

## MINUTES

### CLEVELAND-CUYAHOGA COUNTY PORT AUTHORITY BOARD OF DIRECTORS MEETING Thursday, October 13, 2022

The Meeting of the Cleveland-Cuyahoga County Port Authority Board of Directors was held at the Port Offices (1100 W. 9<sup>th</sup> Street) on Thursday, October 13, 2022 with notice of the meeting information provided to the public in advance. The meeting was called to order by Chairman Holmes at 8:42 a.m. Attendance by roll call showed the following:

#### PRESENT

Margot Copeland  
J. Stefan Holmes  
Andrew Jackson  
Darrell McNair  
Daniel O'Malley  
Peggy Zone Fisher

#### VIA TELEPHONE

Teleangé Thomas  
David Wondolowski

#### ABSENT & EXCUSED

#### ALSO PRESENT

C. Beck, GIS/Environmental Specialist  
M. Bocanegra, Chief Legal Council  
J. Dugan, Senior Accountant  
J. Davis, Vice President, External Affairs  
M. Freilino, Manager, Exec. & Admin Operations  
W. Friedman, President & Chief Executive Officer  
D. Gutheil, Chief Commercial Officer  
N. LaPointe, Director, Planning & Capital Development  
C. Naso, Chief Financial Officer  
M. Rivalsky, Controller  
R. Snipes, Senior Accountant  
L. Sternheimer, Director, Urban Planning & Engagement  
G. Woodson, Director, Development Finance & Inclusion  
J. Baker, Jr. ILA  
V. Lee, Arup Development  
S. Holland, ODNR Coastal Management  
K. Lewis, Cuyahoga Land Bank  
J. Ferancy, Osborn  
K. Coffman, Cleveland Metroparks  
B. Stalla, ODOT  
J. Weyer, Shark & Minnow  
S. Bray, Black Environmental Leaders  
J. Ziss, Kurtz Bros., Inc.  
J. Huang, City of Cleveland  
M. King, Cuyahoga County  
D. Wilcox, Climaco, Wilcox, Peca, & Garofoli Co., L.P.A  
S. Simpkins, Climaco, Wilcox, Peca, & Garofoli Co., L.P.A

### **APPROVAL OF MINUTES**

The minutes of the Board of Directors meetings of September 9, 2022 were presented for approval by the Board, copies having been delivered in advance to all Directors. Director McNair recommended a correction to page five (5) of the draft minutes to note that Resolution 2022-25 was voted down as opposed to being tabled. With that change, on motion by Director Copeland, seconded by Director McNair, Director O'Malley abstaining from the vote, and unanimously carried by roll call vote (5-0) with Directors Thomas and Wondolowski concurring with the majority vote on the phone, the Minutes of September 9, 2022 were approved.

### **PUBLIC COMMENT PERIOD/CHAIR COMMENTS**

There being no public comment, Chairman Holmes addressed the Board and audience.

### **CHAIR'S COMMENTS**

Chairman Holmes thanked staff for planning the Board Orientation and noted it was extremely beneficial for those who attended. Director Zone Fisher agreed.

### **PRESIDENTS COMMENTS**

Mr. Friedman addressed the Board noted there will be a strategic planning session immediately following the Committee Reports at the November 10, 2022 Board Meeting.

### **BUDGET & ADMINISTRATION COMMITTEE**

#### ***Agenda Item 4(C)(1)(a) – Community Investment Fund***

Mr. Davis addressed the Board and referred to pages 6-7 of the Board Agenda. Chairman Holmes noted the project is a great way for the Port to reinvest in our region, and a wonderful opportunity to partner with the Cuyahoga Land Bank. Director Jackson asked what the total budget is for the project. Mr. Davis replied \$3.5 million is the estimate for the building. Director Copeland stated she is extremely pleased with the direction the Community Investment Fund has headed. She thanked Mr. Davis for his work on securing the partnership.

