

MINUTES OF THE THREE HUNDRED AND FIFTEENTH MEETING

December 19, 1978

Pursuant to bylaws the Ohio Turnpike Commission met in regular session in the office of the Executive Director in the Administration Building at 682 Prospect Street in Berea, Ohio at 11:00 a.m. on December 19, 1978 with key members of the staff; representatives, James T. Sawyer and William R. Fleischman, of the Consulting Engineers, J. E. Greiner Company-Ohio; a representative, P. Joseph Sesler, of the Trustee, The Ohio National Bank; John W. Clark, Special Assistant to the Director of Transportation; William C. Hartman, of Squire, Sanders & Dempsey, the Commission's labor counsel, a member of the press and others in attendance.

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

Present: Ralph H. Anderson, Clarence D. Rogers, Jr., Jo Ann Davidson, David L. Weir

Absent: None

The Vice Chairman reported that since the meeting would be followed by a Christman luncheon being held later in the Conference Room, he hoped to keep the meeting as brief as possible so those in attendance might join the Commission employees at the luncheon. He said that unfortunately, former Commission Chairman O. L. Teagarden, who he hoped would be able to attend the meeting, was not strong enough to travel. He said Mr. Teagarden had sent his regards and the Commission Members would call him after the meeting to express their best wishes to him.

The Vice Chairman reported also that in the absence of an elected Chairman of the Commission and as provided in the bylaws, he, as Vice Chairman, had been serving as Chairman and would also preside over the day's meeting.

A motion was made by Mrs. Davidson, seconded by Mr. Weir, that the minutes of the meeting of October 11, 1978, which had been examined by the Members and on which the corrections suggested by the Members had been made, be approved without reading.

A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mrs. Davidson, Mr. Weir, Mr. Anderson, Mr. Rogers

Nays: None

The Vice Chairman declared the minutes approved with all Members voting in the affirmative.

The Vice Chairman reported also that as was customary in the Chairman's report, he would give a brief summary of the Commission's financial experience since the last Commission meeting so that information would appear in the minutes of the meeting. He said that combined revenue for the months of October and November was \$8,911,278, which was about 7% more than posted in the two-month period last year.

The Vice Chairman reported also that the Trustee, The Ohio National Bank, conducted the first call ever required for the purchase and retirement of Turnpike bonds. He said the face amount of bonds called on December 1 was \$5,447,000. He said that not all the bonds called had been turned in for payment, but those bonds were not entitled to any more accrued interest and, other than payment at the call price, the holders did not have any further rights under the Trust Agreement and the bonds had ceased to be an obligation of the Commission.

The Vice Chairman reported further that after the call, the Trustee returned to the open market and purchased and retired an estimated \$4 million face amount of bonds on December 7. He said that amount was estimated because some of the bonds tendered were among those called but not yet returned. He said the Trustee was still checking the serial numbers to confirm the exact amount of the open market bond purchase.

The Vice Chairman reported further that the bond purchases during the year totalled \$19,037,000 and lowered the Turnpike debt to under \$38 million from the original \$326,000,000. He said that although more than a million dollars remained in the Bond Redemption Account, bond purchases had been suspended for the remainder of 1978 to allow the Commission to close and balance its accounts for the year. He said the available moneys would be used to purchase bonds as soon as possible in 1979.

The Vice Chairman said he wanted to recognize several persons attending the meeting. He said they were James Sawyer, partner, J. E. Greiner Co. - Ohio, the Commission's Consulting Engineers and William C. Hartman of Squire, Sanders & Dempsey, the Commission's fiscal and labor counsel.

The Vice Chairman said that there were four resolutions to be considered by the Commission at the day's meeting. He said drafts of the resolutions had been furnished previously to the Members and they would be explained and presented during the course of the various reports.

The Vice Chairman said the first resolution called for the adoption of the Annual Budget for 1979. He said the resolution would be explained and offered by the chairman of the Committee on Budget and Finance, Mr. Anderson.

Mr. Anderson reported that a detailed analysis had been made of expenses so far in 1978 compared to the annual budget for 1978 adopted by the Commission last December and the analysis had revealed that expenses were well within the amounts budgeted in the required three classifications and it was not necessary, therefore, to amend or supplement the current 1978 budget.

