc., (the "C" in CT). The vision, team-building and project management skills of CT staff, past and present, have contributed to its unique status as a leading, full-service engineering firm.

"That's when the company really started changing its face and really took

off," Wiles says. "The last 25 years of the 85 years have been the most exciting in the company's history. That's when it grew from two local engineering companies into more of a full-service firm that had the technical expertise and staffing to take on larger and more complex projects."

CT takes pride in focused attention to detail, a wide circle of municipal, state and federal contacts, and a mutually beneficial relationship of trust with loyal public sector clients.

"In 1984, when the merger occurred, it created the critical mass of talent necessary to take on larger more complex projects, which allowed our reputation to travel to elected officials and to those who need to hire engineers for the public," he says. "Our reputation traveled, allowing us to reach out and obtain talented staff and start working for more clients, becoming their trusted advisor."

Four founding executives, Frank Federico, Tom Colpetzer, Phil ShROUT and George Hadden, understood the

MENTOR-ON-THE-LAKE PAVEMENT IMPROVEMENTS : TOWN DITCH REPAIRS - WILLOUGHBY : MARK COURT RESURFACING - WICKLIFFE : HEADLANDS ROAD RECONSTRUCTION - MENTOR : WILLOWICK ROADWAY IMPROVEMENTS : WEST ORANGE STREET IMPROVEMENTS - CHAGRIN FALLS : CHAGRIN FALLS EMERGENCY CULVERT REPAIR : CHURCH OF LATTER DAY SAINTS : GARFIELD ROAD IMPROVEMENTS - MENTOR : KIRTLAND-CHARDON ROAD RESURFACING - KIRTLAND : CHAGRIN FALLS PAVEMENT REPAIR PROGRAM : ERIE ROAD RECONSTRUCTION - WILLOUGHBY : OHIO TURNPIKE - INTERSTATE 71 RAMP RESURFACING : WICKLIFFE PAVEMENT REPAIR PROGRAM : SR 91 & SOLON ROAD WIDENING : CHAGRIN FALLS PAVEMENT REPAIR PROGRAM : SR 84 & SR 528 INTERSECTION IMPROVEMENTS - MADISON OVERLOOK DRIVE RESURFACING - WICKLIFFE : MENTOR PAVEMENT PLANING : LANE PARK PICNIC SHELTER - WICKLIFFE : GARFIELD ROAD IMPROVEMENTS - MENTOR : SOUTH RUSSELL ROAD REPAIR PROGRAM : ELGIN ROAD RESURFACING : WICKLIFFE PAVEMENT REPAIR : SOLON ROAD CULVERT - CHAGRIN FALLS : EUCLID AVENUE IMPROVEMENTS - WICKLIFFE : SOLON ROAD RESURFACING - CHAGRIN FALLS : CHAGRIN FALLS STREETScape : WICKLIFFE PAVING PROGRAM : WILLOUGHBY ASPHALT PAVING PROGRAM : CHAGRIN RIVER REVENTMENT - CHAGRIN FALLS : WILLOWICK PAVEMENT REPAIR PROGRAM : WICKLIFFE PAVEMENT REPAIR :

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GOING THE DISTANCE CT Consultants has been hired and currently serves as municipal engineer to over 20 communities, eight of which it has serviced for 30 years and longer.

value of merging and how that would lead to success in going forward.

Wiles quips, "I was fresh out of college and they weren't asking for my advice."

CT Consultants, Inc is the trusted name for municipal engineering professional services. By delivering high quality service for over 85 years, CT is the leader in municipal engineering professional consulting services. They have been hired and currently serve as municipal engineer to over 20 communities, eight of which they have serviced for 30 years and longer.

Their engineering, architecture and planning expertise provides solutions to projects, which are driven by expansion needs, regulations and/or aging infrastructure. With over 160 talented employees, they seamlessly integrate project components such as planning, funding, design and construction while addressing the conflicting concerns of those involved with public projects. Employees are recognized industry leaders and their expertise has been contracted by clients in Ohio, California, Indiana, Massachusetts, Pennsylvania, Nevada, Connecticut, West Virginia and others.

"I think we're improving every day," Wiles says. "We need to improve every day, because the world, in general and specifically in attempting to get public works completed, is becoming more complicated every day. It is more difficult to fund projects than it has been



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LONG LOCAL “For 85 years, we’ve been a Northeast Ohio company, and we love it here,” President David Wiles says.

in the past. The regulations are more difficult to navigate. Environmental, safety regulations are more difficult. Federal government regulations and how to administer the work becomes more complex every year.”

“It was a much simpler world 85 years ago, in terms of getting projects going,” he says. “The big difference, at this point in time, because of technologies and complexities and making things more efficient, requires more innovative use of technology. Every area requires specialists. That’s really evolved over the last 25 years. At the beginning, the same person could do work on the sanitary sewer system, pump stations, roadways, more of a generalist working in a lot of different areas. Those days are pretty much gone. Largely, it is because of the implementation of technologies.”

Today’s CT Environmental process engineers have major role in “staying up” on advancements in technologies in their specific fields. Employees participate in training in their areas of expertise. One CT staffer went to Japan to view certain technology to make sure that it was the right application for use in Ohio. No two projects are the same.

CT Consultants is expanding their services into new and innovative areas. Ethanol plants, working with the private sector on site design and permits are part of the mix. They’re involved in brownfield redevelopment along Lake

Erie, cleaning up contaminated industrial areas, removing “bad” soil and bringing in good, clean soil to nurture healthy vegetation and new home sites. CT is partnering with “green” businesses to create the most energy efficient construction using recycled materials.

They’re providing owner advisory services for nonprofit senior care facilities, paying close attention to the special needs of this demographic group. Getting involved with the construction of unique sports facilities around the country, like motocross arenas and the test track at the site of the future California Motocross Arena near Sacramento, California are part of the picture.

“For 85 years, we’ve been a Northeast Ohio company, and we love it here,” Wiles says. “Our people in Northeast Ohio take on more interesting and challenging jobs, allowing us to create jobs in Northeast Ohio, Lake County specifically. CT recruits people to come to work in Northeast Ohio.”



HITTING HOME CT Consultants has provided engineering services for many local projects, such as the Eastlake Ballpark, home of the Cleveland Indians Class A affiliate Lake County Captains.

CT has been successful on this front, but the majority of staff is “home-grown.”

To balance his life, Wiles focuses on his two sons, ages 12 and 15.

“I go wherever they tell me – baseball games, basketball games, Cub Scout programs,” he says.

A lot of CT staff is individually involved in community activities, he notes. Civic and/or community activities sponsored or otherwise supported by CT include: Concerts in the Park, Community Theatre, Beautification

Committees, Historical Society, Community Fireworks Displays, Swim Teams, Community Days, Hockey Teams, Community Parks, Area Hospitals and Charity Golf events.

“In the company, we’re all a team,” Wiles says. “We’re all peers, working together for a common goal. Having the title of president means that I’ve got the title of president, but I still do the same things everyone else is doing day in and day out.”

“What makes me feel good is that I am part of a very successful organiza-



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CLEAN LOOK CT Consultants provided its services at McFarland Creek Wastewater Treatment Plant.

tion. I get the opportunity to work with a lot of very talented people: technically talented and talented in project management. I'd probably have the same feelings about the company, whether I had the title of president or not."

How will CT celebrate their 85th anniversary?

"We're having an 85th anniversary celebration in July with an open house," Wiles explains. "We'll invite our clients who have invested their trust and resources in us. They have allowed us to become what we are. This is a chance for them to walk around our office and see pictures of projects we've done over the years and talk to the staff. It's a chance for us to show off a little bit and say thank you at the same time."

CT Consultant, Inc. projects over the years reveal CT's teams' personal grit to succeed and determination to serve clients well. Wiles says, "For 85 years, we've been involved with the development, the infrastructure of Lake County (home of CT Consultants' headquarters). We're quite proud of that. It's not the kind of thing you think about, day in and day out. You just take for granted that you'll have adequate water supply, that sewage is handled, there is an adequate transportation system, and adequate utilities. Regarding the quality of life in Lake County, Dave Wiles explains, "The quality infrastructure in Lake County is top notch and something to be proud of. "We've been instrumental in the development of that for the entire 85 years of our existence." CT looks forward to another 85 years of serving clients and communities in the most innovative, cost-effective way possible as trusted advisors. **P**

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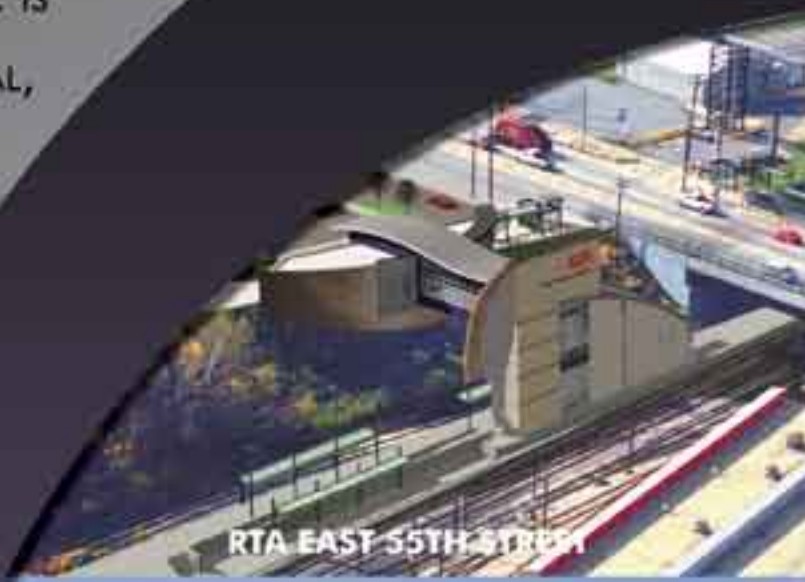


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Designing, Building for the People

West Side Community House provides resources for seniors, children

By Jessica Nelson | Photos by Ken Krych

“It just makes me feel good to know that this project got finished, that it got finished well, that it’s being used the way it’s supposed to be used and that kids and seniors have a place to go,” says Ken Emling, senior associate of Richard L. Bowen + Associates Inc. and project manager/designer of the new West Side Community House at 9300 Lorain Avenue in Cleveland.

DAS Construction Co. broke ground in January of 2006 after Richard L. Bowen + Associates Inc. had completed the design plans. The project finished in September of 2006. The West Side Community House (WSCH) occupied the building on September 17.

“We design and build such a wide variety of projects, and it’s not too often you get to do one that makes you step back and say, ‘Wow, this is really having

an impact,” says Senior Project Manager Joe Knab of DAS.

“We had a very definite sense of what we wanted,” explains Dawn Kolograf, executive director of the WSCH.

Knab and the entire DAS project team, Kolograf, Emling and his design team including Howard Shergalis, principal in charge; Anne Hartman, project architect; Robynn Schindler, interior designer; and Ron Ingersoll, construc-

tion administrator are all pleased with the project outcome.

The project focused on meeting community needs, building in a unique space and incorporating the architectural vocabulary of the Lorain Avenue Historic District.

Filling a need

The WSCH is a private non-profit social service agency that serves a client base of seniors, children and working families. Senior programs include health screenings, line dancing and twice-weekly shopping trips. Seniors in the area are also offered banking assistance, medical transportation, access to the Cleveland Public Library Bookmobile and a place for socialization.

For children, the center offers games, arts, crafts and the Beverly Corrigan Learning Lab. Licensed teachers supervise the lab for kindergartners through 7th graders and tutor students in language arts, reading, math, science, social studies and computer schools. Based on state education standards, the lab has enriched the education of 600 children since its inception.

Busy families take advantage of the WSCH's day care programs. Daily, 60 children participate in before and after school care. WSCH also offers full day care for school vacations. The Family-



Photo courtesy of DAS Construction

MADE TO MATCH Thought was given to the design and placement of the community center to fit smoothly into the surrounding neighborhood.

to-Family counseling program assists 50 people daily.

Apart from delivering 150 meals on wheels and serving 100 hot meals on site daily, the WSCH also hosts holiday parties and meetings for local community groups including the Lorain Avenue Merchants Association.

In all, the WSCH meets the needs of the 400-500 Clevelanders who pass through its doors every day.

Go west

The biggest reason for building was not growth. The WSCH had been estab-

lished for years on West 30th and Bridge in a larger facility, but the neighborhood around it was changing. The WSCH primarily serves a poverty population. As poverty moved further west, the WSCH needed to follow its clients.

"The primary reason we wanted to move was the neighborhood where we worked changed around us," Kolograf says. "With 25 years of gentrification, our clientele base had moved further west. Seniors and the elderly population on the West Side had moved further west, and it was the same thing with families who use our services. We moved further west to be where the people we served were."

As WSCH clients move away from Tremont or Ohio City because of higher rents, the West 93rd Street and Lorain Avenue neighborhood is seeing this type of community outreach for the first time.

"We wanted to be within ward 18 because that's where the bulk of our clients were," Kolograf says. "It was an unusual build for [DAS and Bowen] because it's very seldom for community centers to be built in the inner city. What these guys did was very different."

Building on a unique site

The irregularly shaped site footprint measures less than one acre.

Situated between retail stores and I-90, the site also had to accommodate for clients' use of the RTA, visibility and accessibility from the freeway, access to a pedestrian bridge, traffic patterns,



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GROWING UP Children's areas are located on the second floor of the facility.

access to the rear of the retail stores and their parking lots and a small homeless population that had taken up residency on the property.

"We spent a lot of planning time refining the floor plans and making changes, which is the only way to really make sure that the building will function well," Emling says. "We wanted to ensure that there would be the right amount of interaction between the children and the seniors at the right times so that the peak flow of buses, cars and pedestrians could be met."

"Every square foot of this site was utilized," Knab says. "Construction on a tight site like this is very difficult. You don't have much room for parking, equipment or staging materials."

Dealing with unforeseen underground was a challenge, as well.

"When you have an old city lot like this, you never really know what you're going to find underground," Knab says.

"It was a real team effort to pull it off on schedule and essentially on budget," he adds.

The original total budget for the project was \$2.2 million. Though the project did exceed the budget slightly, WSCH is extremely happy with the results.

"Nobody could believe how close to budget we were," Kolograf says.

Designing for the future

"We wanted to ensure that this building would last a long time," Emling says. "The floor plan and design allow for spaces to be multifunctional now while also allowing for easy reconfiguration in the future. It all comes down to making the best use of the space."

Instead of using load-bearing masonry walls, which would limit change in the future, the building is steel-framed. All interior walls are metal stud and drywall, except for the elevator shaft and stairs, which are concrete block.

"We had to have a building that would accommodate us because, you never know, in 50 years we could be doing something different," Kolograf says.

The building also had to meet day care regulations and kitchen requirements for the elderly.

The two-story building totals 20,000 square feet with 10,000 square feet per floor.

The first floor is mainly the senior area and the second floor houses children's areas and administrative offices.

Upstairs are a day care area, computer room, reading nook, small kitchen and "muscle room" for indoor play during inclement weather. Downstairs are a large multipurpose/dining room, billiard room and craft room.

Throughout the building, movable panels were incorporated to allow for the separation of space for different activities. The floors were finished in a very attractive yet cost effective way. Office spaces were carpeted, but most of the floors were finished in simple vinyl tiles. The tiles were installed in unique and colorful patterns throughout the facility. The unifying color scheme of blues, greens and neutrals is brighter and more liberal in children's areas and more subdued in adult areas.

The WSCH was designed to be as green as possible within the tight budget. The white roof reflects heat. The energy-efficient HVAC system consists of two rooftop heating units, one serving each floor, that create a forced air system. Double-pane windows and high-performance glazing also help to dissipate heat. Motion detectors turn lights on and off.

Fitting in

The building's exterior was designed to fit in with the look of the Lorain Avenue Historic District.

The exterior walls consist of metal stud framing with brick veneer and HardiePanel siding. To be as cost effective as possible, the use of brick was maximized at the Lorain Avenue and building entry elevations.

The steel-framed mansard roof works to hide the rooftop heating units from view. From the street, passersby see a gabled roof with asphalt shingles that gives the building a residential quality.

Most importantly, people see a building that looks like it belongs there.