On motion by Director Copeland, seconded by Director Zone Fisher, with Director McNair abstaining from the vote, and unanimously approved by roll call vote

### **RESOLUTION NO. 2022-28**

A RESOLUTION ACCEPTING THE RECOMMENDATION FROM THE PORT COMMUNITY INVESTMENT FUND COMMITTEE CHAIR AND AWARDING A GRANT TO THE CUYAHOGA COUNTY LAND BANK IN THE TOTAL AMOUNT OF \$100,000 AND AUTHORIZING EXPENDITURE OF FUNDS PREVIOUSLY APPROPRIATED FOR THE PORT COMMUNITY INVESTMENT FUND

was adopted (5-0), with Directors Thomas and Wondolowski concurring with the majority vote on the phone. The resolution in its full text is incorporated into the Resolution Journal of the Port Authority.

**MARITIME COMMITTEE**

***Agenda Item 4(C)(2)(a) – Cleveland Harbor Eastern Embayment Resilience Strategy (CHEERS) Approval of Award of Contract for Design and Permitting***

Ms. Sternheimer addressed the Board and welcomed guests and invited them to address the Board if they'd like. Ms. Joyce Huang, City Planning Director for the City of Cleveland stated she and her team have been extremely engaged in the CHEERS development process. She believes the Port engaged in a robust RFQ process and they support the selection of Arup and support moving forward with the process. Ms. SeMia Bray, Co-Director at Black Environmental Leaders, addressed the Board. She stated that CHEERS represents an opportunity to transform an area of Cleveland that was created out of segregation. CHEERS will be a collaborative effort to finally transform the area to one of community, where residents can enjoy the amenities of the lakefront.

Ms. Sternheimer then introduced Mr. Vincent Le, Associate Principal at Arup. They each addressed the Board and referred to a presentation attached hereto as "**Exhibit A**". Director McNair stated that he appreciated the presentation. Reflecting back to the September Board Meeting, he stated that he didn't feel there was adequate representation from the groups coming forward, and there was a lack of clarity with respect to how partners would each be participating. The Port Authority takes inclusion very seriously, and we must lead by example. Director McNair stated he was impressed with today's presentation and the attention to detail. Director McNair asked that Staff take note of what the Board expects when projects like this are presented in the future. Chairman Holmes thanked Director McNair for being deliberate and intentional in keeping focus on the issues of inclusion. He also thanked Mr. Le for his impressive presentation and noted that he and Arup should be very proud of their intentional work with to respect diversity and inclusion. Director Copeland noted she was impressed by today's presentation. It was a meaningful and impactful way to present.

On motion by Director McNair, seconded by Director Zone Fisher, and unanimously approved by roll call vote,

RESOLUTION NO. 2022-29

A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF AN AGREEMENT WITH ARUP US, INC. FOR THE PURPOSE OF UNDERTAKING ENGINEERING SERVICES FOR THE CLEVELAND HARBOR EASTERN EMBAYMENT RESILIENCE STRATEGY PROJECT IN AN AMOUNT NOT TO EXCEED \$3,734,833 AND AUTHORIZING EXPENDITURE OF FUNDS FROM CERTAIN GRANT FUNDS TO BE RECEIVED.

was adopted (6-0), with Directors Thomas and Wondolowski concurring with the majority vote on the phone. The resolution in its full text is incorporated into the Resolution Journal of the Port Authority.

**MARITIME COMMITTEE**

***Agenda Item 4(C)(2)(b) – Change Order for the Agreement with the Osborn Engineering Company for the purpose of undertaking engineering services for the Irishtown Bend Rehabilitation and Stabilization Project***

Ms. Linda Sternheimer addressed the Board and referred to a presentation attached hereto as “**Exhibit A**” (slides 8-10).

On motion by Director Jackson, seconded by Director Zone Fisher, and unanimously carried by roll call vote,

RESOLUTION NO. 2022-30

A RESOLUTION AUTHORIZING AND APPROVING A MODIFICATION OF AN EXISTING ENGINEERING SERVICES CONTRACT WITH THE OSBORN ENGINEERING COMPANY FOR THE PURPOSE OF UNDERTAKING AN EXPANDED SCOPE OF ENGINEERING SERVICES AS A CHANGE ORDER IN AN AMOUNT NOT TO EXCEED \$350,000.00 ASSOCIATED WITH THE CUYAHOGA RIVER FRANKLIN HILL STABILIZATION PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS FROM CERTAIN GRANT FUNDS TO BE RECEIVED AS AUTHORIZED BY  
RESOLUTION NO. 2019-13

was adopted (6-0), with Directors Thomas and Wondolowski concurring with the majority vote on the phone. The resolution in its full text is incorporated into the Resolution Journal of the Port Authority.