Mr. Anderson reported further that at the October 11, 1978 meeting, the Commission adopted a preliminary budget for 1979 as required by the Trust Agreement and the preliminary budget had been filed with the Trustee and mailed to the Consulting Engineers and principal underwriters. He said the Trust Agreement provided that bondholders might request a hearing to modify the preliminary budget. He said no such request for a hearing had been received and it is appropriate, therefore, to adopt the preliminary budget for 1979 as the final budget for 1979.

Mr. Anderson reported further that a resolution had been prepared to accomplish this purpose.

A resolution adopting the annual budget for the fiscal year 1979 was moved for adoption by Mr. Anderson, seconded by Mrs. Davidson, as follows:

RESOLUTION No. 12-1978

"WHEREAS the Commission, by resolution No. 11-1978, adopted a preliminary budget for the fiscal year 1979, and caused copies thereof to be filed with the trustee and mailed to the consulting engineers and the principal underwriters;

"WHEREAS no request whatsoever for a public hearing thereon has been made to the Commission by any person or persons whomsoever;

"WHEREAS pursuant to §505 of the trust agreement dated June 1, 1952, entered into between the Commission and The Ohio National Bank of Columbus, as trustee, and The National City Bank of New York (now Citibank, N.A.), as co-trustee, the Commission desires finally to adopt a budget of income and current expenses for the fiscal year 1979, to be designated the 'Annual Budget'; and

WHEREAS §505 of the trust agreement provides that the total appropriations in any division of the annual budget will not exceed the total appropriations in the corresponding division of the preliminary budget;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission, having duly and fully considered the same, hereby adopts the following budget:

"Annual Budget of Income and Current Expenses
for the Fiscal Year 1979

Income \$53,000,000

Current Expenses
Administration & Insurance \$ 5,888,369

Operations 18,033,993

Trust Indenture Expense 191,500

Total Current Expenses \$ 24,113,862

"FURTHER RESOLVED that the Commission hereby determines that the total appropriations in any division of the budget aforesaid do not exceed the total appropriations in the corresponding division of the preliminary budget heretofore adopted by resolution No. 11-1978; and

"FURTHER RESOLVED that the assistant secretary-treasurer is hereby instructed to file a copy of said 'Annual Budget' with the trustee and to mail copies thereof to the consulting engineers and to the principal underwriters forthwith."

A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mr. Anderson, Mrs. Davidson, Mr. Weir, Mr. Rogers

Nays: None

The Vice Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 12-1978.

Mr. Anderson reported further that as had been done for the first time in 1977 in compliance with a section of the Ohio Revised Code adopted during that year, copies of the 1979 budget would be submitted to the Members of the General Assembly, to the Office of Budget and Management and to the Legislative Budget Office of the Legislative Service Commission.

The Vice Chairman said the report of the Committee on Budget and Finance was accepted as offered. He said the report of the Secretary-Treasurer would be received.

The Secretary-Treasurer, Mr. Anderson, reported that since the last meeting the following had been sent to all Members:

1. Weekly Traffic Statistics
2. Month End Statement for September 1978
3. Month End Statement for October 1978
4. Month End Statement for November 1978
5. Traffic and Revenue Report - September 1978
6. Traffic and Revenue Report - October 1978
7. Traffic and Revenue Report - November 1978
8. Financial Statements - September 30, 1978
9. Financial Statements - October 31, 1978
10. Financial Statements - November 30, 1978
11. Traffic Accident Analysis Report - September, 1978
12. Traffic Accident Analysis Report - October, 1978
13. Traffic Accident Analysis Report - November, 1978
14. Expense and Budget Report - Third Quarter 1978
15. Litigation Report - Quarter Ending September 30, 1978
16. Draft of Minutes of the October 11, 1978 meeting
17. Details of Investment Transactions which took place in October 1978
18. Details of Investment Transactions which took place in November 1978

The Vice Chairman said the report of the Secretary-Treasurer was accepted as offered. He said the report of the Committee on Service Plazas would be received.

