

MINUTES OF THIRTY SIXTH MEETING  
FEBRUARY 27, 1952

Pursuant to call of the Chairman the Ohio Turnpike Commission met in special open session in Hearing Room No. 2, State Office Building, Columbus, Ohio, at 10:30 a.m. on February 27, 1952, with its Attorney, Bond Counsel, representatives of the Consulting Engineers, of the Financial Advisor, of the press, the Governor of Ohio, and others also in attendance.

The meeting was called to order by the Chairman and the roll was called and the attendance was reported to be as follows:

Present: Seasongood, Teagarden, Shocknessy, McKay, Kauer  
Absent: None

Whereupon the Chairman announced that a quorum was present.

Governor Lausche reported to the Commission with respect to the availability of steel for Ohio Turnpike Project No. 1. He said that it was his opinion that it would be unthinkable to use steel manufactured in foreign countries to build a highway that lies in the heart of the steel industry of the United States and the world and that the decision must be weighed whether to suffer a delay and use domestic steel or to proceed immediately and use foreign steel. It was his judgment that, if necessary, delay must be suffered in order to await the availability of steel manufactured in the United States. The Governor stated that he had contacted every one of the principal steel manufacturers in the United States and had asked them for their understanding about the steel situation. From the letters which he had received it was definitely established that there was and is a critical shortage of steel. The Governor reported the numerous contacts which he had made with Mr. Charles Sawyer, Secretary of Commerce, and with Messrs. Wilson, Fleischmann, Macdonald and Clark of the Defense Production Administration and the Bureau of Public Roads. He stated that he was convinced after his most recent conference in Washington on February 25, 1952 that the responsible authorities in Washington were looking optimistically and with certainty to the availability of steel in the first quarter of 1953 and with some degree of certainty to steel in the last quarter of 1952. The Governor stated that it was his hope that a plan will be devised within a week whereby a request will be made upon the Administrator of the Defense Production Administration that the Ohio Turnpike project be authorized and urged to go forward with a probability that steel would be available for the last quarter of 1952. He thought, therefore, that there had been an upward turn in the prospects for steel and he anticipated that within a few days there would be a posi-

tive statement from Washington on the subject.

The Chairman advised Governor Lausche that the Commission had been proceeding purposefully generally in pursuance of the same objectives which he had mentioned and that the Commission also considered it inappropriate to seek steel from foreign sources. The Chairman expressed the gratitude of the Commission to the Governor of Ohio for having given his strong support in its quest for steel.

Mr. McKay reported for the committee to seek an appraisal advisor that the committee consisting of himself, Mr. Teagarden and Mr. Dunbar had held one conference; that a suggested functional flow chart had been prepared and that a report as to qualified personnel willing to accept the responsibility for this work would probably be ready for the first meeting subsequent to March 4, 1952. There being no objection the interim report of the committee was received.

Mr. McKay reported for the committee on the Traffic and Revenue Report that the committee consisting of himself, Mr. Kauer and Mr. Donnelly, held a public hearing in the offices of the Greiner Company at 33 North High Street in Columbus at 1:00 p.m., February 25, 1952 at which Mr. Stinchcomb and Mr. Groth of the Cleveland Metropolitan Park Board were heard and at which they presented maps and discussion of engineering and other data relating to the crossing of the turnpike at U. S. Route 42 in Cuyahoga County and their recommendation of an alternate route approximately 17 miles long and approximately 3 miles south of the present location for Turnpike Project No. 1. Mr. McKay stated that representatives of the Strongsville Chamber of Commerce had appeared and had presented arguments against the relocation recommended by the Cleveland Metropolitan Park Board and that at the close of the hearing he had requested Mr. Stinchcomb to file maps and profiles and written statements covering the present turnpike location and the recommended alternate and that Mr. Stinchcomb had agreed to forward such statements to the committee on or about March 4, 1952.