**MARITIME COMMITTEE**

***Agenda Item 4(C)(2)(c) – Port of Cleveland Sediment Processing & Management Facility Operating Agreement with Kurtz Brothers, Inc.***

Mr. Nick LaPointe addressed the Board and referred to a presentation attached hereto as “**Exhibit B**”. Chairman Holmes stated he was pleased with the diverse group of workers he saw during the site visit. He congratulated Mr. Ziss and Kurtz Bros Inc. for being inclusive. Mr. Jason Ziss, Kurtz Bros. Inc. addressed the Board and stated the Port of Cleveland has paved the way for innovative sediment management. Cleveland is setting the standard for how sediment can be reintegrated into the community. Mr. Friedman stated that without this operation there could be no dredging, and without dredging there is no maritime industry. It is very important work.

On motion by Director Copeland, seconded by Director McNair, and unanimously carried by roll call vote,

RESOLUTION NO. 2022-31

A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF AN OPERATING AGREEMENT WITH KURTZ BROTHERS, INC. FOR THE PURPOSE OF OPERATING THE CLEVELAND-CUYAHOGA COUNTY PORT AUTHORITY'S SEDIMENT PROCESSING & MANAGEMENT FACILITY'S BENEFICIAL USE & CAPACITY REGENERATION OPERATION ON THE SURFACE OF CDF'S 9 & 12

was adopted (6-0), with Directors Thomas and Wondolowski concurring with the majority vote on the phone. The resolution in its full text is incorporated into the Resolution Journal of the Port Authority.

**MARITIME COMMITTEE**

*Agenda Item 4(C)(2)(d) – Greater Cleveland Regional Transit Authority License Agreement at Cleveland-Cuyahoga County Port Authority General Cargo Terminal*

Mr. Gutheil addressed the Board and referred to a presentation attached hereto as “**Exhibit C**”. Chairman Holmes asked who's responsible for the equipment while it's being stored at the port. Mr. Gutheil replied that RTA is self insured.

On motion by Director McNair, seconded by Director Jackson, and unanimously carried by roll call vote,

RESOLUTION NO. 2022-32

A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A LICENSE AGREEMENT FOR THE USE OF DOCK 22 SOUTH WITH THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

was adopted (6-0), with Directors Thomas and Wondolowski concurring with the majority vote on the phone. The resolution in its full text is incorporated into the Resolution Journal of the Port Authority.

**PUBLIC COMMENT PERIOD – Non-Agenda Items**

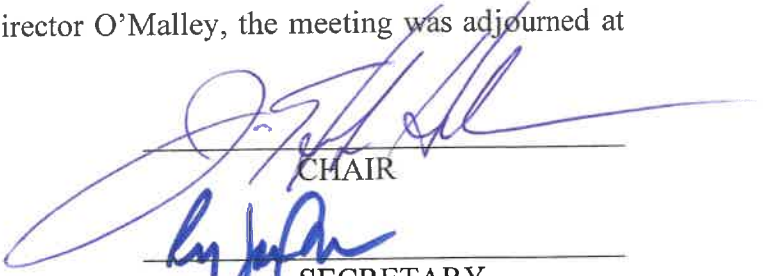
No public comment regarding non-agenda items.

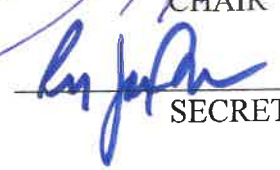
**EXECUTIVE SESSION**

Chairman Holmes stated the Board would be entering Executive Session for the purposes of: (1) to consider the purchase of property for a public purpose pursuant to R.C. 121.22(G)(2); and (2) to confer with the Port Authority's attorneys to discuss pending court action pursuant to R.C. 121.22(G)(3). On motion by Director Zone Fisher, seconded by Director Jackson, and unanimously carried by roll call vote, the Board entered into Executive Session at 10:32 a.m.