TWO TONES The unifying color scheme of blues, greens and neutrals is brighter and more liberal in children's areas and more subdued in adult areas.

"Because this facility is a community house, the intent was to make it feel somewhat residential while still fitting in with the Lorain historical district," Emling says. "We took some of the existing design elements from existing structures along Lorain Avenue, like bay windows and pitched roofs, and tried to incorporate them into our design."

Lorain Avenue is a mix of residential apartments and smaller retail outlets set close to the street and built with diverse architectural materials. The retail stores next to the WSCH, however, are set back from the road. To complete the overall look of Lorain Avenue, the WSCH sits near the road.

There are approximately 30 parking spaces in the WSCH's lot. Parking is available on Marginal Road, as well.

Community pride

"DAS is most proud that we could take part in helping Dawn and her staff fulfill this dream," Knab says. "It serves such a need. It's nice to be a part of it."

"To have the opportunity to work on a community project that impacts so many people, both young and old, who

truly need a facility like this, one they can really call their own, really made us feel good," adds Emling.

"I don't think it can be underestimated how difficult and unique it is for a small nonprofit our size to be able to build a building like this," Kolograf says. "I think sometimes when you want to do things in an urban environment, and you're always working against the odds and without the resources, to actually do something is really a great accomplishment for everybody."

But what does the clientele think of the WSCH?

When asked, a group of seniors playing poker responds with, "We love it," "It's awesome," "It's functional. For seniors, it's excellent. It's got different things going on," and "This space is nice. You can't beat it." **P**

The West Side Community House at 9300 Lorain Avenue in Cleveland is open Monday through Friday from 6:00 a.m. to 6:30 p.m., sometimes for extended hours, and also on some Saturdays. Call 216-771-7297 for more information.

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All Aboard at Avalon Station

Chagrin-Lee Neighborhood master plan on track with opening of residential development

By Nancy Loyan Schuemann | Photos by Scott Pease

“Avalon!” rapid transit drivers have announced for years while braking their rail cars to a halt at the rapid stop on Van Aken Boulevard at Avalon in Shaker Heights. They and the city have more to shout about since the construction of The Lofts of Avalon Station. Located at 16800 Van Aken Blvd., behind Shaker Towne Centre, the new luxury condominium complex has sprouted up from where Shaker Estates garden apartments once stood. Avalon Station is part of a \$60 million dollar reinvestment project undertaken by Heartland Developers, LLC and the City of Shaker Heights. This is their fourth public/private project in Shaker Heights. It is also Cleveland's largest transit-oriented development.

“The city's Strategic Investment Plan [SIP] identified the Shaker Towne Centre area as one that was ripe for development,” says Joyce Braverman, director of planning for the City of Shaker Heights and planning manager for The Lofts of Avalon Station. “Avalon Station is part of the transit-oriented development. It is located adjacent to two rapid transit stops on RTA's Blue Line. The build-

ing is the first phase of the residential redevelopment. It has great architecture and uses high-quality materials, which reflect the character of the rest of Shaker Heights. It is part of a \$60 million redevelopment effort between Heartland, the city and the adjacent shopping center. City improvements, include narrowing Chagrin Boulevard to the south of the project, creating a new street, Winslow

Court, on which the first building sits, and building a new firehouse in the district. All of these improvements help to create a unique urban place. This is a TIF [Tax Increment Financing] project, which means that revenue generated by the increase in property value is used for public improvements. Avalon Station is a great investment in a first-ring suburb and supports smart growth principles.”

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Image courtesy of City Architecture

MIXED MENU Residents will have a choice of several different kitchen styles and decor.

City Architecture was first hired by the City of Shaker Heights to help design a master plan for the whole Chagrin-Lee Neighborhood District. "The entire area incorporated 70 acres of land, which included the Shaker Towne Centre shopping center, the older retail across Chagrin Boulevard and a nondescript one-story apartment complex on Van Aken," says Mike Caito, principal with City Architecture. "It also encompassed the intersection of Lee Road and Chagrin Boulevard. The apartments were bought by the city and razed to make room for the new upscale housing that we planned as part of this master plan."

ROOM WITH A VIEW Many of the living room areas offer pleasant views, along with balconies and terraces.

After the master plan was adopted by the city, Heartland Developers became involved to develop the housing portion on Van Aken. "[The city] also hired us to continue working on the vision and thus Avalon Station was created," Caito says. "We started working with the City of Shaker Heights in 2000. Then we started working for Heartland in 2003."

Ground was broken in November of 2005 on the three-acre site after three years of planning. The project is to be constructed in three phases, the first comprised of 51 units. Subsequent phases will have 51 units and 100 units respectively. Each building will consist of four floors with fourth floor lofts. The first phase is nearing completion, with the first owner scheduled to move in by the end of June. Demographically, the project is attracting those relocating to Cleveland, empty nesters and young professionals. It is for those seeking urban living in a suburban



Photo by Ken Kyrch

setting with the convenience of public transportation and the ambiance of an upscale community. "It's all about location, location, location," Kiki Stout, marketing coordinator with Heartland Developers, says. "It's the opportunity for new construction in Shaker Heights and one of the biggest loft properties the City of Cleveland has ever seen."

Structurally, construction is of a steel skeleton, wood framing and wood truss roof with asphalt CertainTeed® shingles with ice guard. It features engineered structural joists, steel reinforced foundation walls and footers, and a four-inch concrete floor for the indoor garage and first floor. The main plumbing stacks are cast iron. Exterior walls have R-19 insulation with R-33 insulation in the

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fourth floor ceilings. The building is fully sprinkled, including the 90-car heated parking garage, and is central-air conditioned, utilizes energy efficient heat pump heating and has pre-wired CAT 5 telephone outlets. Each unit has its own programmable digital thermostat and quick recovery 66-gallon hot water heater.

The exterior is primarily contemporary with a hint of the traditional, blending it to its historic residential Shaker Heights surroundings. A brick and stone façade is accented by architectural copper walls at the towering corners. Brick arches and light fixtures on pedestals add style. Expansive insulated Marvin windows and Manko sliding glass doors add drama. Siding is maintenance free as are the aluminum gutters, downspouts and sunshades. Sto Emerald Coat exterior waterproofing wrap helps prevent air penetration.

“Van Aken Blvd. and Lee Road have some architecturally important structures, such as City Hall, the library, as well as a few stately historic apartment buildings,” Caito says. “Our building respects all of this but in a contemporary way. Our façade materials of stone, brick and a lot of copper pay homage to the old while the oversized walls of glass, large terraces and modern detailing speak to the now and the future.”

Avalon Station’s most distinguishing feature is the copper clad corner tower, Caito says.

“It signifies the new energy that is happening in the Chagrin-Lee neighborhood,” he says. “It marks the corner of a new residential street that will be filled with people strolling stores, walking dogs or running to catch the Rapid to work.”

A new street, Winslow Court, was cut through Shaker Towne Centre to access Avalon Station and to break up the over two-mile stretch of retail strip center. This offers an avenue feel and creates space for walking and outdoor seating.

“The goal of the master plan was to give Shaker Heights a true ‘commercial center,’” Caito says. “It gave the city a wonderful opportunity to rethink a traditional strip mall and incorporate it into a larger community. By cutting the



SERVICE WITH STYLE Kitchens are spacious and feature a variety of amenities, such as maple Kraftmaid cabinets, granite countertops, hardwood floors and recessed lighting. Appliances by GE have an Energy Star option.

shopping center in half, a new road was designed and built which connects the new upscale housing with the existing retail. This new north/south connection was critical to knit the neighborhood into walkable blocks that linked the various uses with the nearby RTA rapid transit station.”

The complex also has a one-third acre private park.

A green roof garden, installed by Avon-based landscaping company Brickman Group, has been created on

top of the parking garage, offering a courtyard of lush landscaping and natural views with access for all owners. In addition to aesthetics, the garden’s earthen base insulates the garage’s roof and absorbs rain runoff.

“Our excitement and enthusiasm for this project stems from the unique chance to install a one-of-a-kind rooftop garden and the challenge and thrill that comes from completing a project of this magnitude,” says Mark Kubasak, project director with Brickman. “Using state-

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of-the-art techniques and relying on the vast resources and experience that [our company] offers, we were able to create a seamless process that has resulted in a vibrant rooftop escape ready to be enjoyed by new residents, family, and friends.”

At the main entrance, a keypad or buzzer grants admission through a glass vestibule. In the hallway, art glass designs a curved wall. Across is a mirrored fitness center and a mail center. The lobby is well appointed, with two full-service elevators, one oversized, leading to the four floors. There is trash chute access to each floor as well.

The seven first floor units feature both front and back entrance doors and expansive patios for outdoor enjoyment. Ductwork in all units is deliberately exposed, adding a SoHo feel to the living environment. Ceilings soar to 10-feet or more in certain units. There are 39 different floor plans and a selection center offers buyers a choice of numerous options to turn their unit into a unique home. The model suite was designed by residential/commercial interior designer Mickey Weiss.

The Lofts at Avalon were constructed to be more like a home than a typical condominium, Caito says. Each unit has a full-sized laundry room and ample closet space. Rooms are open and spacious, running from 940 square feet to 1,994 square feet and are angled to capture the most window views. Views feature the city, rapid lines or lush rooftop courtyard. Units are bathed in natural light from oversized windows and in-suite transoms.

Fourth floor penthouses offer spacious lofts with dramatic vaulted great room ceilings.

Interiors are of quality materials, Caito says, including five-and-a-half-inch base-board molding and solid oak recessed entry doors (insulated fiberglass doors with deadbolts are installed in first floor units). Optional ventless fireplaces have a marble hearth and handcrafted wood mantels.

Kitchens feature maple Kraftmaid cabinets, granite countertops, hardwood floors and recessed lighting. Appliances by GE have an Energy Star option. Master suites feature walk-in closets, optional dressing rooms with custom cabinets, walk-in ceramic tile shower

“[This project] signifies the new energy that is happening in the Chagrin-Lee neighborhood. It marks the corner of a new residential street that will be filled with people strolling stores, walking dogs or running to catch the Rapid to work.”

surround with tempered glass as well as a soaking tub. Vanities have double sinks with a choice of laminate countertops. Wall-to-wall carpet is Mohawk.

Depending upon configuration, units have patios, terraces, or French balconies.

Units range in price from \$194,900 to \$435,800. Financing is through National City Bank’s NCHAMP program.

“The greatest challenge was condensing the details,” Jim O’Connor, chief operating officer with Heartland Developers, LLC, says. “It’s a complex project. Any time you go vertical there are inherent challenges. It’s a delicate balance between remaining flexible to keep buyers happy yet keeping with the construction challenges dealt.”

Caito says the design process took many people’s ideas, talents and hard work.

“Projects like this only happen when everyone shares a similar vision and goal,” he says. “In working with all of the departments of the City of Shaker Heights, Heartland Developers and everyone from City Architecture, Avalon Station proves that where there is a will there is a way.” **P**

Pleased to provide concrete sawing, grinding and core drilling for the Lofts at Avalon Station



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Making Waves

Cleveland-Cuyahoga County Port Authority emerges as development finance resource

By John Elliot | Photos courtesy of Cleveland-Cuyahoga County Port Authority

While elected officials, business and civic leaders continue to debate the merits of regional government in Northeast Ohio, the Cleveland-Cuyahoga County Port Authority has already taken the lead in augmenting the region's economic vitality, acting as an agent between borrowers and lenders for an increasing number of high-profile developments.

The Port Authority's best-known project is its first – the \$35 million financing for the Rock and Roll Hall of Fame and Museum 10 years ago. But the agency has since branched out to support nearly \$1.5 billion in public, private and cooperative projects throughout the region. The Port Authority, granted special financing authority under state law, has emerged as a finance specialist that can address a wide range of projects that would otherwise incur greater costs.

In 1993, the Port Authority's development finance group was created, and it has taken a proactive role in supporting public/private partnerships to support businesses, retain jobs and stimulate economic development.

"We came in as a self sufficient unit of the Port Authority," says Linda Highsmith-Poole, vice president of development finance for the organization.

Under state law, port authorities can own and finance construction projects, depending on the end-user's objectives. The property can be owned, leased or financed by the Port Authority as long as it supports the purposes stated above.

The Port Authority provides the funds to potential borrowers by issuing bonds to institutional investors throughout the U.S. The borrowers bear the full responsibility for the payment of the principal and interest on the bonds.

A key benefit that government entities provide to private developers is access to long-term, fixed-rate financing that is not typically available from commercial institutions. In some cases, the financing can be tax exempt, which has



BUILDING BUSINESS The Cleveland-Cuyahoga County Port Authority has provided bond financing for various partners, including \$6 million to Avery Dennison in September 2005.

the added value of further reducing the rate of interest paid by the borrower.

Port authorities are one of the most natural entities to combine public and private resources since ports typically oversee public land but rely heavily on private commerce for generating revenue to fund operations.

In 1996, the Port Authority received a \$2 million matching grant from the state, creating a \$4 million reserve fund to their "Fixed Rate Loan Program" that allows the Port Authority to provide a "BBB+" credit enhancement to non-rated borrowers. Clients who access loans through this program can obtain attractive fixed rate loans for 20 to 30 years.

The Port Authority relocated from its waterfront headquarters behind the Great Lakes Science Center in downtown Cleveland to One Cleveland Center, a high-rise office building located at the intersection of St. Clair Avenue and East Ninth Street. The dock space was freed to augment the Port Authority's maritime operations.

The breadth of development performed by the Port Authority dem-

onstrates its ability to assist with various types of bond financing.

Fixed-rate financing program

The Port Authority's fixed-rate bond program aids private industry as well as public sector economic development agencies in creating and/or retaining jobs.

The program is a financing tool that allows companies to access the U.S. capital markets. Typically, such access is available only to larger, publicly traded or nationally rated firms. The program provides a "BBB+" credit enhancement to all borrowers.

The rating is maintained by leveraging a system of reserves that has been funded by the Port Authority and the state.

Therefore, borrowers look to the program for repayment versus the sole credit of the borrower.

"Everything that we finance is through private dollars," Highsmith-Poole says. "What we do is all dictated by the U.S. capital market and what [the markets] are willing to buy."

The fixed-rate financing program can provide up to 90% of the project costs.

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DRAWING ON RESOURCES An extensive renovation at Cleveland Museum of Art, the largest Port Authority-assisted project to date at \$90 million, is well underway today.

The program can overcome the conservative nature of the conventional financing marketplace at a time when public financial resources are limited.

Bond proceeds can be used to finance fixed assets, such as land and buildings, new construction, renovation, equipment and public infrastructure. They cannot be used to finance working capital, rolling stock or inventory and receivables.

Infrastructure financing program

The Port Authority's infrastructure program assists developers, corporations and municipalities in financing much-needed public infrastructure. The Port Authority issues tax increment revenue bonds and special assessment revenue bonds to finance these projects.

This program helped to develop the recently completed City View retail shopping mall in Garfield Heights, which features the region's first drive-through Starbucks store. The Port Authority helped finance road improvements near the 500-square-foot center, which will also allow for additional development in the 97-acre area.

In this instance, the Port Authority issued \$8.85 million in revenue bonds to finance the costs of public improvements, including roads and utilities. The incremental increases in real estate taxes, generated by the project, pay the principal and interest on the bonds.

"That money is used to retire the bonds," Highsmith-Poole says.

Under this type of financing, the municipality avoided having to guarantee the bonds with its own credit.

"They want to preserve their debit capacities for their municipal obligations," Highsmith-Poole says.

Similar financing was also used to build a parking garage at the University Square shopping complex in University Heights.

Off-balance sheet financing

Off-balance sheet financing is for large organizations/institutions and larger publicly traded companies. Under off-balance sheet financing, the Port Authority finances, builds and/or owns the assets acquired and leases them to the private entity. This special financing provides fixed-rate, long-term funds that can be used for expansion, relocation, land, buildings and equipment.

A key benefit is the leased assets are kept off of the balance sheet. Financing is not treated as debt; therefore, it improves the debt-to-equity ratio and other balance sheet ratios. Real estate is not booked as an asset; therefore, the company has fewer assets producing its income. Additionally, depreciation is expensed, often resulting in improved earnings.

This type of financing can preserve bank lines of credit and other more traditional bank facilities.