Mr. McKay reported that he had requested of Bond Counsel and of the Commission's Attorney opinions as to whether the route relocation as recommended by representatives of the Cleveland Metropolitan Park Board constituted a substantial change in the center line location of Ohio Turnpike Project No. 1 as approved by resolution of the Commission on September 4, 1951 and subsequently approved by the Governor of Ohio. Mr. McKay advised the Commission that the committee would complete its studies and report to the Commission subsequent to March 4, 1952. There being no objection the interim report of the committee was received and filed.

The Chairman stated that he was dismayed about the objection raised by the Cleveland Metropolitan Park Board at this time. He reviewed the events leading up to the adoption of Ohio Turnpike Project No. 1 including the consideration of a one-mile band in August of 1950, the conferences with the Mayor of Cleveland and the Cleveland Planning Commission, and the period of consideration of the location by the Commission between July 5, 1951 and September 4, 1951. He pointed out that the objection by the Cleveland Metropolitan Park Board goes 2-1/2 miles beyond the initial one-mile band but that the Park Board had never appeared before the Commission in opposition thereto. He stated his concern because a delay of several months would be entailed if a major adjustment of the location were to be made.

Mr. Murphy reported for the Financial Advisor that his group is proceeding as rapidly as possible in the preparation of a trust indenture and that conferences in the matter have been almost continuous. He suggested that it would be advisable for the Chairman to appoint a committee to meet and confer with the Financial Advisor. Mr. Crawford agreed that such action was desirable and thought that a number of conferences would be needed. The Chairman appointed himself and Mr. Crawford as a committee to work with the Financial Advisor and Bond Counsel to the Financial Advisor in the preparation of the indenture.

A motion was made by Mr. Seasongood, seconded by Mr. McKay, that the report of the committee on organization of the Commission's legal staff received by the Commission on February 20, 1952 be adopted subject to reservations stated by Mr. Seasongood and transmitted to the members of the Commission by letter of the Secretary-Treasurer under date of February 21, 1952. A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes, Seasongood  
Nays, Teagarden, McKay, Kauer, Shocknessy

The Chairman declared the motion to have failed.

A motion was made by Mr. McKay, seconded by Mr. Teagarden, that the following resolution be adopted:

"RESOLVED that the "Plan of Organization and Administration of Legal Staff" of the Commission submitted to the Commission at its meeting of February 20, 1952 by the committee consisting of Messrs. Seasongood, Crawford, and Dunbar, is hereby adopted."

A vote by ayes and nays was taken and all members present responded to roll call and voted aye except Mr. Seasongood who voted nay. The vote was as follows:

Ayes, Teagarden, Shocknessy, McKay, Kauer  
Nays, Seasongood

The Chairman declared the motion adopted.

The Chairman appointed a committee consisting of Mr. Kauer as Chairman and Mr. McKay and Mr. Seasongood to review the minutes for the meetings of January 2, January 9, January 25, February 5, and February 20.

The Secretary-Treasurer reported that bids for title services were received and opened at 10:00 a.m. on Saturday, February 23, 1952 following official advertising for such bids in the Ohio State Journal on two consecutive weeks. He reported that two bids had been received, one from the Louisville Title Insurance Company of Cleveland and one from The Land Title Guarantee & Trust Company of Cleveland. The Secretary-Treasurer submitted a tabulation of the two bids to the Commission.

A motion was made by Mr. McKay, seconded by Mr. Kauer, that the bids and the tabulations thereof received on February 23, 1952 be received by the Commission and filed. A vote by ayes and nays was taken and all members present responded to roll call and voted aye. The vote was as follows:

Ayes, Teagarden, Seasongood, McKay, Shocknessy, Kauer  
Nays, None

The Chairman declared the motion adopted.

The Chairman then referred to a letter from Mr. Charles H. Tobias of Steer, Strauss and Adair, a law firm in Cincinnati, which letter was delivered to the Secretary-Treasurer at the same time that the bids for title work were to be opened, and stated that a copy of the letter had been furnished to each member of the Commission. He then entertained remarks from Mr. Robert G. Adair of the same firm who was present at the meeting.