The Board exited Executive Session at 11:11 a.m. and reconvened the meeting.

On motion by Director Jackson, seconded by Director O'Malley, the meeting was adjourned at 11:12 a.m.

  
\_\_\_\_\_  
CHAIR

  
\_\_\_\_\_  
SECRETARY



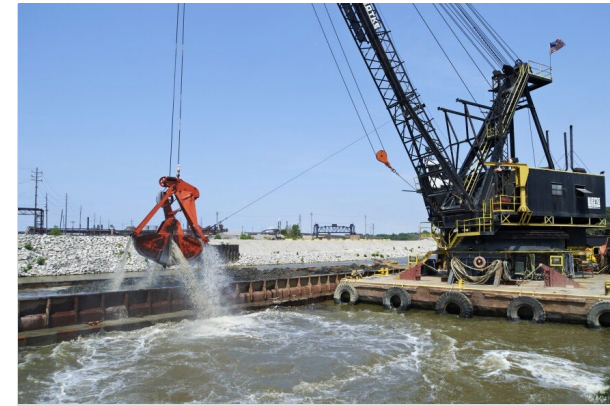
# Maritime

*October 13, 2022*

# CHEERS // *History & Purpose*

## History

- Port initiated this project and engaged partners in 2019; primarily as a next phase or dredge material management for Cleveland Harbor
- CHEERS is projected to provide dredge placement capacity for an additional 15-20 years ensuring unimpeded navigation





# CHEERS // *History & Purpose*

## Primary Goals

Dredge Material  
Placement



Connect Neighborhoods  
to Lake



Shoreline Protection &  
Resiliency



Eastside Park and  
Public Space



# CHEERS// *Partnership*

- Port and Cleveland Metroparks Entered Into a Project Development Agreement
  - Port Manage In-Water Foundation Phase
  - CMP Manage Surface Development
- Working in Partnership with City of Cleveland, ODNR, ODOT & Black Environmental Leaders through a letter of intent