To maintain the off-balance sheet benefit, the initial lease period must be no more than 75% of the term of the

**Bond Financing
Projects Provided by the
Cleveland-Cuyahoga
County Port Authority**

- Rock and Roll Hall of Fame and Museum**, \$38.9 million, May 1993
- Applied Industrial Technologies**, \$18.8 million, March 1996
- C&P Ore Docks**, \$6.64 million, March 1997
- Cleveland Stadium**, \$139.3 million, June 1997
- Essroc Cement**, \$3.795 million, November, 1997
- Jergens Inc.**, \$5.72 million, February 1998
- Northeast Ohio Areawide Coordinating Agency**, \$3.345 million, March 1998
- OfficeMax**, \$20.3 million, December 1998
- Port Authority Improvements**, \$12 million, May 1999
- MetroHealth Hospital**, \$10.9 million, November 1999
- Universal Heat Treatment**, \$1.48 million, December 1999
- MTD Consumer Group**, \$20 million, August 2000
- Playhouse Square Foundation**, \$2.825 million, December 2000
- Regional Income Tax Agency**, \$5 million, December 2000
- Council for Economic Opportunities**, \$4.44 million, February 2001
- Cleveland Bottle & Supply Co.**, \$1.5 million, September 2001
- Parma Community General Hospital**, \$23.2 million, November 2001
- University Heights Public Parking Garage**, \$40 million, December 2001
- Community Assessment Treatment Services**, \$2 million, June 2002
- International Steel Group**, \$6 million, June 2002
- Cleveland Christian Home**, \$5.13 million, August 2002
- Cleveland Bulk Terminal Ore Loader**, \$6 million, December 2002

(Continued on pg. 45)

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This type of financing can be very beneficial to some borrowers. When structured with additional incentives available from the state, county and/or municipality, the benefit is even greater to the business.

"There are different kinds of leases that companies desire to make it work for them," Highsmith-Poole says.

By working with the Port Authority, MetroHealth hospital was able to secure funds for an employee garage using off-balance sheet financing.

"They desperately needed an employee garage, but they wanted to preserve their debt capacity for their core mission of health care," Highsmith-Poole says.

Providing flexibility

The Port Authority programs provide great flexibility in financing many types of projects that incorporate many benefits for businesses, developers, non-

profit organizations and municipalities throughout Northeast Ohio. These benefits include, long-term fixed interest rates, coordinating other public loans for the project, up to 90% loan to value, and quick closing schedule.

Highsmith-Poole's five-person staff includes two development finance managers focused on covering Northeast Ohio.

They actively reach out to city economic development departments and local development corporations (LDCs) throughout the county. While these organizations exist to improve the economic vitality of specific geographic areas, Highsmith-Poole notes they also provide an excellent forum for the Port Authority to network with the private companies in their respective communities.

Highsmith-Poole points to the headquarters of the Northeast Ohio Areawide Coordinating Agency (NOACA) as an example of a Port Authority financing lease. NOACA's charter does not allow the agency to pay principal and interest on development loans, but it does allow lease financing.

"It met their needs," Highsmith-Poole says.

The Port Authority is working with the Veterans Administration to build a 2,000-car garage, a veterans domiciliary and office building in Cleveland.

Midtown Cleveland Inc. has been able to finance a land-banking program, with the Port Authority holding the property until an end user is identified.

These projects demonstrate the Port Authority's development finance group's ability to be used in many different types of applications and on various projects.

"All these projects that we've done have their own degree of complexity," Highsmith-Poole says.

Regional cooperation

While Cuyahoga County is the authority's primary jurisdiction, it can and has entered into cooperative agreements with other counties, cities and port authorities.

The Port Authority issued \$4.125 million in taxable revenue bonds to Goodyear Tire & Rubber Co. to purchase, build and install lighting, power generating heating and cooling equipment at the company's Akron headquarters. This was a joint project with the Summit



BROAD STROKES Renovations at Cleveland Museum of Art, partially funded by the Port Authority, are expected to reach completion in 2011.

County Port Authority, which demonstrates their commitment to regional cooperation to advance the area's economy to retain and create jobs.

The improvements provided electricity, compressed air, heat, processed steam and chilled water, all of which were previously supplied by a 1940s-era powerhouse, which had become costly.

The Goodyear financing helped retain 2,800 employees and kept the headquarters in Northeast Ohio.

The Port Authority is also assisting National Aeronautics and Space Administration (NASA).

Recently, the Port Authority recently applied for a \$5 million state "Job Ready Site" grant to cover costs associated with modifications required at NASA Glenn's Plum Brook Space Power Facility located in Perkins Township in Erie County.

NASA Glenn has been assigned responsibility for environmental testing of the planned Orion space vehicle that will transport astronauts to the international space station and ultimately to the moon and beyond.

Plum Brook is unique in that it will allow the space vehicle to undergo the full suite of environmental testing in a single building, the Space Power Facility. An estimated \$40 million to \$50 million in capital improvements are needed to upgrade the Space Power Facility for the project. Once completed, this project will create 82 new full-time jobs at Plum Brook and retain an additional 115 jobs.

The Job Ready Sites program is a competitive funding program designed to stimulate the development of large parcels of land and/or buildings that will be marketed to attract state economy-shifting development projects.

Success draws outside attention

The success of the Cleveland-Cuyahoga County Port Authority has not gone unnoticed outside of Cuyahoga County. Highsmith-Poole notes that there are now more than 50 port authorities in the state, many of which were formed in recent years specifically to provide financing.

The Rock and Roll Hall of Fame was the first non-maritime project that the Port Authority tackled. The Port Authority wanted to expand its focus to assist local industry in creating and retaining jobs. The authority owns the building, and the non-profit organization operates the museum.

The Port Authority recently named Adam Wasserman as its new president and chief executive officer. Wasserman is an economic development veteran with global experience. He is committed to a proactive regional approach to build consensus and private-public partnerships to drive the region's economy to the next level.

He views the Port Authority as a key ingredient in developing strategic infrastructure that supports next-generation marine operations and business growth in key sectors to help the region better compete in tomorrow's economy. **P**

(Continued from pg. 43)

- Heidtman Steel Products**, \$4.25 million, August 2003
- Cleveland Clinic Euclid/93rd Garage and Office LLC**, \$48.4 million, August 2003
- Cleveland Clinic Carnegie/96th Research Building, LLC**, \$32 million November 2003
- Ohio Savings**, \$16 million, February 2004
- Luigino's Inc.**, \$5 million, March 2004
- City of Cleveland Superior Avenue Streetscape**, \$2.965 million, March 2004
- City of Brecksville**, \$2.195 million, April 2004
- Tru-Fab Technology Inc.**, \$1 million, April 2004
- Laurel School**, \$10 million, June 2004
- City of Garfield Heights (City View)**, \$8.85 million, September 2004
- Swagelok**, \$21 million, October 2004
- Marine Mechanical Corp.**, \$8.5 million, November 2004
- Playhouse Square Foundation**, \$18 million, November 2004
- Myers University**, \$5.725 million, December 2004
- Regional Income Tax Agency**, \$20.99 million, December 2004
- Cleveland State University Fenn Tower Student Housing**, \$34.3 million, March 2005
- Goodyear Tire & Rubber Co.**, \$4.125 million, May 2005
- Fairmount Montessori**, \$3.375 million, June 2005
- Avery Dennison**, \$39.7 million, September 2005
- Avery Dennison**, \$6 million, September 2005
- Columbia National Group**, \$6 million, September 2005
- Judson**, \$31 million, October 2005
- Cleveland Museum of Art**, \$90 million, October 2005
- Park Synagogue**, \$10 million, January 2006
- Catholic Charities (Emerald Village)**, \$20 million, June 2006
- Cleveland Cavaliers Development Center**, \$9.5 million, December 2006
- Preston Place at Levis Commons**, \$5 million, December 2006

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Commercial Investments Expected to Remain Strong



MIKE FANOUS

Respectable job growth, improving fundamentals, favorable interest rates and limited speculative construction suggest strong investor appetite will continue in 2007, according to a commercial market update and forecast given by the National Association of Realtors (NAR).

Investment in commercial real estate rose 11% to a record \$306.8 billion in investment-grade transactions in 2006, with office buildings leading the way. Institutional investors continue to pour funds into commercial real estate, commercial lending volume is up and delinquencies remain relatively low.

U.S. exports have been rising solidly, and business spending for building construction is rising at double-digit rates – boosted by record corporate profits. Much of the new commercial construction currently is build-to-suit, or with a lead tenant.

On the downside, construction costs are rising due to global economic expansion, and pressures on core inflation are worrisome. Retail demand is decelerating and the economy is slowing.

The following is NAR's forecast for major commercial sectors.

Office market

A record \$71 billion worth of office properties traded hands in the first quarter, with investors focusing on markets

like New York, Boston, Los Angeles and Chicago.

Net absorption of office space in 56 markets tracked, including the lease of new space coming on the market as well as space in existing properties, is lagging new completions and is projected at 70 million square feet between the second quarter of 2006 and the second quarter of this year. The total for 2007 will be in the range of 20 to 25 million square feet.

Vacancy rates in most major markets continue to fall, but the overall rate is up nationally. The second quarter office vacancy rate should average 13.6%, up from 13.1% a year ago, and is expected to range between 13.5 and 14% in the fourth quarter of 2007. Annual rent growth in the office sector is forecast at 3% to 3.5% in 2007.

Industrial market

New state-of-the-art facilities are being built, increasing the availability of older structures in some markets. The West and Midwest are the most active for industrial property investment, with overall sales volume running 10% higher than the same time last year.

Net absorption of industrial space in 54 markets tracked is expected to be 197 million square feet between the second quarter of 2006 and the second quarter of this year. The total for 2007 is likely

in the range of 75 million to 80 million square feet.

Industrial vacancy rates nationally are projected to drop to 9.8% in the second quarter from 10.3% in the same period in 2006, and forecast at 10% to 10.5% by the end of 2007. Annual rent growth will be 2% to 2.5% by the end of this year.

Retail market

Decelerating retail sales are lessening the demand for space, and a negative savings rate is worrisome. That is the only sector experiencing significant vacancy rate increases and declining net rental rates. Even so, investment volume rose 22% last year as retail portfolios changed hands.

Net absorption of retail space in 54 tracked markets is seen at 22 million square feet between the second quarter of 2006 and the second quarter of this year, while the total for 2007 will probably be in the range of 15 to 20 million square feet. Vacancy rates in the second quarter are estimated at 8.5%, up from 8.1% a year ago, and should be 7.5 to 8.0% by the fourth quarter of 2007. Rents are expected to rise an average of 1% to 1.5% by the end of the year.

Multifamily market

The apartment rental market - multifamily housing - has benefited from the slowdown in home sales. Planned condo conversions are being returned to rentals, and conversions have essentially ended. Investor interest is waning, with multifamily transactions down 29% so far in 2007.

Migration trends are favoring warm-weather, low-tax states, including Florida, Arizona, Nevada, Georgia and North Carolina.

Multifamily net absorption is likely to total 229,000 units in 59 tracked metro areas between the second quarter of 2006 and the second quarter of this year, and total 210,000 to 215,000 in 2007. Vacancy rates are projected to rise to 5.7% in the second quarter from 4.6% a year ago, and will be in the range of 5.5 to 6% by the end of the year. Rents are forecast to rise 2.5 to 3% by the end of 2007. **P**

Mike Fanous is the 2007 chairman of the board for the Cleveland Area Board of Realtors.

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Closing the Deal, Part II



ALEC J. PACELLA

Last month, we began the first of a two-part discussion on closing costs, tackling items that are directly associated with the sale process. This month, we will discuss a second primary component, that being items that are associated with the operation of the property. These items are different from direct costs in three ways. First, they not only include costs but also incomes. Second, they are often pro-rated, with a portion going to the buyer and a portion to the seller. And third, there can be instances where some of these items are estimated and then reconciled post-closing.

The most common of these items are listed below.

Rent

Most tenants pay their rent on a monthly basis, assuming the property is an income-producing asset. This neces-

itates a pro-ration of rents when the property transfers. For instance, if the property transfers on the 15th of the month, the Seller will be entitled to the first 15 days of rental income and the Buyer will be entitled to the remainder. The most common way to handle this is



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- 19 CREW / Past President Golf Outing
IREM / Education
- 20 9 Hole Golf Outing
- 26 IREM / Membership Recruiting Event

August

- 3 GCREO Leadership Forum
- 6 GCMBA / Golf Outing
- 16 CREW / Programs Event
- 23 IREM / CPM Candidate Breakfast

June

- 13 NAIOP / Board Meeting
IREM / Midwest Regional Leadership Conference
- 14 CREW / Clambake
- 27 NAIOP / Dealmakers II

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for there to be a credit from the Seller to the Buyer at closing, since the Seller should have already collected all of the rents.

Operating expenses

Owners typically pay their operating expenses, such as utilities and insurance, on a monthly basis. So these items not only need to be pro-rated but also be paid or squared up post closing. For example, if the gas bill is for a period of February 1 through February 28 and the property transfers on February 20, then the Seller will owe the first 20 days and the Buyer will owe the last 8 days. However, the actual bill won't be received until sometime in March, long after closing. There are a few ways to handle this. The most accurate way is to have a reading done by the utility company as of the date of transfer. However, this is sometimes not practical and certainly cannot be done and incorporated on the closing statement in the same day. Another way to do this is to estimate the bill based on historical information, provide a credit at closing based on this estimate, determine the actual amount once the final bill is received and square up at that time. A third way to do this is to not have any credits at closing and simply pro-rate each bill as they are received. Whatever the method, the most important thing is for the Seller and the Buyer to have a clear understanding of exactly how the operating expense pro-rations will be handled in advance of the transfer.

Real estate taxes

The pro-ration of real estate taxes is complicated by the fact that, in Ohio, taxes are paid six months in arrears.

Heard Here First

End of an era Duke Realty, a dominant force in the Cleveland real estate landscape for the past decade, has put the last of its properties on the market. These include all of their Rockside Road and North Olmsted office buildings as well as the remainder of their vacant land. —AP

The easiest way to explain this is via an example. Under ordinary circumstances, the taxes that are owed for the period of July 1, 2006 through December 31, 2006 will be coming due a few weeks after you are reading this, sometime in mid-July 2007. So when a sale occurs, Buyer needs to make sure that they receive a real estate tax credit from Seller for the entire duration of Seller's ownership. Suppose a sale occurs on May 15, 2007. Buyer should receive a credit not only the last six months of 2006 but also for the first four and a half months of 2007, as these tax bills will be received in mid-July 2007 and mid-January 2008, long after the sale is completed

Expense reimbursements

This item is probably the most subjective and complicated of all the property-related items. Landlords will often develop an operating expense reimbursement estimate at the beginning of the year that tenants are required to pay, in addition to their base rent. This reimbursement compensates the landlord for payment of real estate taxes, insurance and common area maintenance that are the responsibility of the tenant but are administered by the landlord. At the end of the year, the landlord will complete a reconciliation. Based on the actual expense amounts that the

landlord incurred, the reconciliation will determine if the landlord under- or over-collected from the tenants based the initial estimate. If they under-collected, the tenants will owe the landlord additional money and if they over-collected, they will owe the tenants a refund. By now, you probably see the conceptual problem; someone has the potential to get jammed. Suppose a property sells mid-year. If there was an under-collection, the old owner will have paid the excess for the first six months but the new owner will realize the windfall. And if there was an over-collection, the new owner will be required to pay the refund to the tenants while the old owner will be long gone with the windfall. Although landlords take great care to ensure as accurate an estimate as possible, the variance between estimate and actual can sometimes be significant.

So what's a Buyer or Seller to do? In a word: their homework. Use the due diligence time to thoroughly investigate these items. Craft the contract to handle any and all pro-rations in an explicit manner. And most importantly, communicate any potential issues early in the process.

Most issues can be resolved given some flexibility and common sense, but understanding the concepts up front can make all the difference. **P**

Alec Pacella is regional manager for First Industrial Realty Trust, Inc. He can be reached by phone at 216.525.0968 or by email at apacella@firstindustrial.com.