Mr. Adair referred to the objections which his firm has to the consideration and possible award of a contract for title work to either of the bids which were made in response to the notice to bidders by the Commission. Mr. Adair believed that competent attorneys could perform the same work at considerably less expense to the Commission

and questioned whether the Commission has a right to enter into contracts for the title work. He observed that the Commission had precluded the consideration of professional services for the title work. Discussion of Mr. Adair's objections was participated in by all members of the Commission. The Chairman expressed the appreciation of the Commission to Mr. Adair for his remarks.

A motion was made by Mr. McKay, seconded by Mr. Teagarden, that the following resolution be adopted:

"WHEREAS the Commission by resolution No. 9 - 1951 adopted September 4, 1951 employed Frank C. Dunbar, Jr. as Attorney under the terms and conditions of said resolution, which employment was duly accepted; and

WHEREAS said Frank C. Dunbar, Jr. continuously since his acceptance of employment has acted as Attorney and has performed and discharged the duties required of him by the Commission and the said resolution; and

WHEREAS the Commission has adopted a "Plan of Organization and Administration of Legal Staff" which provides that the head of the legal staff shall be denominated "General Counsel", shall be employed by the Commission, and shall serve at the Commission's and his mutual pleasure; and

WHEREAS the Commission desires to designate an Attorney as General Counsel;

NOW, THEREFORE, BE IT RESOLVED by the Ohio Turnpike Commission that said Frank C. Dunbar, Jr. of Columbus, Ohio, be continued in the employ of the Commission as Attorney and that he shall be the head of the legal staff as provided in said "Plan of Organization and Administration of Legal Staff" and pursuant thereto shall be and is hereby designated as General Counsel of the Ohio Turnpike Commission;

BE IT FURTHER RESOLVED that such continued employment of said Frank C. Dunbar, Jr. shall be under and pursuant to the terms and provisions of said Plan of Organization and Administration of Legal Staff and of Said Resolution No. 9 - 1951, and shall continue at the Commission's and his mutual pleasure."

Mr. Seasongood objected to consideration of the resolution and raised the point of order that the matter of designation of the General Counsel was not before the meeting. The Chairman overruled the point of order and Mr. Seasongood appealed the ruling. A vote by ayes and nays was

taken on the question; "Should the rule of the chair be sustained?" All members of the Commission responded to roll call. The vote was as follows:

Ayes, Teagarden, McKay, Kauer, Shocknessy  
Nays, Seasongood

The rule of the chair was sustained.

Mr. Seasongood thereupon addressed himself to the reasons for his objection to Mr. Dunbar as General Counsel to the Commission. Mr. McKay and Mr. Teagarden spoke in support of the resolution. A vote by ayes and nays was taken and all members present responded to roll call and voted aye except Mr. Seasongood who voted nay. The vote was as follows:

Ayes, Teagarden, McKay, Kauer, Shocknessy  
Nays, Seasongood

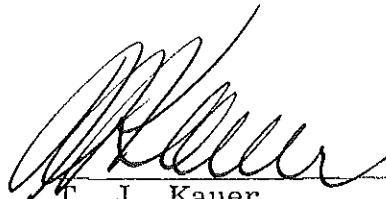
The Chairman declared the motion adopted and requested that Mr. Dunbar approve as General Counsel the Plan of Organization and Administration of Legal Staff which had previously been adopted.

There being no further business to come before the meeting a motion was made by Mr. Kauer, seconded by Mr. McKay, that the meeting adjourn subject to call of the Chairman. A vote by ayes and nays was taken and all members present responded to roll call and voted aye. The vote was as follows:

Ayes, Seasongood, Teagarden, McKay, Kauer, Shocknessy  
Nays, None

The Chairman declared the meeting adjourned. The time of adjournment was 4:00 o'clock p. m.

Approved as a correct transcript of the proceedings of the Ohio Turnpike Commission.

  
T. J. Kauer  
Secretary-Treasurer

*Mar. 20, 1952*