City of Cleveland



Ohio Department of Natural Resources



Ohio Department of Transportation



The Port of Cleveland



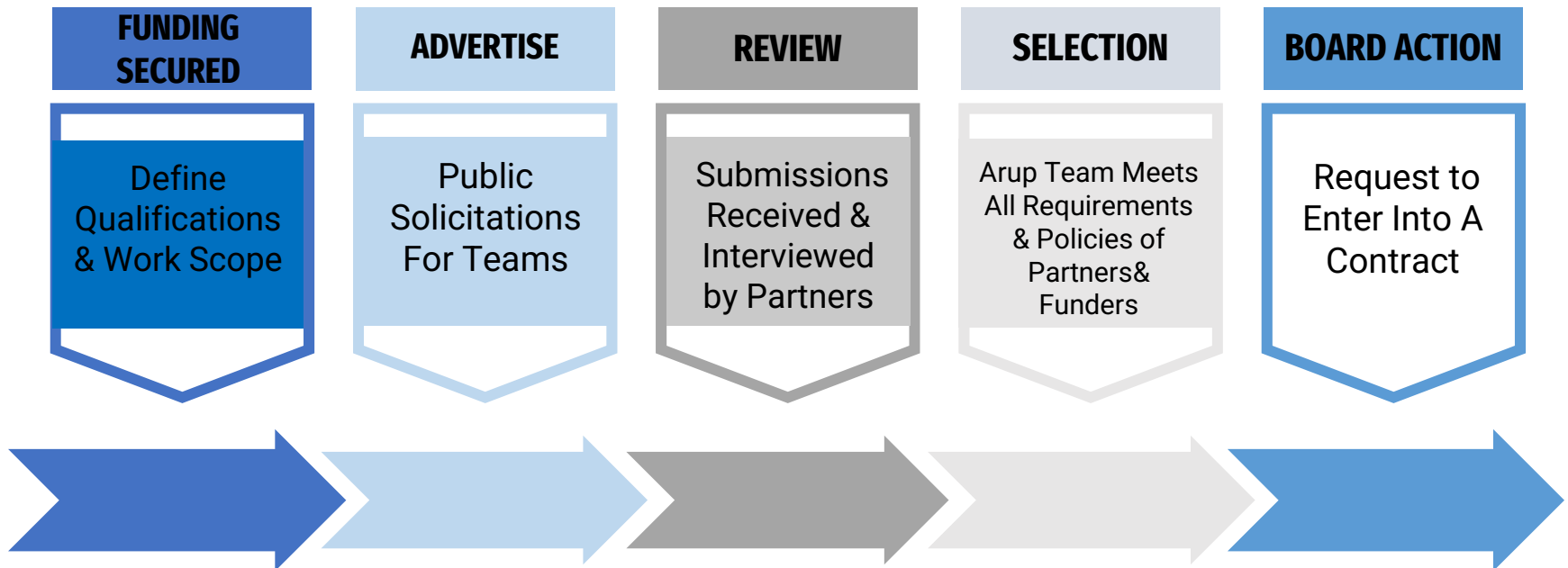
Cleveland Metroparks



Black Environmental Leaders Association

PORT CASH CONTRIBUTION	OMAP GRANT ( TO PORT)	NFWF GRANT (TO METROPARKS)	TOTAL LOCAL PARTNER CASH CONTRIBUTION	DESIGN ENGINEERING SERVICES CONTRACT
\$ 150,000	\$1,970,000	\$985,000	\$780,000	\$ \$3,734,833

## SELECTION PROCESS



# CHEERS// *Engineering Services*

- Unique site, necessity for a modern CDF design with the end use being top of mind to meet the needs of the community
- Team couples local Great Lakes expertise with international engineering firm that has designed world class in water structures
- SOW: Complete 90% design & shovel ready for the in-water containment structures
- Permitting
- Comprehensive phasing, implementation and funding strategy

**ARUP**

**DAVEY**   
**Resource Group**

  
**GPD GROUP**

WRT

**ASC**  
GROUP, INC.



**KS**  
KS ASSOCIATES

**TTL**  
associates inc  
Environmental, Geotechnical  
Engineering & Testing

**OSBORN**  
ENGINEERING

## CHEERS// *Recommendation*

*Board of Directors is being requested to approve Resolution 2022-29 authorizing the execution of an agreement with Arup for the purpose of undertaking the scope of work for design engineering and permitting services for CHEERS to in and amount not to exceed \$3,734,833.*

# IRISHTOWN BEND// *Change Order*

- Change order is for the design task to evaluate and recommend hillside stability repairs assuming no access to the Royal Castle Property including the design of a midslope wall
- Geotechnical assessment to determine the exerted forces on the wall, revisions to the bulkhead and adjustments to the civil grading and drainage improvements and other repairs as required.
- Additional fee is \$350,000
- Schedule 3-4 months
- Design funds will come from state capital funds in partnership with the Ohio Department of Natural Resources
- Money to construct is not yet secured

## IRISHTOWN BEND// *Recommendation*

*Board of Directors is being requested to authorize and approve Resolution 2022-30 a modification of an existing contract with Osborn Engineering as a change order in an amount not to exceed \$350,000 and authorizing the expenditure of funds from certain grant funds to be received and authorized by Resolution 2019-13.*