Heritage Ohio Honors Constantino's Market

Heritage Ohio recently awarded Constantino's Market, located in Cleveland's Historic Warehouse District, with "Best Main Street Business." The Constantino's Market accepted the award at Heritage Ohio's Annual Preservation and Revitalization Awards Ceremony held at the Millennium Hotel in downtown Cincinnati. The Awards Ceremony is held in conjunction with Heritage Ohio's Statewide Conference.



Constantino's Market

Constantino's family-operated grocery, which covers 9,600 square feet, opened in January 2005 has made use of its location in the historic Bingham Hardware store by using the old hardware shelving to display groceries.

More than 17 communities, organizations and individuals submitted nominations for consideration. The awards recognize the numerous preservation and revitalization accomplishments of downtowns and neighborhoods across the state. The Selection Committee reported an increased level of quality in nominations, awarding 11 entities with awards at this year's event.

Ohio Carpenter Honored in Washington

Darlene Glass, a Journeylevel Carpenter from Cleveland, was recently named a "Woman of Triumph" by Women Work! The National Network for Women's Employment. She was honored in Washington on at the Women Work! National Conference for the strength and determination she has demonstrated as a groundbreaker for women in the trades.

Each year, successful graduates of the organization's nationwide network of job training and education programs are honored at the

National Conference. Glass – a graduate of the Pre-Apprenticeship program at Women Work! member organization Hard Hatted Women – made history as the first woman named Apprentice of the Year by the Northeast Ohio Carpenters Training Center.

Premier Custom Builders Opens Model at Bainbridge's Amber Trail

Premier Custom Builders is celebrating the grand opening of its newest luxury custom home at Amber Trails, Bainbridge's newest upscale community featuring 22 dynamic home sites.

Premier Custom Builders is showcasing a 4,290-square-foot colonial that features a dynamic two-story great room with extensive trim work and custom built-in cabinets. The room is accented by a wall of windows and a stone fireplace. A gourmet kitchen blends Kraft Maid cabinetry with granite countertops, hardwood flooring and Icon professional appliances.

A second-floor loft overlooks the great room, offering views of the lower level and backyard. The second-floor master suite features a glamour bath with whirlpool and shower, a private sitting area, a wet bar and a private screened-in porch. The home's exterior blends vinyl siding and stone.

For more information, call 440.543.5170, or visit online: premiercustombuilders.com.

Schindler Announces New Personalized Elevator Human Interface System

Schindler Elevator Corp. recently introduced its new Schindler ID® human interface system, the first elevator control system for mid- and high-rise buildings that recognizes and customizes service for each passenger using electronic identification badges and other devices widely used in buildings around the world. Designed to work in tandem with Schindler's Miconic 10® system – the new Schindler ID system is designed to improve traffic handling and efficiency by up to 30%, allowing or limiting access to specific floors and incorporating unique special features for assisting handi-

Developing News

Gilbane Building Company has been selected by **University Hospitals** to oversee all construction projects of the hospital system's five-year Vision 2010 strategic plan. Totalling approximately \$650 million, these projects will include a new 120-bed cancer hospital on the University Hospitals Case Medical Center (UHMC) campus and a 600-bed medical center in Beachwood, as well as the renovation of UHMC's Center for Emergency Medicine and the UH Rainbow Babies & Children's Hospital's Neonatal Intensive Care Unit.

The **Cleveland Clinic** is in the process of building a parking garage and underground service center between East 86th and East 89th streets. The \$190 million, 180,000-square-foot service center, centralizing the Clinic's waste management and product deliveries, will be located directly beneath the new parking garage. The project is expected to be completed in the fall of 2008.

A \$2 million first phase of a two- to four-year renovation will begin this summer at **Kent State University's** Dix Stadium. Initial changes at the facility, home to the university's Division I-A football team, will include a new roadway leading to an adjacent field house, a new canopied roof to the upper-level press box and a new façade on the upper level. A second phase, targeted to begin next year, will include a new brick and wrought iron fence outside of the stadium.

Work is underway on a new active adult community in Wickliffe. **The Greens of Mapledale**, located on the former Mapledale School site most recently used as the Wickliffe Senior Center, will consist of freestanding and duplex ranch and two-bedroom ranch condominiums. When completed, the community will include 87 new housing units. **P**

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Affiliate Membership

Affiliate Membership is available to those individuals, firms or corporations engaged principally in the manufacture and/or sale of materials and/or equipment and/or services used by contractors engaged in construction. Affiliate members or their representatives shall be privileged to attend all meetings, seminars, social activities and conventions of the Construction Employers Association and its affiliated associations. Affiliate Membership dues are \$500 per year.

If you are interested in membership, call John Porada, Executive Vice President or Toni Walker, Executive Assistant at 216.398.9860 for a membership application. Contractors join the Construction Employers Association (CEA) because they know it's "good for business."



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AABOR Awards "Realtor of the Year"

William P. Askin, regional vice president of Howard Hanna Smythe Cramer, was recently named Realtor of the Year by the Akron Area Board of Realtors (AABOR).

Askin is a licensed broker, who was named as a vice president of the real estate firm in 2004. Askin, who served as president of AABOR in 2006, has been on the organization's Board of Directors and has chaired its Legal & Governmental Affairs Committee.

Askin has been active with the Ohio Association of Realtors, serving as a director for the organization as well as a member of the group's Legislative Issues Forum, Legislative Steering Committee and Legal Action Committee. Previously, he has been manager of Howard Hanna's Akron office,



Howard Hanna Smythe Cramer Realtors William Askin (at left) and Steve Spinelli

as well as the company's Mentor branch. Askin, a licensed attorney, has served as a member of Akron Fair Housing Contact Services and the Centralized Real Estate Information Services, the Akron area multiple listing service. He resides in Chagrin Falls with his family.

Web Database for Architects, Builders Launches

California-based web company ProFoundit.com recently announced the launch of its web-based database of over

30,000 products from more than 6,000 manufacturers as a tool for architects, engineers and builders to locate products for projects in seconds. Developed using the most current CSI Index, ProFoundit.com is designed as a user friendly resource that allows users to find even the most unique products not found on other websites. Users are able to find a product and click directly to the manufacturer's website obtaining real time information on product availability, delivery and price. Registered users can even save information on the site and reference it by project name. Registration for users is free.

Sustainable Buildings Standard to Define Green Buildings

A proposed new standard that will provide minimum guidelines for green building practices is nearing completion. Applicable to new commercial buildings and

major renovation projects, it will address energy efficiency, a building's impact on the atmosphere, sustainable sites, water use efficiency, materials and resources, and indoor environmental quality.

Proposed Standard 189, Standard for the Design of High-Performance Green Buildings Except Low-Rise Residential Buildings, is being developed by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) in conjunction with the Illuminating Engineering Society of North America (IESNA) and the U.S. Green Building Council (USGBC). This is the first such green building standard in the United States.

The proposed standard has been released for public review. Comments will be accepted through July 9, 2007.

"Standard 189P will become the benchmark for all sustainable green buildings in the United States



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because it is being developed for inclusion into building codes," says committee chair John Hogan. "This means that owners and designers will have a consensus-based document that will set the minimum criteria that a building must satisfy in order to be considered a green building. The real impact of Standard 189P is that ASHRAE, along with IESNA and USGBC, are taking advanced energy conservation guidance mainstream for the general public's benefit."

Insula-Dome Skylights Rolls Out Enhanced Product Line

Insula-Dome Skylights, a manufacturer of high-end skylights with facilities in

Yaphank, New York and Chester, Connecticut, is rolling out a new and enhanced product line. According to Insula-Dome Skylights Director of Sales and Marketing Peter Kroes, "The line integrates the best features of

In 2005, Insula-Dome had acquired the operating assets of the Roto Frank of America's Roof Window manufacturing division, a subsidiary of Roto Frank AG, a worldwide renowned manufacturer of roof windows and fenestration hardware products. Among the features distinguishing this Insula-Dome line from its



major competitor's product line are larger daylight and ventilation areas and multiple design features affording fast installation.

Insula-Dome's new line offers enhanced performance features across all critical areas including weather resistance, design aesthetics, versatility for diverse applications, and ease of installation achieved through a full range of flash-

An example of a redesigned Insula-Dome skylight

ing options and accessories. In addition to the product line enhancements, the Company also announced that it is now producing its Insulator Series and Sunrise Series in 20 standard sizes with custom sizes also available on various models upon request.

In addition, the Insulator Series is being offered in a

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Drop-in model and the Sunrise Series is being offered in a Deck-Mount model.

Doty & Miller Architects Offices Earns Nat'l Gold LEED Certification

The original 1934 Historic Post Office in Bedford, which houses the offices of Doty & Miller Architects, recently received National Certification from the U.S. Green Building Council as a LEED Gold Building.

Doty & Miller is the only architectural firm in the United States located in a freestanding Gold Certified building. The facility demonstrates the compatibility between adaptive reuse of a historic building and



Doty & Miller Architects' Offices

implementation of "Green Building" principles.

Among its attributes, the building includes water efficient landscaping, low flow plumbing, elaborate control systems and low VOC (volatile organic chemical) emitting materials such as carpets, adhesives, paints and sealants. Also found in the building are recycled and rap-

idly renewable materials such as bamboo, cork and wheat straw board.

Soprema Launches Waterproofing Division

Soprema, Inc., the largest producer of SBS Modified bitumen in North America and the world, has announced the formation of a new waterproofing division for the U.S. Market.

Additionally, Soprema has promoted 14-year Soprema specialist Jim Sheltmire to lead the new division.

"Soprema has been in the waterproofing industry for nearly 100 years and has long had the quality products and experience necessary to be successful in this market,"

Sheltmire says. "With our new manufacturing plant in Gulfport Mississippi coming on line shortly, in addition to the three other manufacturing plants in North America, we now have production capabilities which allow us to concentrate on this segment of the industry."

Sheltmire is a 26-year veteran of the roofing industry. His experience includes being a roofer and a roofing contractor prior to being employed by Soprema, Inc. He has been with Soprema for 14 years and currently holds the position of Senior Manager. His responsibilities range from product development to account management. Sheltmire is a member of the Roofing Consultant's Institute and the

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Construction Specifications Institute. To contact Jim Sheltmire call 800.523.5414 or email him at jsheltmire@soprema.us. Sheltmire resides in Scottsdale, Arizona

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"We are anxious to get started with these new crawlers," says Michael Liptak, president of ALL Erection & Crane Rental. "We look forward to having the all-around versatility and modern operation of a fully hydraulic crane in this size class." P

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Contractors Beware – Clarification on Enforcement of “No Damage for Delay” Clauses



DAVID W. WOODBURN

The Ohio Supreme Court has recently rendered a decision in the case of Dugan & Meyers Construction Company, Inc. v. Ohio Department of Administrative Services, et al (April 25, 2007; 113 Ohio St. 3d 226). The holding of this case represents a crucial decision for contractors who deal with governmental entities and whom are delayed in completing their required obligations. Whether you are a contractor or a governmental entity, you need to be aware of this recent decision.

Dugan & Myers was the lead contractor for a construction project consisting of three buildings for the Fisher College of Business at The Ohio State University (“OSU”). As a part of the construction project, OSU agreed to pay Dugan & Meyers in excess of \$20 million to complete the construction project in a timely manner. The agreement contained express language, which assessed liquidated damages of \$3,000 per day for any delay in completion of the project within the projected 660-day construction period.

Unfortunately for Dugan & Meyers, setbacks in scheduling arose as a result of allegedly flawed building plans and specifications provided to them by OSU and

the company was unable to complete the project in a timely basis. OSU discharged the firm and hired a replacement contractor. Dugan & Meyers brought suit to collect for services rendered under the contract. OSU counterclaimed, seeking to deduct the amount paid to a third party for completing the lead contractor duties and under the liquidated damages provision of the construction agreement.

Applying the 1918 U.S. Supreme Court decision in Spearin v. United States (248 U.S. 132; 1918), the Court of Claims found that Dugan & Meyers was entitled to rely upon the accuracy of owner-provided plans and specifications. The court awarded Dugan & Meyers a

judgment in excess of \$3 million. The Tenth Circuit Court of Appeals reversed the Court of Claims decision, holding that Dugan & Meyers did not fulfill its contractual obligation to provide OSU with adequate notice of plan problems when they arose. In reaching this decision, the appellate court determined that Dugan & Meyers waived its right to damages for delay because it failed to adhere to the agreement’s requirements for providing notice and requesting time extensions in the event of delays.

In examining the case, the Ohio Supreme Court affirmed the Tenth District Court of Appeals’ ruling, holding that Dugan & Meyers was not entitled to additional compensation or mitigation of liquidated damages because it failed to adhere to the notice requirements for time extensions set forth in the agreement. The court reasoned that the “no damages for delay” clause contained in the construction agreement was enforceable because the contract predated Ohio’s Fairness in Contracting Law codified under Ohio Revised Code § 4113.62(C) in 1998. This current law mandates that any contract that waives or precludes recovery of delay damages

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by a contractor when the owner was the cause of the delay is void and unenforceable. However, because this law went into effect after the Dugan & Myers contract with OSU was executed, it could not be applied to this situation.

The court further refused to apply the holding from Spearin to cases that

It is crucial that contractors thoroughly review the provisions of their contracts with respect to provisions concerning notice and requests for extensions of time.

involved delay damages due to plan changes. The court distinguished cases where inaccurate plans failed to reveal the existence of a site condition that actually precludes completion of a project. Unfortunately for Dugan & Meyers, the court determined that even if there is an implied warranty for the accuracy of plans and specifications, such implied warranty will not override express contractual provisions regarding notice and requests for extension of time. Accordingly, Dugan & Meyers could not be excused from complying with the express notice requirements set forth in the construction agreement.

As a result of this decision, it is crucial that contractors thoroughly review the provisions of their contracts with respect to provisions concerning notice and requests for extensions of time. A contractor should not, under any circumstance, assume that the plan and

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specifications are accurate and complete. Such plans should be reviewed for accuracy and completeness prior to commencing construction. In the event there is an error or delay which is encountered, the contractor should make sure to follow all notice procedures set forth in the agreement, even when perceived to be futile.

All in all, contractors still have some protection under Revised Code § 4113.62(C), which declares "no damage for delay" clauses void and unenforceable as against public policy when the cause is the result of the owner's failure to act. However, for contracts predating September 30, 1998, the importance of complying with the agreement is absolutely necessary. **P**

The author would like to thank Martin J. Pangrace and Mike Passella of Buckingham, Doolittle & Burroughs, LLP for their significant contributions to this article. The material appearing in this article is meant to provide general information only and not as a substitute for legal advice. Readers should seek the advice of their attorney or contact David at dwoodburn@bdblaw.com or 800.686.2825. This article may not be reprinted without the express permission of Buckingham, Doolittle & Burroughs, LLP © 2007.

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Building on Balance

Infinity Construction celebrates a decade of success in Northeast Ohio

By Mark Watt | Photos courtesy of Infinity Construction

As Warrensville Heights-based construction management and general contracting firm Infinity Construction Co. Inc. celebrates its 10th anniversary, partners Charles A. Izzo, George F. Nemeth and James Fantozzi agree that the company's ongoing growth and success can be summed up in a word: balance.

"There are basically three things in our industry that make a project successful," Izzo says. "There's cost effectiveness – giving the client a product that's commensurate to meeting both their needs and budget. There's timeliness of delivery. And there's quality. Those are the three things we try to do with every single project that we do, and we try not to sacrifice any one of those for another. Balancing those three things, in my mind, is what delivers the best project."

At Infinity Construction, that concept of balance doesn't end there.

Although each of the partners has his own role within the company – Izzo is president, Nemeth is vice president – preconstruction services and Fantozzi is vice president – construction services – they each feel that the firm's ability to successfully find and complete projects is dependent on a sense of equality between them.

"The secret to our success has been that the three of us gel together in every facet of our business," Izzo says. "There's no one of the three of us that can do everything that the business demands

without the other two guys. We each have that one-third piece that makes the whole thing fit. All three of us have that same philosophy when working with our staff, our subs, our clients and each other. It takes cooperation from everyone to get the job done."

Nemeth notes that each of the partners has his own areas of expertise and his own strengths and weaknesses.

"For me, that's the biggest thing," Nemeth says. "We feel like we have come a long way over the past decade and that we can go much further, because

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HUMBLE BEGINNINGS In its first year, Infinity Construction worked out of a nearly empty office space equipped with just a folding table, a telephone, a computer and an answering machine.

there's something that just clicks when the three of us work together. We've always worked hard, but so far things have fallen into place nicely and I think that's because of how balanced things are here."