**PORT**  
**CLEVELAND**





# Board of Directors

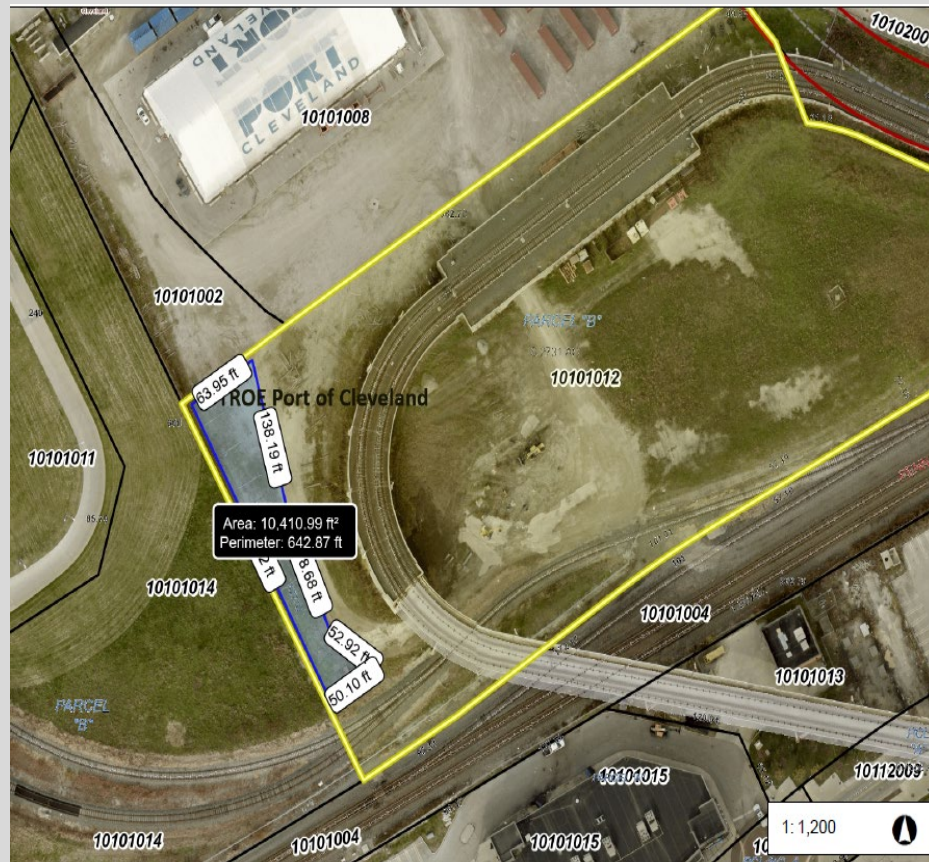
## Maritime

*October 13, 2022*

# GCRTA License Agreement

- GCRTA Waterfront Line requires repair and rehabilitation
- Waterfront Line bisects Dock 22 south on Port property
- Bridge is 645' long and moves over Front Ave., NS railway, and Port rail tracks
- Details of work include:
  - Bridge work – repair and strengthening including those over Port rail tracks
  - Wall rehab – both north and south facing walls on Dock 22 south
  - Rail replacement – on approaches to wall and across wall structure
- Work requires access to Port property on Dock 22 south
  - Includes storage of equipment & space required for work
- Port operations will continue unencumbered
- Some cargo may be temporarily relocated
- Rail cargo will move uninterrupted
- GCRTA will be Port License fee of \$3,500.00/month for duration of project
- Project will commence November 1, 2022, and conclude by October 1, 2023

# GCRTA License Agreement



SEPARATION OF BOTTOM FLANGE



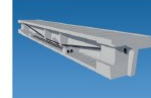
WEB CRACKING



LOCATION OF SEPARATION OF CONCRETE SEGMENTS AND SHEAR CRACKING



## STRENGTHEN SPANS



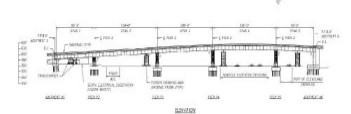
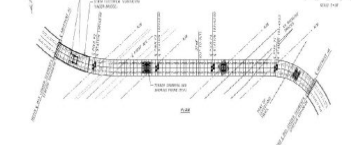
New External Tendons with New PT Bars



New External Tendons in Provisional Anchors



Supplemental PT Bars in New Anchorages



## WATERFRONT LINE BRIDGE REHABILITATION

Greater Cleveland Regional Transit Authority



# GCRTA License Agreement

## Recommendation

*The Board of Directors is being requested to approve Resolution No. 2022-32 authorizing and approving the execution of a Construction Site Access and Staging Area License Agreement between the Cleveland-Cuyahoga County Port Authority and Greater Cleveland Regional Transit Authority for access to CCCPA property and the storage of equipment for the Waterfront Line Bridge, Rail, and Wall Repair and Rehabilitation Project.*

# 2022 YTD Maritime Update – through September

## *TONNAGE REVIEW (METRIC TONS)*

- GC Tonnage
  - 48% increase vs. 2021 levels
- CBT
  - Tonnage down due to idle furnace at steel mill
  - Back on line early August
- Containers (TEU)
  - Imports up 300% vs. 2021
  - Exports up more than 10X 2021 levels
  - Could reach 10,000 TEU's by year end





# 2022 YTD Maritime Update – through September

- Containers
  - Demand strong/exports growing
  - Trans-Pacific rates close to pre-COVID levels
  - Trans-Atlantic rates still high
  - Spliethoff staff changes
- Steel
  - FTZ space will be utilized 4<sup>th</sup> qtr. for duty deferral purposes
  - Market softening
- Cleveland Bulk Terminal
  - Idle furnace affected ore tonnage
  - Strong year-end volumes



# 2022 YTD Maritime Update – through September

- Cruise Vessels
  - 38 calls in 2022
  - Last call Friday 10/14
  - Avg 130/passengers
  - Viking in 2023
  - Clearance process more efficient
- Year-end outlook
  - Dock 24 west open week of 10/24
  - Strong volumes
  - Bulk liquid delayed to spring 2023 due issues at cargo owner facility





A blue-tinted photograph of a port scene. In the foreground, a large cargo ship is docked, with the name "FORTUNAGRACHT" visible on its side. The ship is loaded with numerous shipping containers. In the background, a city skyline is visible, featuring several tall buildings, including a prominent skyscraper on the left and a building with a distinctive spire on the right. The overall scene is industrial and urban.