From the beginning

Infinity Construction, which has experience in varied building types and complexities ranging from small interior build-outs to high-rise commercial construction, currently performs 30 to

HEALTHY RELATIONSHIPS Infinity Construction provided its services for Kindred Healthcare at the Kethley House. The company's relationship with the national healthcare firm has continued over the years.

35 projects a year with an average project size ranging from \$2 to \$5 million ("our bread and butter projects," Izzo says). This totals about \$35 million to \$40 million of work each year, 85% of which is private. The firm is currently approaching the \$225 million mark in total contracts.

It has a professional staff of 14 located at its 24,000-square-foot office in Warrensville Heights, in addition to its own carpenters and laborers which adds another 10 to 20 team members depending on the project. The company is a union contractor that self-performs rough and finish carpentry, some drywall and ceiling work along with minor interior demolition.

As Fantozzi says, it's sometimes hard to imagine how far the company has come in the past 10 years.

The three men met while working together in the special projects division at the Cleveland offices of a national construction management firm in the mid-1990s.

"At [that company], we had pretty much the same positions there that we assume today," Izzo says. "Back then, Jimmy [Fantozzi] was one of the best project managers the division had and George [Nemeth] was in charge of all of the estimating and purchasing.

I managed the division and took care of sales and finances."

The special projects division in which they worked was pursuing the cellular communications industry at the time. After working on those types of proj-

"We have between five and ten clients we work with on a regular basis, where there's almost a new project for each of them every year."

Charles Izzo
President

ects for about two years, the three had obtained the basic knowledge of this type of work and decided to break off and start their own company.

With a name selected because it incorporated the initials of the partners' last names (I for Izzo, N for Nemeth and F for Fantozzi), the threesome rented 4,000 square feet of office space – next door to its current headquarters, which was purchased several years later – and set up a folding table to support one computer, a telephone and an answering machine.

"We tore the space down to the shell," Nemeth says. "The three of us did the demolition ourselves. So those first few months we were starting up we were operating out of this empty space with a piece of plastic covering that table and computer to protect it from the dust."

Fittingly enough, Infinity Construction's first project was a cellular tower that's still located just a couple



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SERVING NEEDS Among its various projects in the educational market, Infinity Construction completed work for the Paganini International Culinary Arts & Science Institute.

hundred feet from its office. "The building owner was negotiating a deal with AT&T Wireless to build that tower," Izzo says. "When he was negotiating the lease, he said, 'Hey, I know some guys that build those things,' and hence, we got our first job."

In that first year, 1997, Infinity Construction completed 92 cellular tower projects, including new construction and conversions from analog to digital technologies – earning the company nearly \$7.5 million of work in its first year.

"We continued with that market over the next couple of years, but we gradually made it back to our roots, which is commercial construction," Izzo says. "We still like to think that we have a good general knowledge in those types of technology, but the focus of the company since those first few years has been commercial office, healthcare, educa-



tional facilities, predominantly colleges and universities, and public works, particularly fire and police facilities and libraries, and also a little bit of retail."

Over the years, the company built a stable of repeat clients – building relationships that continue to do this day. These clients include a variety of national and local companies and insti-

tutions: Penske Truck Leasing, AT&T Wireless, Cavaliers Operating Co., LLC, Ursuline College, The Cleveland Clinic Foundation, Mercer Consulting, University Hospitals, Fairview Health System, St. Vincent Charity Hospital, Lakewood Hospital, Spectrum Diagnostics, Kindred Healthcare, Jones Lang LaSalle, and Hahn Loser Parks, LLC.

"We have between five and ten clients we work with on a regular basis, where there's almost a new project for each of them every year," Izzo says. "To have these sorts of long term relationships with clients lets us know that we're doing something right. And our business has grown nearly every year."

The company's marquee projects over the last decade include the Bishop

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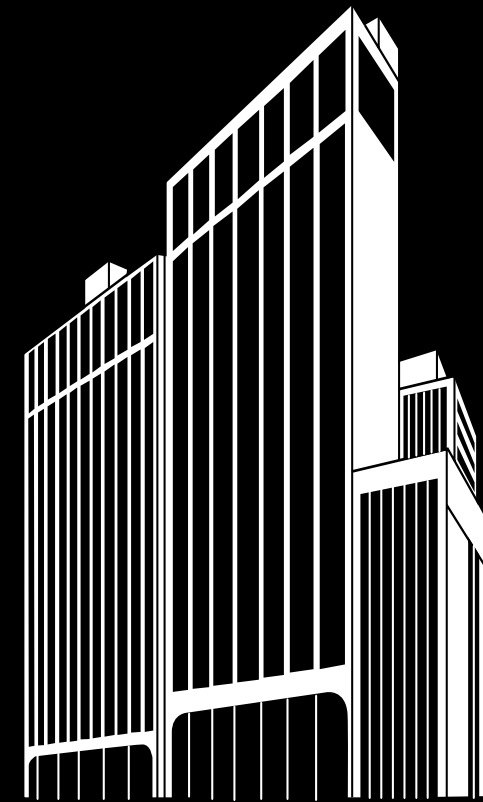
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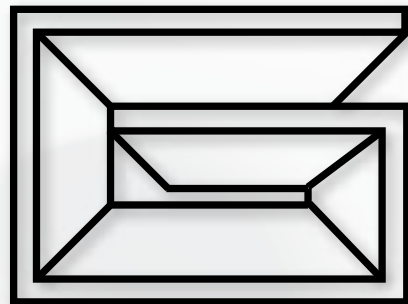
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Anthony M. Pilla Student Learning Center at Ursuline College (2001), the Cleveland Cavaliers Executive Offices at Quicken Loans Arena (2006), the American Cancer Society Community Resource Center (2001) and the Kindred Healthcare Facility at Kethley Building (2006).

"In the cases of the Pilla Learning Center, the Cavaliers Corporate Offices at "The Q," Quicken Loans' Cleveland Office and Kindred Healthcare, we were up against very difficult time schedules," Fantozzi says. "With a very high profile opening day ceremony and the coldest winter in Cleveland in 100 years at Pilla, and strict professional basketball league start and completion date deadlines at "The Q," there was no margin for error. Yet in all of these instances we met the challenge. As a result of our efforts I believe we have secured the trust of some key clients."

Making connections

Focusing on building solid, positive relationships is a driving goal at Infinity Construction, according to Nemeth – relationships between the partners themselves, between the partners and their staff, between the company and its clients, and between the company and its subcontractors.

"You get results from your subs when you treat them right, and I think that we do," Nemeth says. "They know it's



PUBLIC PLACES Infinity Construction's public work has included fire and police facilities, as well as libraries, such as the North Ridgeville Library.

not just a one-way street with us. I think the subs appreciate that and that there are a lot of subs that want to work with us because they know we're fair."

Fantozzi credits solid relationships with subcontractors, for instance, as a key in the company's ability in finding the right formula for public projects, such as fire stations and police stations.

"With public projects, the low number gets the job," he says. "To make it work, you need to know what you're doing and I think we know how to put those together in a cost competitive fashion. Part of that is having good relationships with the subs. When a sub knows that you know how to put those projects together and knows you're going to

help him take that job and get it done faster, you're going to find success. If the subcontractor community knows that we help them make money, than they're going to give George [Nemeth] a better number because 'those guys at Infinity know how to run a job.' You treat the subs right, and they'll help you get new work too."

Izzo agrees, saying that overall it's simply a matter of being fair with the people that you interact with, day in and day out.

"Our clients and subcontractors are different forms of customers, but they both are customers," he says. "And if you treat your customers fairly, you'll do well. I think we have a tremendous relation-

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WORKING THE CLOCK The company's work at Cleveland Cavaliers Executive Offices at Quicken Loans Arena last year was particularly challenging due to a tight timeframe.

ship with the subcontractor community. And I think that goes a long way in this town. You have to have a good relationship with them because, let's face it, they are the reason that we are where we are. It works the same way on the client side of the business. You treat your client's project as though you're building your own house."

Nemeth points out that, from a client's perspective, an advantage to working with Infinity Construction is that the owner "is never more than one guy away from one of us and having access to a voice of the company."

"At whatever stage of a construction project you're in, whether it's preconstruction, selling the job, doing estimates or actually putting the bricks and mortar in the field, you have one of us involved in some respect throughout the process," he says. "During the budgets and selling side, Charlie [Izzo] and I are going to all of the meetings, we're negotiating with the customers, showing them our skills in estimating and what we can offer. And once we get through that, we can turn it over to Jim [Fantozzi] in the field and his group can take care of putting everything in place. The owners have a direct line to one of us at some point almost every day."

Looking forward

As Infinity Construction celebrates its 10th year in business, it's also looking to the future.

"We've had great growth almost every year," Izzo says. "I still feel that we're

just getting started. I think we can be a lot bigger than what we are. We're still going up. Our name is getting out there and the size of the projects we do is growing."

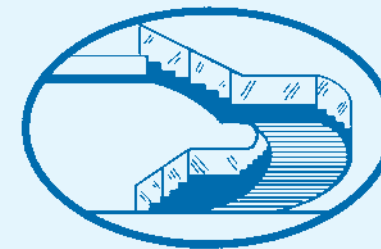
The company is considering stretching out geographically in coming years, taking on more jobs in other parts of Ohio or even out of state. But regardless of where the company's future leads, the partners stress that they would like to keep the same team-oriented dynamic and the personal touch that has brought them this far.

"We have a lot of gratitude for the people that work here, their dedication and most importantly the manner with which they deal with clients," Nemeth says. "We've managed to build an organization that truly reflects our own values and it's important to us that we maintain that environment going forward."

Fantozzi agrees.

"I'm very proud of what we've built and look forward to seeing where we can take this," he says. "[That pride] makes it very easy to wake up in the morning and go to work. It's fun and it's a challenge every day." ■

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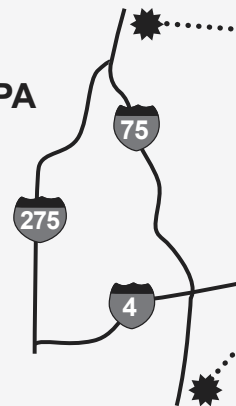
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By Scott McCready

Are you really aware of which environmental regulations apply to your operation? With so many regulations impacting the operation of commercial and industrial property, it is helpful to have a tool that provides the answers you need. One of the best is an Environmental Audit. Properly designed, it can help you identify pollution prevention opportunities, best management practices and reduce your operating costs. Environmental audits are used by local, state and federal government facilities, as well as financial lenders and insurance companies. The data helps them evaluate potential risks to human health and the environment. This article is designed to give you a brief overview of the process and provide resources to learn more.

So where do you begin? It is important to have a comprehensive knowledge of the EPA's audit policy and how it relates to your operations. In 1995 and 2000 the policy was expanded to include incentives for organizations to discover, disclose and correct environmental violations. Special incentives are also available for small businesses such as government sponsored on-site compliance assistance programs. Here are a few highlights of the current EPA audit policy:

- Gravity-based civil penalties can be waived or substantially reduced for violations discovered through an environmental audit or through a compliance management system when violations are promptly disclosed and corrected.
- Entities that disclose potentially criminal violations and meet all of the policy's conditions will not be subject to criminal charges in most cases.
- Earlier action and relief of violations that have the potential to cause serious environmental harm or pose imminent and substantial endangerment can result in better protection of human health and the environment.
- EPA's audit policy can be reviewed in full at www.epa.gov/auditpol.html.
- So what exactly is evaluated in an environment audit? The audit commonly addresses how you manage the materials used and produced in your operation. This includes material recycling/reuse, chemical storage, disposal and releases to the environment, such as wastewater discharge and air emissions. Some key points to consider include:
 - How to determine if a waste is hazardous or not, and if so, how to manage it correctly (*Hazardous waste is a subset of*

the solid waste universe regulated under the Resource Conservation and Recovery Act).

40 CFR Part 261 – The regulations provide very specific criteria to determine whether or not your waste is hazardous. Examples include chemical products that are just sitting on the shelf or in storage that you are not going to use, flammable wastes, corrosive wastes, reactive wastes and empty material containers that are considered acutely toxic.

To learn more, visit www.blm.gov/nhp/news/regulatory/3100/40CFR261.html.

- *What about notification and reporting?*
A common reporting requirement among many organizations is required by the Emergency Planning and Community Right to Know Act, also known as SARA Title III – This regulation addresses state and local planning for chemical emergencies. If you store, use, or release certain chemicals, you may be subject to various reporting requirements, including:
 - Emergency planning notification
 - Emergency release notification
 - Hazardous chemical inventory reporting
 - Toxics Release Inventory (TRI) reporting

More details can be found at: www.epa.gov/superfund/resources/infocenter/epcra.htm.

- *What are your responsibilities under the Comprehensive Response Compensation and Liability Act (CERCLA) commonly called Superfund?*

CERCLA requires reporting of releases of hazardous substances and establishes the liability of persons responsible for releases of hazardous substances, as well as a trust fund to provide for cleanup when no responsible party can be identified.

The CERCLA Information Center also responds to questions on the Brownfields Program. These include abandoned, idle, or underused industrial or commercial properties that are not on the NPL or subject to other regulatory action. And, these properties require measures to bring them back into productive use.

You can learn more at: www.epa.gov/superfund/resources/infocenter/cercla.htm or www.epa.gov/brownfields.

- *What about air emissions under the Clean Air Act (CAA)?*

The CAA identifies six common "criteria air pollutants" (i.e., sulfur dioxide, nitrogen dioxide, ozone, carbon monoxide, particulate matter and lead) found all over the United States. A geographic area that does not exceed the primary standard for each pollutant is called an attainment area. Areas that do not meet the primary standard are called non-attainment areas.

According to EPA, many urban areas are classified as nonattainment for at least one criteria air pollutant.

To reduce emissions of these and other air pollutants, EPA regulates emissions for a wide variety of sources. Some examples of sources are air pollution control equipment, equipment that use ozone depleting substances, industrial boilers, equipment that burns fossil fuels and manufacturing activities that generate particulate emissions.

For more details, visit www.epa.gov/air/oaq_caa.html or www.epa.gov/air/urbanair.

And there are many more items to review, including:

- *How you manage discharges off your property*

The Clean Water Act (CWA) addresses this area and its primary purpose is to maintain the chemical, physical and biological integrity of the Nation's waters. Discharge permits are issued under the National

Pollutant Discharge Elimination System (NPDES). Maximum levels were established for 29 toxic pollutants to reduce pollution in the Great Lakes. To learn more about the CWA, visit www.epa.gov/region5/water/cwa.htm.

- *Management of Universal Waste*

The RCRA regulations were amended to include the universal waste rule which established streamlined collection and management requirements for items such as batteries, bulbs and ballasts. Most states that are authorized to implement the RCRA Hazardous Waste program have adopted the universal waste rule. The rule is designed to reduce hazardous waste in the municipal solid waste (MSW) stream by making it easier for universal waste handlers to collect these items and send them for

Environmental audits are used by local, state and federal government facilities, as well as financial lenders and insurance companies. The data helps them evaluate potential risks to human health and the environment.

recycling or proper disposal. For more details, visit: www.epa.gov/epaoswer/hazwaste/id/univwast/index.htm.

- *Management of Used Oil*

The provisions for recycling used oils under RCRA. EPA determined that recycled used oil does not have to be listed as a hazardous waste since the used oil management standards adequately protect human health and the environment. These standards cover used oil generators, transporters, processors and re-refiners, burners, and marketers. You can find out more

by visiting, www.epa.gov/epaoswer/hazwaste/usedoil/index.htm.

These regulations are very comprehensive. Additional resources are listed below:

- Management of Solid Waste: www.epa.gov/osw/commerce.htm
- Management of Asbestos: www.epa.gov/asbestos
- Management of Polychlorinated Biphenyls (PCBs): www.epa.gov/pcb
- Management of Oil: www.epa.gov/oilspill/spcc.htm
- Underground Storage Tanks: www.epa.gov/oilspill/spcc.htm
- Aboveground Storage Tanks: www.epa.gov/oilspill/index.htm

Taking a look at the web sites identified in this article is helpful to get a perspective on each area of regulation. You will need to properly identify and characterize your environmental activity and determine the extent of your compliance requirements based upon a variety of factors. These include your SIC codes, the size of operation, volume of material managed, etc. This can be a daunting task.

With the necessary local, state and federal regulatory knowledge and experience, ATC Associates Inc. (ATC) routinely conducts Environmental Audits nationwide using a comprehensive checklist approach. ATC and the client can use the data from the audit to design and implement cost effective compliance programs.

If you have questions, or would like to learn more about audits, you can contact Scott McCready at ATC's Brecksville, Ohio office. **P**

Scott McCready is business development manager and senior project manager at ATC Associates Inc. in Brecksville. He can be reached by email at scott.mccready@atcassociates.com or by phone at 440.838.7177. Visit www.atcassociates.com for more information.





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CPESC & CPSWQ

What are they and why are they important in the land development process?

By Jeffrey R. Keefe, P.E., P.S., CPESC, CPSWQ

Here at KS Associates, two of our professional engineers (P.E.s) were ordering business cards after obtaining their CPESC and CPSWQ certifications. The printer was having trouble fitting the designations in the small space allotted on the card and asked, "do you really need all of those letters after your names – isn't P.E. enough?"

His question got me thinking. Do our clients understand what CPESC and CPSWQ designations are? Do they understand their importance as they relate to commercial and residential development projects?

CPESC stands for "Certified Professional in Erosion and Sediment Control." According to CPESC Inc., the organization that administers the certification program, "CPESCs have educational training, demonstrate expertise in controlling erosion and sedimentation, and meet certification standards."

Over the past 20 years, the public, governmental agencies – particularly the



SMART SOLUTION A retention basin and stormwater management facility designed for a Kohl's store provides the required storage while being flexible for future expansion.

United States Environmental Protection Agency (EPA) – and municipal leaders have become increasingly concerned about erosion control.

Erosion is a process that occurs naturally over time. However, the removal of vegetation or changes in ground contour from activities such as site development or construction activities accelerates the erosion process and creates sediment. If not properly managed, sediment can flow into rivers, streams, ponds and lakes – quickly and in large amounts.

Unmanaged sediment can pose a threat to aquatic systems. It can also plug storm sewers, reducing their capacity and causing flooding and costly maintenance of those water conveyance systems.

Professionals with CPESC certification must pass a peer-review process to evaluate their education and experience in erosion and sediment control. They must also have a minimum number of years of professional-level experience in the field, are required to take a rigorous exam testing their knowledge of erosion and sediment concepts, and must comply with a strict code of ethics.

Similar requirements are established for professionals with CPSWQ certification. CPSWQ stands for Certified Professional in Stormwater Quality. CPSWQs have extensive knowledge in effective and economical methods of addressing stormwater quality.

Addressing stormwater management concerns is becoming more important for developers, as state and local

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requirements are becoming increasingly stringent.

In Ohio for example, the Ohio EPA mandates that commercial and residential development projects with more than one acre of disturbed area must have Stormwater Pollution Prevention Plans (SWPPPs) on hand during construction in order to obtain permits. Generally speaking, these SWPPPs include erosion and sediment control measures that employ Best Management Practices (BMPs). BMPs address ways to control stormwater runoff, reduce erosion and prevent sediment created by construction activities from migrating off-site and potentially polluting private property, wetlands, creeks, rivers and lakes. BMPs can include measures such as installing and maintaining silt fences and sedimentation ponds, screening debris at pond outlets, or phased planting and re-seeding of parts of the site's re-graded surface.

On the local level, most counties and municipalities are requiring SWPPPs before allowing construction activities to take place. A well-designed storm-

water management plan can answer a municipality's concern, "how can this development be designed to minimize the impact to the environment and the public, while accommodating the inevitable growth occurring in my community?"

Physical Reality

Unmanaged erosion and sediment can increase maintenance costs for owners, whether public or private. It can also cause environmental impacts on downstream receiving waters. CPESC and CPSWQ-certified professionals have specific training in issues that can help reduce adverse environmental impact and maintenance costs.

Regulatory Reality

Local governments have been mandated to enforce erosion and sediment control requirements. Professionals with CPESC and CPSWQ certifications can add value during the design and construction phases, ensuring compliance with these mandates. In fact, more local governments are mandating that SWPPPs in their communities be prepared and/or reviewed by certified professionals.

Coming to the approval table with SWPPPs that are compliant with state and local regulations can make the permitting process faster and less painful. A sound stormwater management plan can address the shorter-term, project-specific

goals of the developer, as well as the longer-term concerns of the community and the environment.

Although the ever-expanding stormwater and water quality requirements are becoming more and more burdensome, developers recognize that they need to be addressed.

Case in point is a recent commercial development project for which KS Associates provided site planning, design and consulting services. KS Associates worked closely with Liberty Development Company to develop a stormwater management solution for Lighthouse Village, a 500,000-square-foot retail project anchored by Kohl's and Home Depot, located in Lorain, Ohio.

According to Tom Kuluris, president of Liberty Development Company, "The KS team helped us understand

the importance of controlling sediment to minimize the physical impact of our project. They were also up to speed with state and local requirements when it came to stormwater management, helping to avoid roadblocks and project delays. They offered a solution that involved designing a retention basin that satisfied not only our immediate




BUILDING A BARRIER A silt fence was installed along the perimeter of the Lighthouse Village retail development to reduce the amount of sediment flowing into nearby wetlands.

need to accommodate our first tenant, the Kohl's store, but also tenants that come on board during future phases of the project."

The basin was designed with excess capacity and features an outlet structure that can be easily modified after each new phase is added to the facility. A creative, flexible design that meets current and future needs, while meeting local and state regulations, was one of the key factors in making this project a success.

So, back to answering our printer's question – "do you really need all of those letters after your name?" Technically, P.E.s don't "need" to be CPESC- and CPSWQ-certified to design stormwater plans that meet their clients' requirements. However, the designations call out a certain degree of knowledge of specific and ever-growing erosion, sediment and stormwater management issues. And as regulations become stricter, more local governments are mandating that SWPPPs be prepared and reviewed by certified professionals.

Having a high degree of knowledge in these areas can be a great asset to the public and to the client, and can add value to the project. 

Jeffrey R. Keefe, P.E., P.S., CPESC, CPSWQ, is director of land development services at KS Associates, a civil engineering and surveying firm. The KS Land Development Group is a dedicated team of professional engineers offering innovative planning and design services that maximize land use and result in creative, cost-effective site design solutions. For more information, contact Keefe at 440-365-4730, ext. 380, or keefej@ksassociates.com. For more information, visit www.ksassociates.com.



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Coming into the Light

As conventional energy costs increase, solar energy heads into mainstream

By Victoria Hollick

There was a time when incorporating solar into an industrial or commercial building was most definitely not a mainstream activity. However, with the increasing cost of conventional energy and governmental policies aimed at reducing greenhouse gas emissions, coupled with the development of high efficiency technologies, solar now stands poised to make its debut as a mainstream building product.

One of the sectors in which this is most evident is with solar air heating. When the transpired solar collector, the benchmark technology for solar air heating, was first introduced in the 1990s, the United States Department of Energy called it “the most reliable, best performing and lowest cost solar heating system for commercial and industrial buildings available on the market today.” As well, Natural Resources Canada stated, “the simplest, most efficient and least expensive way to preheat outside air for industrial and commercial applications is through the use of a perforated-plate absorber or a solar air heating system such as the SolarWall.”

And these accolades have been substantiated time and time again over the past decade with proven energy savings and enthusiastic customers. The transpired solar collector, subsequently branded under the name SolarWall®, has over 1,000 projects to its credit in 25 countries around the world. It has garnered additional honors from organizations such as ASHRAE, and *Popular Science* and *R&D Magazine*. It is suitable for most types of commercial, industrial and institutional buildings, and customers have included Wal-Mart, FedEx, 3M, Ford, GM, Bombardier, the U.S. Military, NASA and many municipalities across North America.

Modern solar air heating panels are all-metal and completely building integrated, which contributes to



MONEY TALKS Community centers in Rapid City, South Dakota utilize solar air heating panels, providing ongoing cost savings while taking advantage of government tax credits.

their cost-effectiveness. The concept is simple. The metal cladding used as the solar collector consists of thousands of tiny perforations and is mounted on a south-facing wall where the sun exposure is the greatest. The panels, referred to as a transpired solar collector, capture the heat that naturally collects on darker surfaces. The perforations allow the warmed air to be drawn into the building's HVAC system where it is distributed through conventional methods. The technology has been carefully designed so that for the end user, it really is that simple.

Incorporating solar air heating technology into the building can prove to be an immediate cost saver. Firstly, there are the direct and ongoing energy savings. Secondly, to keep capital costs manageable there are many financial incentives offered by different state governments and agencies. At a federal level, the United States Government offers a 30% tax credit, which means that constructing a traditional building may actually represent the more expensive option. With these financial incentives “going green” can yield the lowest capital and

operating costs in both the short and long term.

Rapid City Community Centers

In one of the most colorful descriptions of solar energy savings, architect Dave Stafford of Thurston Design Group (Rapid City, South Dakota) likened solar air heating to “backing up to a free gas pump.” The architecture firm had specified the transpired collector to provide heated ventilation air for new community centers in Rapid City. The complex houses many gymnasiums, so a large amount of ventilation air was required to maintain the required indoor air quality.

A dark bronze metal cladding was used to augment the unique architectural features of the two buildings. The architects wanted to maintain a consistent appearance around both buildings, so the same cladding was used on all the walls, but only the two south walls were used as solar heaters. In total, 9,400 square feet of paneling was installed on both community center buildings. Actual solar collector panels on the South and West Buildings measure 1,240 square feet and 970 square feet, respectively.

Financial savings, as well as good ventilation, are among the benefits the community center is reaping from the solar air heating system.

“We were able to combine the two functions [heating and metal cladding] without spending any significant additional money – whatever it is in any of SolarWall's installations, it's of no great consequence,” Architect Dave Stafford says. “You don't even know that it's there and all of a sudden you have a bunch of free BTUs that wouldn't have been available otherwise. It's like found money. Anytime that we can find an appropriate way to use it, we will. Around here it could be a good 20 degrees Fahrenheit below what's comfortable. Because the codes require that you replace a lot of air all the time, you have to run the heating system big time overtime to recover the heat. For all the cold air you bring in, you've thrown away just as much hot air. By using SolarWall to pre-heat the incoming air, you get rid of the whole BTU trading process – it just goes away. That's a huge savings. In this case, we were using metal fascia anyway, and there was a conventional ventilation system. Just by adding the SolarWall panels, it became this solar thing that lets them save energy and money.”



TWO FOR ONE Black metal paneling at the Toronto Pearson International Airport's Fire and Emergency Training Institute provide solar air heating while serving as a notable design feature.

Greater Toronto Airport Authority

One of the most architecturally unique solar air heating systems is found at the new Fire and Emergency Services Training Institute at Toronto Pearson International Airport. The project is LEED Silver-certified, and will enable the Greater Toronto Airport Authority (GTAA) to realize significant benefits, including the reduced consumption of traditional fossil fuels, lower water usage and a healthier indoor environment.

A solar air heating system is one of the prominent visual components of the facility. The black metal paneling was incorporated into the front façade of the building, and features a doubled-angled design. The perforated solar cladding is approximately 240 m² (2,600 square

feet) and delivers between 3,800-6,800 cfm (6,460 – 11,560 m³/h) of pre-heated ventilation air. An additional 250 m² (2,700 square feet) of non-perforated metal cladding was installed on the wall directly behind the actual solar heating system to match the front wall.

As a result of its innovative, unique and eye-catching design, combined with a variety of sustainable features, the GTAA fire training facility has already received much recognition. The building will be featured in the prestigious Justice Facilities Review by the American Institute of Architects (AIA) and has also won an award from the Canadian Institute for Steel Construction.

These projects highlight some of the benefits that building owners and facility managers can expect to realize by incorporating one of the most efficient renewable energy technologies into their building design. With the highest energy conversion factor of any solar technology, combined with the lowest unit cost, solar air heating has all the requirements necessary to become a mainstream component of the building envelope and heating & ventilation system. **P**

Victoria Hollick is communications director with Conserval Engineering, Inc. For more info, visit www.solarwall.com

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Early Evaluation of Potential Environmental Issues Conserves Time, Money

By Joe Ozimek

These days, all sectors – from government, to business, to individual property owners, communities everywhere in our country are increasingly aware of environmental issues.

This awareness most often comes to light during real estate transfers or actual redevelopment where historical environmental practices were either limited or non-existent due in part to the lack of a regulatory framework when the facility or property was occupied. Most often the details of past site management practices, environmental housekeeping and the resulting cleanup costs only come to light during due diligence requested generally by the financial institutions supporting the site restoration and redevelopment. In some cases even after completion of due diligence, environmental conditions can be exposed during site demolition, construction or renovation.

Since 1972 Chemtron Corporation (Chemtron) has been supporting the public and private sectors in managing remediation services to address various environmental conditions. These support services have involved mold, mercury, lead and asbestos abatement, management and removal of EPA hazardous and non-hazardous wastes, total site decontamination and restoration. Regardless of the site-specific environmental issue or concern, there are a number of administrative and technical considerations that the company believes should be considered as part of the decision-making process prior to and during pre-planning of an environmental site-conceptual design.

- Gain thorough understanding of any leasehold interests on the site that could affect the scope, schedule

or budget that may not have been identified during research within the context of due diligence by a consultant. Tax maps do not generally provide such information, but historical lease agreements held by property owners and tenants may;

- Assess and confirm any exposure restrictions that may have not yet been considered as part of site restoration and future land use. These conditions may include restrictions which would not otherwise affect end use, but allow for facilitating site development. Some of these restrictions might include: limitation to slab on grade construction (no basements), non-residential use, or not allowing installation of potable water supply wells onsite.
- Preplanning and subsequent closure of areas or fixtures of concern per reporting requirement under US EPA's Cessation of Operations may be required as part of a property transaction and may not necessarily be included as part of the transfer documentation;

- Identify the reasonably anticipated future land uses, potential right-of-way condemnation acts as well as regulatory, zoning and permitting changes which would impact the site development or restoration project.

Once an environmental condition is confirmed, state and/or federal regulations will usually frame the environmental expectations. Steps taken in preplanning site development may assist property owners in navigating through a more cost effective environmental remedial design thereby facilitating the timeliness of their development or site restoration goals. **P**

Joe Ozimek is project manager with Chemtron Corporation. For more information, visit Chemtron online at www.chemtron-corp.com.



Looking Out for Liabilities

EA Group helps companies comply with environmental regulations

By Jeanne Bluffstone | Photos courtesy of EA Group

Soil, water and air quality may not be as expected and, during construction or renovation, surprising and complex environmental, health or safety issues arise which require specific technical knowledge and immediate action. EA Group (originally known as the Electro-Analytical) was created to meet those types of needs.

"Our company was founded in 1982 while the federal government was issuing new environmental regulations," says Pat Herbert, president of the Mentor-based company.

At that time, the focus of the then small laboratory was primarily on analysis of insulating fluids and PCBs, but as is often the case with entrepreneurial endeavors, the business began to grow as customer needs changed and expanded. Before long, EA Group was reaching

into new areas that included field services, expanded laboratory analyses and consulting in the expanding field of environmental compliance.

"The nature of our business is helping people comply with regulations and avoid liabilities," Herbert says. "In order to do that, we perform a wide range of different tasks as far as inspection, sampling, analysis and consulting, but what we really do is focus on finding companies who are trying to run their operations and complete projects in the right way, and help them avoid risk and liabilities. We provide the support, the data and answers that they need."

Today, as the company celebrates its 25th year in business, the primary focus of EA Group is in the burgeoning field of compliance with environmental and health and safety regulations. For the

most part, the company's 31 employees are geologists, chemists, environmental technicians, asbestos specialists and biologists, and in addition to providing analytical laboratory services, the company offers a wide range of consulting services on a various environmental, health and safety issues.

"Various facets of construction generate a large percentage of our work, including hazardous materials evaluations, abatement planning and hazardous materials management during renovation of healthcare facilities, schools and universities," Herbert says. "The other major segment of our customer base is manufacturers, where we provide a wide range of compliance and support services."