# PORT CLEVELAND





# **Board of Directors**

## **Sediment Processing & Management Facility**

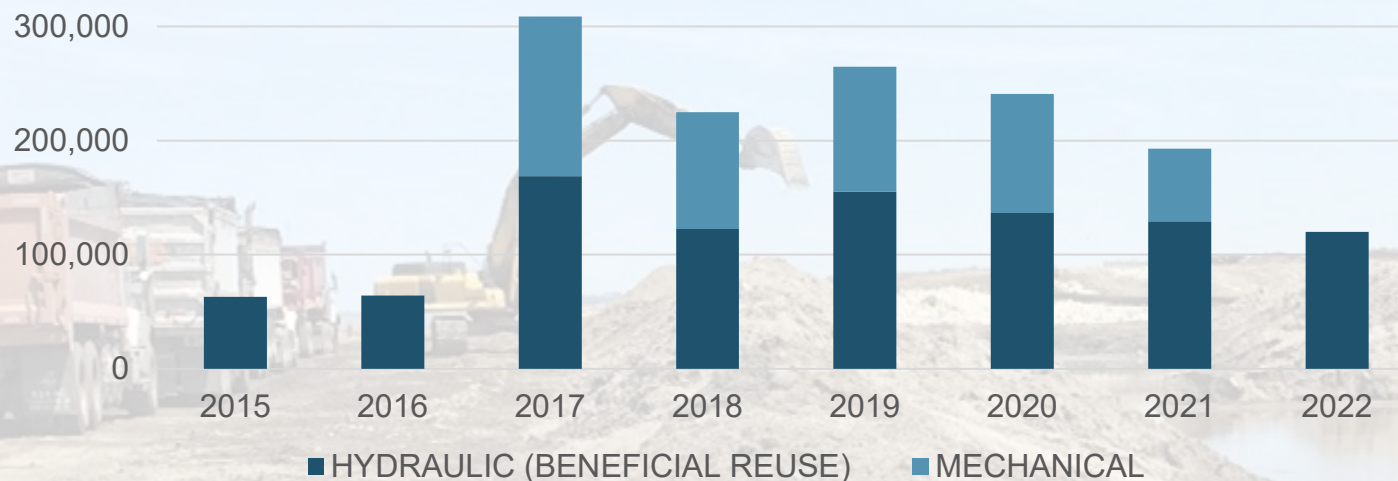
*October 13, 2022*

# Port of Cleveland Sediment Processing & Management Facility: Need & Role

- 250,000+ Cubic Yards (CY) Material Dredged Annually
- Navigation Channel Must be Dredged 2X Per Year to Sustain Maritime Commerce
- Port Authority Beneficially Harvests 40%-60% of Dredge Sediment Received & Permanently Landfills Balance at Sediment Processing & Management Facility
- Upland Placement into Port Authority's Facility is the Only Short & Medium Term Viable Alternative to Manage Dredge Sediment in Cleveland Harbor
- Key Beneficial Use Benefits:
  - Reduced Consumption Rate Limited Remaining CDF Capacity
  - Semiannually Regenerates Capacity
- Dredge Material Management is Critical to our Regional Economy & is a Key Component of Port Authority's Strategic Plan

# Port of Cleveland Sediment Processing & Management Facility: History & Performance

## SPMF PERFORMANCE



- Sediment Processing & Management Facility Scaled Operation Began In 2015 & Scaled Up In 2017
- Kurtz Bros. Inc. has Served As Beneficial Use Site Operator Since Inception
- Since 2015 Received 1.44M CY Dredge Sediment of which 922K Beneficially Harvested & Removed Facility



# Port of Cleveland Sediment Processing & Management Facility: Site Operation Agreement

- Kurtz Bros., Inc. (KBI) comes to the end of their 5 year Operating Agreement in December 2022.
- In accordance w/ Ohio Revised Code Port Authority publicly advertised for Statement of Qualifications from qualified site operators
- Port Authority received a single submission from Kurtz Brothers, Inc. (KBI)
- KBI submission was internally reviewed, scored, and found to be fully responsive to the Port Authority's SOQ request
- Port Authority subsequently entered contract and fee negotiations w/ Kurtz Brothers for new 5 year Operating Agreement

# Port of Cleveland Sediment Processing & Management Facility: Site Operation Agreement

CURRENT AGREEMENT 2022 SITE OPERATING FEE	2023-2027 CONTRACTED FEE ADJUSTMENTS				2023-2027 SITE OPERATION CONTRACT FEE
	SPMF OPERATIONAL EXPENSE INCREASES	MBE/FBE GOAL ATTAINMENT	ADDITIONAL SITE & RIGHT OF WAY MAINTENANCE REQUIREMENTS	OFFSITE FACILITY OPERATIONAL EXPENSE INCREASES, OVERHEAD, & PROFIT	
<b>\$10.25/CY</b>	<b>\$1.75/CY</b>	<b>\$0.45/CY</b>	<b>\$1.25/CY</b>	<b>\$0.80/CY</b>	<b>\$14.50/CY</b>

Kurtz to be Compensated @ \$14.50/CY for excavation and removal from site of hydraulically delivered dredge sediment. Revenue to pay Kurtz is generated from placement/tipping fees collected at time of delivery from dredging contractors.

# Port of Cleveland Sediment Processing & Management Facility: Site Operation Agreement

- Site Operation Agreement Other Key Details:
  - 5 Year Site Operations Agreement Term
  - Increased expectations & commitments by KBI to invest in new equipment & added personnel to better maintain Facility's roadway network, reduce fugitive dust generation, and reduce material track out onto public right of way
  - Kurtz responsible for obtaining beneficial use permits from OEPA and required to perform all required soil testing.
  - Annual Commitment to Port Authority Living Wage Policy & 30%+ MBE & FBE Subcontracting Goal
  - Continued commitment to beneficially harvest & remove up to 160,000 CY/year & semiannually prep facility for hydraulic receipt inbound placement of dredge sediment
  - Transparency measures preserved in Agreement to track material being sold directly from the Facility and those materials moving into Kurtz Brothers other lines of business



**Kurtz Bros., Inc.**  
*We make the good earth better!™*

# GCRTA License Agreement

## Recommendation

*The Board of Directors is being requested to approve Resolution No. 2022-31 authorizing and approving the execution of an Operating Agreement with Kurtz Brothers, Inc. for the purpose of operating the Cleveland-Cuyahoga County Port Authority's Sediment Processing & Management Facility's beneficial use and capacity regeneration operation on the surface of CDF's 9 & 12.*