EA Group also works with a number of general contractors and environmen-



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tal contractors, filling in the niche of environmental review and environmental compliance.

A very large percentage of the work on the consulting side of the company's business comes from construction projects that need evaluation of new sites, and demolition or renovation of existing properties.

"Over the past 10 years, a lot of that work has come from the hospitals in this area as they acquire new sites or renovate existing properties," he explains.

Other major markets in this area for the group are schools. Schools have been a big part of the practice as educational systems renovate or build new school buildings.

One of the advantages to customers who work with the EA Group is its unique combination of laboratory and consulting and field services, Herbert says. As projects move ahead and contractors suddenly realize they haven't done the assessments necessary during the project, they find materials that have to be analyzed quickly.

"In those types of instances, we are in a position of needing to turn projects around quickly," Herbert says. "The time factor is very important and we are in a position to respond quickly."

Most often the problem is asbestos, but might also be lead paint, hidden mold growth or any of the other hazardous materials that might be encountered during construction.

Analytical laboratory services

The primary business of EA Group's laboratory services division is to provide analytical reports to health, safety and environmental professionals and support those professionals with quality, accuracy, rapid turnaround, service and flexibility.

In addition to voluntary action program analyses (VAP), EA Group's large menu of laboratory services include:



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- Industrial hygiene analyses
- Specialized analytical services

The laboratory is accredited by the American Industrial Hygiene Association (AIHA), the National Voluntary Laboratory Accreditation Program/National Institute for Standards and Technology (NVLAP/NIST), and the Ohio Voluntary Action Program (VAP). A complete listing of all accreditations and certifications are available at EA Group's client services department.

Consulting Services

The consulting division provides a wide range of inspection, assessment, design and management services relating to hazardous materials and regulatory compliance. It also provides:

- Asbestos hazard management services, which include building surveys;


abatement specifications; project monitoring and air sampling; development of operations and maintenance and training programs

- Lead hazard management services associated with commercial and industrial facilities. Surveys are performed to meet specific objectives, including HUD protocol, using state of the art instruments and techniques.

- Indoor air quality investigations in a variety of office, school, industrial and residential settings

- Safety and hygiene services for hazard communications programs, personal protective equipment (PPE) plans, air and noise monitoring, safety audits and training; indoor air quality (IAQ) investigations, respiratory programs, development of required written plans. These operations are supported by E.A Group's laboratory which is accredited by the American Industrial Hygiene Association.

- Compliance consulting utilizing expertise such as: overall facility audits; training and written program development; waste management; NPDES Industrial wastewater and stormwater management; air emissions consulting' general consulting services such as annual reports and permits.

- Assessment and remediation services, including site assessments; PCB assessment/clean up; underground storage tank surveys, magnetic surveys for UST locations; UST removal and closure documentation, site assessments and groundwater monitoring. 

For further information or to reach Pat Herbert, contact EA Group, 7118 Industrial Park Boulevard, Mentor, OH 44060-5314; phone (440) 951-3514; toll free (800) 875-3514; fax (440) 951-3774; or visit EA Group online at www.eagroup-ohio.com.





STAGING A SOLUTION The Middlebury Marketplace site (left) required significant cleanup (center). As part of the redevelopment process, a four-foot "clay cover" was utilized to protect occupants of the building (right).

Project Profile: Low Cost Remediation Strategies for Groundwater and Vapor Intrusion (VI) at Akron's Middlebury Marketplace

By Thomas L. Hite | Photos courtesy of Floyd Browne Group

At the turn of the 20th century, the Middlebury site, in the heart of East Akron, was occupied by Robinson Clay Products whose primary product was clay tile for the construction industry. This plant was demolished in the 1940s and replaced with a truck terminal that operated through the 1960s. In the late 1960s, a predecessor grocery/department store and a car wash were built and operated through the early 1990s, when the store closed. The vacant site served as a location for criminal activity, which over time led the neighborhood into further decay. The site's industrial history created substantive impact to the environment, which required cleanup as part of redevelopment. (Before Photo) The new end use of the property is a much needed grocery store (Dave's Supermarket) and associated retail which has been a huge success leading

the change in revitalization of this East Akron neighborhood. (After Photo)

The City of Akron and Floyd Browne Group worked as a team to uncover major environmental issues related to impacted groundwater, as well as on-site and off-site vapor intrusion. Multiple aquifers were impacted with solvents, metals and petroleum, with each aquifer flowing in a different direction making investigation especially challenging.

Through extensive analysis and the team's persistence in finding the best solution, groundwater and VI challenges were overcome with low cost remediation strategies. Groundwater impacts were managed, in part, with the Ohio EPA's Urban Setting Designation (USD). VI threats were mitigated with a combination of modeling, use restrictions and low cost clay capping. Overall these strategies saved an estimated \$2 million

dollars in cleanup costs and avoided long term remedial commitments, allowing the site to be redeveloped in record time and allowing the city to move on to the next brownfield challenge.

Managing groundwater impact – Ohio's Urban Setting Designation (USD)

An Urban Setting Designation (USD) was prepared by Floyd Browne Group and granted by the Ohio EPA for the Middlebury Project Area as part of an overall groundwater management strategy. Ohio's Voluntary Action Program recognizes that many brownfield properties are located in highly urbanized areas where centralized community drinking water systems, like Akron's, supply residents with potable drinking water. In communities that do not rely on groundwater for drinking, now or in the foreseeable future, the USD may be appropriate. For Middlebury, the USD allows groundwater impacted with chemicals from previous commercial/industrial activity to remain in-place and acknowledges remediation of groundwater is not necessary when there is no potable consumptive use. In its simplest terms, having a USD allows a volunteer to move the point of compliance for the potable use pathway from the property boundary to half mile from the property boundary.

The USD area must meet certain threshold criteria including:

- it must be located within a City or Township of at least 20,000 residents;
- 90% of parcels must be connected to a community water system;
- it cannot be within OEPA well head protection area; and
- no wells used for potable purposes within a half mile.

On-site vapor intrusion (VI) and a low cost clay cap remedy

Two main VI source areas were present – a petroleum area under the entire east side of the site and a chlorinated solvent area, which occupied the northwest part of the site under the proposed retail area. Modeling, employing the Johnson and Ettinger Model for Subsurface Intrusion Into Buildings, was used to evaluate VI potential for future development in both the petroleum and solvent areas.

Modeling indicated potential for vapor intrusion impact from the petroleum area. This was mitigated by siting the building away from the petroleum area and construction of the facility parking lot over the area. An environmental covenant restricting future development without proper mitigation of VI threats is attached to this area as well.

The solvent area proved more challenging in that the source area was off-site, but impacted a critical area of the new development. Overall project remediation was funded with a Clean Ohio Fund Grant, which would not allow for clean-up of an off-site source. With this in mind, the team developed a creative low cost solution that drove the project to success. Reverse modeling was used to determine thickness requirements for a clay cap emplaced under the new building, which mitigated the vapor intrusion threat. Modeling showed a four-foot "clay cover" would adequately protect occupants of the building and, since the remedy was on-site, was fundable under the grant.

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Foam for the Home

A simple need leads to long-term business focus for Great Lakes Insulators

By Russ Wikel | Photos courtesy of Great Lakes Insulators, Inc.

Eleven years ago, the problem was how to insulate a 130-year-old brick home. The walls were almost eighteen inches thick, two layers of brick with a four-inch air space between. Bats and squirrels ran through the walls and dollars were flying out. At the time it seemed loose insulation was the only option to fill the void, reduce the draft and curb the enormous heating bills. The concerns were loose fill may settle over time and not solve the draft. Shredded paper products, which were popular and easy to install, might draw moisture and add to a moisture issue.

The solution came to us as it has too many: via a home improvement show. Icynene foam insulation was the featured topic. A low-density flexible foam insulation that can be spray applied or



JOB APPLICATION Icynene foam insulation can be spray applied or “poured” into wall cavities.

“poured” into wall cavities expanding 100 times its initial volume in seconds, Icynene does not settle, sag, shrink, wick water, contain formaldehyde nor lose its insulating effectiveness over time. The new problem was there were no dealers

in Ohio at the time. The solution, Great Lakes Insulators, Inc. was born.

Little did we realize we were not just solving our problem but also on the forefront of a solution to many home construction problems. Old timers will tell you a home has to be built loose so it can breathe, and this was an effective concept when fuels were cheap. Today we continue to build tighter to save energy and in doing so have generated a new generation of problems. In addition to mold-related cases pending in our courts, asthma and other respiratory problems are on the rise as indoor air quality decreases.

We build using new products but with an old attitude toward how. Part of the problem is building tight usually occurs on the outside shell of structures which



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is okay in our southern states, but in the north this process traps moisture on the wrong side of the dew point, which in turn leads to condensation, molds, mildew, structural rot and poor indoor air quality.

Most building code requires the use of vapor barriers but we have not perfected the process of installing such items. Unfortunately failures go unnoticed until the problem becomes excessive.

We believe bigger is better and over-size our HVAC overlooking a proper sized system greatly improves the quality of the air as well as saves money. The biggest error in today's construction is the misconception that R-value is the key to reducing energy consumption. Unfortunately R-value does not take into account air leakage which is the major factor in evaluating overall energy efficiency.

So where does all this lead us to in our quest for healthier, quieter, more fuel efficient homes that will not become bio



HOT START Great Lakes Insulators began 11 years ago when Russ Wikel was introduced to Icynene insulation while worked on a 130-year-old brick home.

hazards destined for landfill and instead will provide an all around healthier environment? The answer becomes simple when science, products and construction work together for a common good. As Icynene's slogan goes, "Build tight, insulate right." In addition to heating and cooling our homes we need to ventilate our homes correctly. To build tight, Icynene foam delivers optimal air tightness to minimize airflow through the building envelope providing moisture management, reducing the

potential for molds and mildews and well as an air barrier to seal out outdoor allergens and pollutants. To ventilate, a fresh air exchanger is installed to bring in filtered air recovering energy from air existing through the system. It's that simple. The right insulation can solve a host of today's problems mostly associated to moisture and air leakage. With an Icynene insulation system you can downsize your HVAC system and save 30% to 50% on utility costs over traditional insulation and those saving are yours without a yearly rate increase.

What started out 11 years ago as a solution to insulating one drafty old home has led to a greater understanding of how to build and build efficiently, how material and systems interact for lasting healthy environment inside and out. **P**

Russ Wikel is president of Great Lakes Insulators, Inc., based in Huron. For more information, call 888.696.3626.

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New Environmental Liability Protections

Questions & answers on U.S. EPA's "All Appropriate Inquiries" final rule

By Barry A. Cik

What is "All Appropriate Inquiries" (AAI)?

AAI is the new U.S. EPA-approved environmental assessment procedure to (a) evaluate a property's environmental conditions, and (b) assess the potential liability for any contamination.

Who is affected by "All Appropriate Inquiries" (AAI)?

AAI protects owners who were not involved in the prior contaminating activities at the property.

AAI is not intended to benefit those who actually are responsible for the contamination.

What AAI liability protections are available?

The AAI protections include cleanup liabilities associated with CERCLA hazardous substances. CERCLA liability is generally based on Strict, Joint and Severable Liability. In plain language, this means that "when you own the property, you own the contamination."

The AAI protections allow owners to be free of that liability.

AAI does not address non-CERCLA hazardous substances environmental liability. These include, but are not limited to, RCRA, wetlands, petroleum underground storage tanks, private toxic tort or property liability actions, etc.

What are the AAI liability protections called?

Congress established three separate AAI liability protections:

1. Innocent Landowner – Protects landowners who "did not know and had no reason to know" about hazardous substances at the time of acquisition.
2. Contiguous Property Owner – Protects landowners who are victims of pollution incidents caused by their neighbor's actions.

3. Bona Fide Prospective Purchaser – Protects landowners who knowingly acquire contaminated property. Buyers/owners must document that (a) all contamination occurred prior to acquisition, (b) they did not contribute to any further contamination of the property, (c) they are not affiliated with a liable party, and (d) they comply with all continuing obligations.

How does AAI actually protect a property owner?

Example 1: "Midnight Dumper Insurance" – You own a property that appears to be totally clean. However, it turns out that a "midnight dumper" disposed of hazardous waste that polluted

that the new owner conducted "All Appropriate Inquiries" (AAI) and complies with any continuing obligations.

(Note: Even if the new property owner is protected against paying for the cleanup, the property owner will still have certain obligations to protect human health, safety and the environment. See "Continuing Obligations" below.)

Why did Congress and the U.S. EPA change the law and provide these protections?

Businesses, investors and lenders have been reluctant to redevelop older industrial sites for fear of being held liable for the contamination caused by prior owners or operators of the property.

Furthermore, even properties with no obvious issues have been found to be contaminated.

For example, "raw" land is sometimes the victim of "midnight dumpers" (with or without the permission of the property owner).

To encourage the re-development of older industrial sites and provide a heightened comfort level for new owners who were not involved with prior contamination at a property, Congress enacted the "All Appropriate Inquiries" (AAI) provisions as part of the "Brownfields Amendments of 2002." The AAI Final Rule went into effect November 1, 2006.

"For the first time since the enactment of CERCLA in 1980, a person may purchase property with the knowledge that the property is contaminated without being held potentially liable for the cleanup of the contamination." -U.S.EPA

(www.epa.gov/swerosps/bf/aai/compare_astm.pdf, pg. 1, October 2005)

the soil and/or groundwater. You would not be held liable by the U.S. EPA to pay for the cleanup.

Example 2: Owning a Known Contaminated Property – The law specifically shields landowners from environmental liability even if the owner knew that the property was contaminated when title was acquired, provided



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How is "All Appropriate Inquiries" (AAI) done?

"All Appropriate Inquiries" (AAI) must be done by an "Environmental Professional" (EP). The U.S. EPA has approved different types of persons to be EPs. They include licensed Professional Engineers (PEs) and Professional

Geologists (PGs), other relevant licensed persons, and certain non-licensed persons with additional experience.

In conducting an AAI, the EP may use the procedures of the revised ASTM Phase I Environmental Site Assessment (ASTM E1527-05) provided that it is performed in compliance with AAI.

When does the Phase I AAI have to be done?

The Phase I AAI should be done within six months prior to title transfer. Some AAI information over six months old may be (re)usable.

Who contracts the Environmental Professional (EP)?

There is no specific requirement as to who may contract the EP. However, the "All Appropriate Inquiry" (AAI) should be done on behalf of the prospective landowner.

What are continuing obligations?

Even landowners who were not involved with prior contamination activities at the property, and who are now protected against paying for cleanup liability of that contamination, are still obligated to protect human health, safety and the environment. These obligations, called "continuing obligations," include, but are not necessarily limited to, taking reasonable steps to stop an ongoing release of hazardous substances, prevent a threatened release, prevent or limit exposure, comply with any relevant land use restrictions, cooperate with any government response actions or administrative information requests, provide any legally required notices, etc.

In general, persons who desire environmental liability protection for pre-existing contamination must also be responsible environmental stewards of their property.

ASTM will be issuing a new Standard Guide on Continuing Obligations within the next three to four months. For more information, or to receive a copy, please contact the author. **P**

Barry A. Cik, PE, CP, BCEE, QEP, CHMM, REM, is a member of ASTM Committee E-50 (and subcommittee E-50.02) which revised and drafted the ASTM Phase I. Barry A. Cik is also the author of the Government Institutes publication on AAI and the ASTM Phase I.



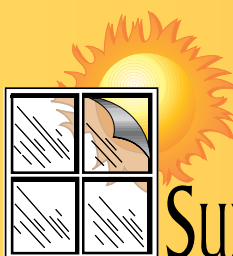
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Rooted in Efficiency

The Hardwood Lumber Company focuses on making most of available resources

By Jenny Hershberger | Photos courtesy of The Hardwood Lumber Company

The Hardwood Lumber Company was planted in 1958 in the small town of Burton, located in Northeastern Ohio. Since its roots' were established in fertile commerce, The Hardwood Lumber Company has branched into diversity to maximize the efficient use of our most precious renewable resource, trees.

This company has built and maintained a fine reputation, among local landowners in harvesting lumber and nationally, with its finished products of stair treads, countertops, mouldings for trim, as well as a full line of brushes and brooms.



WOOD WORKS At Hardwood Lumber Company, a lift unloads a charge of timber in the kiln.

and landowners alike in the harvesting of Northeastern Ohio's quality hardwoods. Lumbering can be a messy business, but The Hardwood Lumber Company has an upstanding reputation for respecting property and the tender trees not yet ready for harvest.

It is of the utmost importance to the man who started it all, Stephen Trudick, to make the most with what resources are available. Trudick and The Hardwood Lumber Company make a point of establishing a good relationship with foresters

Once a harvest has been made, from various properties, the logs are brought into The Hardwood Lumber Company's sawmill. It is important to any wise business to get the most use from a raw material. The Hardwood



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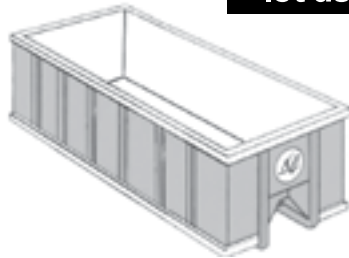
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HANDS ON AT HARDWOOD An employee hand stacks lumber, getting it ready to go in the kiln.

Lumber Company does just that. The logs are cut in such a way that there is minimal scrap. Yet, even the sawdust and scrap serves a noble service at this company. Sawdust, which is stored in a 70-foot silo located close to the sawmill, is used as fuel for heating the boiler that is located near the kiln. The boiler in turn provides temperature-controlled heating of two of the three buildings on the property during winter months of the snowbelt as well as heats the kiln for drying lumber. During the coldest months of the winter, a savings of over \$6,000 a month can be realized. The scrap hardwood is also used in a wood-burning furnace to heat an additional 30,000-square-foot building on the property. Hardwood scrap from the sawmill is trucked around the local area as firewood. The bark that is removed prior to being processed in the sawmill is utilized for landscape mulch. During the summer months the sawdust still heats the company's kiln on a daily basis and what surplus is then used for horse bedding. Even the kiln-dried scrap that is generated from the woodworking processes is highly valued in the Amish community for fueling their hot water heaters.

The kiln removes the moisture content of lumber until only 6% to 8% of the moisture remains. This is essential, allowing high quality, well-stabilized lumber. Once the drying process is finished the lumber is sorted by grade and size. From that point the lumber is converted into a finished product, on The Hardwood Lumber Company property.

The Hardwood Lumber Company has made a point of using every bit of the kiln dried lumber it produces. Larger pieces of lumber are initially sent to Mouldings One (www.mouldingsone.com), a division of The Hardwood Lumber Company. This lumber is used to make crown moulding, baseboard, chair rails, handrails and other finishing trim. Mouldings One has approximately 500 profiles and are capable of making custom trim profiles to meet a client's specifications. The stair treads and countertops do not require large, solid pieces of wood. These items can be made from smaller pieces of material, resulting in less waste. Stair treads and countertops come in an array of wood species, including walnut, oak, maple, beech and cherry, to name a few.

Finally, remaining pieces are sent to the building across the parking lot to make woodblocks for St. Nick Brush Company (www.stnickbrush.com), also a division of The Hardwood Lumber Company. Here, a two-foot piece of wood that might be scrap to another company becomes material for a finished product. The St. Nick Brush Company makes quality brushes and brooms for many purposes.

As Trudick says, The Hardwood Lumber Company strives to be an efficient and considerate company. From start to finish, it seeks to use its resources properly and to offer quality at a reasonable price. **P**

The Hardwood Lumber Company extends an invitation to visit its facility and showroom to all who are interested. Call toll free at 800.798.1269, email info@hardwood-lumber.com or visit www.hardwood-lumber.com for more information.

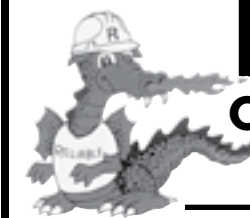


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 www.dotyandmiller.com
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C.M.: Welty Building Corporation
 123 S. Miller Road
 Akron, OH 44333
 www.weltybldg.com
 (330) 867-2400 FAX (330) 864-4566

DETAILS: Large scale remodeling to bathrooms and revising classroom space and work areas; plumbing; floor tile; fixtures; lighting.

PN-P1116010
SERVICE DEPARTMENT

Moreland Hills, OH (Cuyahoga Co.)

ESTIMATED AMOUNT: \$1,500,000

CONTRACTING METHOD: Public Bids

UPDATE: Announcing architect; owner seeking funding; construction could be years away.

OWNER: Village of Moreland Hills
 4350 SOM Center Road
 Moreland Hills, OH 44022
 www.morelandhills.com
 (440) 248-1188

ARCHITECT: FMC Architects LLC
 7675 Harley Hills Drive
 North Royalton, OH 44133
 www.fmcarchitects.com
 (440) 230-1511 FAX (440) 877-1579

DETAILS: 15,810 SF; ample bay area; storage for tools; separate area for service and salt trucks; male and female locker rooms; lunchroom; meeting and reception rooms;

service offices; roof replacement; asbestos; electrical box issues; salt bin demolition; fire issues; exterior masonry wall refurbish.

PN-S0504004
HOSPITAL EXPANSION

Madison Medical Campus

Madison, OH (Lake Co.) 6270 North Ridge Road

ESTIMATED AMOUNT: \$2,000,000

CONTRACTING METHOD: G.C. Subcontracts (By Invitation Only)

STATUS: Announcing G.C.; construction possible June 2007; completion of project possible February 2008.

OWNER: Lake Hospital System-Mentor Campus
 9485 Mentor Avenue
 Mentor, OH 44060
 (440) 974-6800

G.C.: Hamann Construction
 4699 Hamann Pkwy
 Willoughby, OH 44094
 (440) 942-9393 FAX (440) 942-9396

DETAILS: 8,000 SF; four acres; 80 space parking lot; brick; doctors offices; examination rooms; electronic medical records; sitework; HVAC; electrical; plumbing; thermal and moisture protection; roofing landscaping; drywall; insulation.

PN-Q1116014
PARK OPERATIONS FACILITY

Strongsville, OH (Cuyahoga Co.) 9485 Eastland Road

ESTIMATED AMOUNT: \$5,400,000

CONTRACTING METHOD: Public Bids

UPDATE: Announcing estimated amount; bid schedule has not been determined.

OWNER: Cleveland Metroparks
 4101 Fulton Parkway
 Cleveland, OH 44144
 www.clemetparks.com
 (216) 351-6300 FAX (216) 351-2584

ARCHITECT: Davison Smith Certo Archs., Inc.
 26031-B Center Ridge Road
 Westlake, OH 44145
 www.dsarchitects.com
 (440) 835-3957 FAX (440) 835-4042

DETAILS: 30,000 SF replacement facility for the Strongsville Park operations and Ranger Management Center; 28,000 SF equipment canopy; sitework; concrete slab; framing; plumbing; electrical.

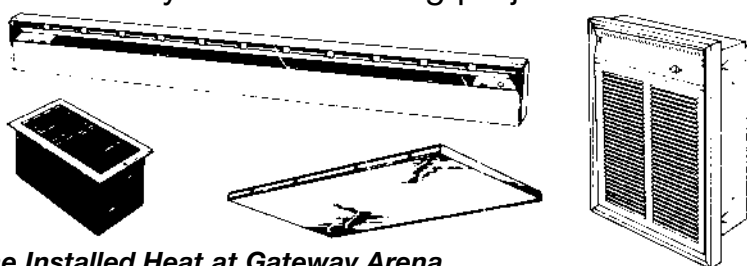
PN-R0324002
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CONTRACTING METHOD: G.C. Bids (By Invitation Only)

UPDATE: Project is part of phase II; construction possible 2008; bid date has not been determined.

OWNER: Dick's Sporting Goods
 200 Industry Drive
 Pittsburgh, PA 15275
 (412) 809-0100

DEVELOPER: First Interstate Development
 23220 Chagrin Blvd.
 Two Commerce Park Square #202
 Beachwood, OH 44122
 (216) 381-2900 FAX (216) 765-0070

C.M.: Legacy Construction-Beachwood
 23220 Chagrin Boulevard
 Beachwood, OH 44122
 (216) 381-2900 FAX (216) 765-0070

DETAILS: Approx. 75,000 SF; concrete; masonry; miscellaneous metal; wood and plastics; thermal and moisture protection; metal windows; metal doors and frames; metal studs; drywall; painting; plumbing; HVAC; electrical; lighting.

PN-S0511040
RAPID TRANSIT STATION

Cleveland, OH (Cuyahoga Co.)

CONTRACTING METHOD: Public Bids

STATUS: Architectural/engineering services RFQs due June 7, 2007 at 2:00 PM.

OWNER: Greater Cleveland Regional Transit Authority
 1240 West 6th Street, 5th Floor
 Cleveland, OH 44113
 www.riderta.com
 (216) 781-4546 FAX (216) 781-4480

DETAILS: Cedar-University Rapid Transit Station; SF to be determined; sitework; concrete; electrical; lighting; plumbing; painting; HVAC; doors and hardware; glass and glazing; mechanical; finishes.

PN-Q0223061
NEW HILLEL FACILITY

Kent, OH (Portage Co.) Stockdale Drive

ESTIMATED AMOUNT: \$4,000,000

CONTRACTING METHOD: G.C. Bids (By Invitation Only)

UPDATE: Drawings have been completed; bidding possible summer 2007.

OWNER: Hillel at KSU
 202 North Lincoln Street
 Kent, OH 44240
 (330) 678-0397 FAX (330) 678-1179

ARCHITECT: Ronald Kluchin Architects
 23811 Chagrin Blvd., Suite 160
 Cleveland, OH 44122
 www.ronaldkluchinarchitects.com
 (216) 464-7494 FAX (216) 464-3046

CONSULTANT: KSU - Architect's Office
 334 Lowry Hall
 Kent, OH 44242
 www.kent.edu/facilitiesplanning
 univarchitect@kent.edu

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(330) 672-3880 FAX (330) 672-2648
DETAILS: 10,000 SF, two stories; one acre.

PN-S0223004

**COUNTY PROSECUTOR'S OFFICE
Ravenna, OH (Portage Co.)**

CONTRACTING METHOD: Public Bids

UPDATE: Announcing architect; bid schedule has not been determined.

OWNER: Portage County Commissioners
449 S. Meridian Street, Room 701
Ravenna, OH 44266
(330) 297-3600 FAX (330) 297-3610

ARCHITECT: Hasenstab Architects, Inc.
190 N. Union St. #400
Akron, OH 44304
www.hainc.cc

(330) 434-4464 FAX (330) 434-8546

DETAILS: Relocation of the Portage County Prosecutor's Office; specific details to be determined; lighting; electrical; drywall; insulation; floor coverings; doors and hardware; glass and glazing; metals; painting; plumbing; HVAC.

PN-S0402024

CLOVERLEAF DISTRICT WIDE IMPROVEMENTS

Lodi, OH (Medina Co.)

CONTRACTING METHOD: Public Bids

UPDATE: Architectural Services RFPs were received on April 25, 2007; awards are being made.

OWNER: Cloverleaf Local Schools
8525 Friendsville Road
Lodi, OH 44254
www.cls.k12.oh.us/
(330) 948-2500

DETAILS: Possible district wide renovations, additions, and/or new construction.

PN-S0507005

COSTCO GAS STATION

Mayfield Heights, OH (Cuyahoga Co.) 1409 Golden Gate Boulevard

CONTRACTING METHOD: G.C. Bids (By Invitation Only)

STATUS: Architect seeking preliminary site plan approval.

OWNER: Costco Wholesale Corporation
999 Lake Drive #200
Issaquah, WA 98027
(425) 313-8100

ARCHITECT: TJ Design Strategies, Ltd.
2311 West 22nd Street
Oak Park, IL 60523
(630) 368-0840

DETAILS: Fueling facility will consist of a one-person control building and a canopy over pumps; concrete; masonry; wood and plastics; metals; underground storage tanks; doors/hardware; painting; electrical; lighting.

PN-P1111067

JOINT RECREATION CENTER

South Euclid, OH (Cuyahoga Co.)

ESTIMATED AMOUNT: \$20,000,000

CONTRACTING METHOD: Public Bids

UPDATE: Owner seeking tax levy possible Spring 2008; project is very preliminary.

OWNER: City of Richmond Heights
457 Richmond Road
Richmond Heights, OH 44143
(216) 486-2474

OWNER: City of South Euclid
1349 South Green Road
South Euclid, OH 44121
(216) 381-0400 FAX (216) 291-4959

DETAILS: Concrete; masonry; structural steel; miscellaneous metal; wood & plastics; thermal & moisture protection; finishes; drywall; painting; HVAC; plumbing; electrical; lighting. Note: additional details to be determined.

PN-S0419010

NATURE CENTER

Brunswick, OH (Medina Co.) Brunswick Lake

CONTRACTING METHOD: Public Bids

UPDATE: Bidding is possible late summer 2007; planning is preliminary; owner will be seeking Architect shortly.

OWNER: City of Brunswick
4095 Center Road
Brunswick, OH 44212
www.brunswick.oh.us

PN-S0110005

(330) 225-9144 FAX (330) 273-8023

ARCHITECT: To Be Determined

ENGINEER: Chagrin Valley Engineering Ltd.

22999 Forbes Road, Suite B
Oakwood Village, OH 44146
www.cvelimited.com
info@cvelimited.com

(440) 439-1999 FAX (440) 439-1969

DETAILS: Approx. 1,500 SF; possible stock log cabin; fitness trails, bridges, and observation point; concrete; masonry; metals; wood and plastics; doors and windows; glass and glazing.

PN-S0419010

SUMMIT COUNTY ANIMAL CONTROL FACILITY

Akron, OH (Summit Co.) Hardy Road

ESTIMATED AMOUNT: \$4,000,000

CONTRACTING METHOD: Public Bids

UPDATE: Announcing location, SF, and estimated amount; bid schedule to be determined.

OWNER: Summit County Dept. of Administration
175 S. Main Street, Room 803
Akron, OH 44308
(330) 643-2575

ARCHITECT: DLZ, Inc. - Cuyahoga Falls
2162 Front St.
Cuyahoga Falls, OH 44221
www.dlzcpr.com

(330) 923-0401 FAX (330) 928-1029

DETAILS: New animal control facility; 20,000 SF; wood and plastics; electrical; HVAC; lighting; plumbing; doors and hardware; glass and glazing; concrete; masonry; painting; floor coverings and finishes.

PN-S0430013

ROCK & ROLL MUSEUM RENOVATION

Cleveland, OH (Cuyahoga Co.)

ESTIMATED AMOUNT: \$3,000,000

CONTRACTING METHOD: G.C. Bids (By Invitation Only)

STATUS: Planning is underway; construction possible January 2008.

OWNER: Rock & Roll Hall of Fame & Museum
1 Key Plaza
Cleveland, OH 44114
(330) 725-2348

ARCHITECT: ESI Design
111 5th Avenue #12
New York, NY 10003
(212) 989-3993

DETAILS: Renovation of the 150,000 SF, six-story rock hall and museum to include reorganization of the main exhibition hall; improve audio-video systems and other technological upgrades; wood and plastics; drywall; painting; metals; finishes.

PN-R1010053

NEW MIDDLE SCHOOL

Geneva, OH (Ashtabula Co.) Sherman Street

CONTRACTING METHOD: Public Bids

UPDATE: Bond issue passed on the May 2007 ballot.

OWNER: Geneva Area City Schools

135 S. Eagle Street
Geneva, OH 44041
(440) 466-4831

ARCHITECT: Ricciuti Balog & Partners - Youngstown
15 Federal Plaza, Suite 300
Youngstown, OH 44503
www.rbparch.com
info@rbparch.com

(330) 744-4401 FAX (330) 744-2370

C.M.: R.P. Carbone Co.

5885 Landerbrook Drive #110
Cleveland, OH 44124-4031
www.rpcarbone.com
(440) 449-6750 FAX (440) 449-5717

DETAILS: Middle school to house grades six through eight; media center; kitchen; cafeteria; music and art rooms; SF and additional details to be determined; masonry; electrical; toilet and bathroom accessories; fire protection; HVAC; painting; plumbing; mechanical; wood and plastics; glass and glazing; steel doors and hardware; floor coverings; drywall; insulation.

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