The chairman of the Committee on Service Plazas, Mr. Johnson, reported that, as the Commission Members were aware, a provision included in the Surface Transportation Assistance Act of 1978, which had been adopted by Congress and signed into law by President James E. Carter, allowed for retention of the 16 service plazas on the Turnpike after the last revenue bonds had been retired and the road transferred to the State of Ohio. He said all the Members had received copies of letters which he had written to all the Ohio Congressmen who had assisted in the effort to have the service plazas retained. He said the letters went to Congressman Delbert L. Latta of the 5th District,

who initially introduced the proposal as a separate bill in the U. S. House of Representatives, Congressman William H. Harsha of the 6th District, who had Mr. Latta's bill included as an amendment to the Act, as well as the thirteen other Ohio Congressmen, co-sponsors of the legislation, and also Senator Howard M. Metzenbaum, who sponsored the legislation in the U. S. Senate.

Mr. Johnson reported further that, in the expectation that the legislation regarding the service plazas would be approved and as he indicated at the last Commission meeting, elementary plans had been formulated to expand the restroom facilities at several of the plazas. He said an architectural engineering firm, Dalton, Dalton, Little and Newport, had been retained to prepare formal plans and specifications to enlarge four of the remaining eight restrooms, which had not been previously expanded, and to modify three of the already expanded restrooms to accommodate handicapped individuals. He said he anticipated that all the work would be completed next spring.

The Vice Chairman said the report of the Committee on Service Plazas was accepted as offered. He said the report of the Committee on Employee Relations would be received.

The Vice Chairman said that, before the report was given, he, as chairman of that Committee, wished to commend all the Committee members for their efforts, particularly Mr. Hartman, labor counsel, and G. Alan Plain, vice chairman of the Committee.

The vice chairman of the Committee on Employee Relations, Mr. Plain, reported that the Committee concluded its discussions with various employee groups on Monday, December 11, at which time the following major recommendations were related to the employee spokesmen and representatives:

1. A general 7% wage increase to all regular full-time employees of the Commission.
2. An additional \$.08 per hour tool allowance for the technicians (i. e., Mechanics, Electricians, Plumbers, and Carpenters, which employees are required to furnish their own tools).
3. Toll Collectors will receive an additional five (5) minutes overtime pay for every exit tour in a calendar quarter in which the collector has no bank deposit errors.
4. Up to three days of personal leave per calendar year with pay. Days taken under this section shall be charged against sick leave.
5. Maintenance personnel shall be issued three pairs of coveralls as part of their winter uniforms.

6. Change the Major Medical Deductible from \$50.00 per illness to \$50.00 per year for an employee with a \$100.00 per year maximum per family.

7. Change the "in hospital" doctor visit limit of \$10.00 per day to the "usual and customary" charge.

8. Change the Outpatient/Diagnostic X-ray and Laboratory fee limits of \$100.00 per year to cover "usual and customary."

Mr. Plain said that, in addition, there were several minor changes in the Employee Manual of an administrative nature.

Mr. Plain reported further that the Committee was advised that the increases and adjustments were within President Carter's suggested guidelines, as the Commission's legal advisors understood the guidelines. He said the Executive Director had accepted the Committee's recommendations and had taken the required steps to implement them.

Mr. Johnson said that, on behalf of the Committee on Budget and Finance, he wished to assure the Commission Members that sufficient funds were available in the 1979 budget, which had just been adopted, to cover the salary and fringe benefit increases outlined by Mr. Plain.

The Vice Chairman said the report of the Committee on Employee Relations was accepted as offered. He said the report of the Director of the Department of Transportation would be received.

The Director of the Ohio Department of Transportation, Mr. Weir, reported that in 1979 O.D.O.T. awarded contracts for construction and maintenance totalling in excess of \$416 million. He said approximately 900 jobs were awarded and the projects included work on Interstate Route 480 and completion of Interstate Route 90.

The Vice Chairman said the report of the Director of Transportation was accepted as offered. He ascertained there would be no report from the Committee on Safety and said the report of the Executive Director would be received.

The Executive Director, Mr. Johnson, reported that his first topic regarded the resolution before the Commission authorizing acceptance of a proposal for consulting engineering services with the J. E. Greiner Co. - Ohio. He said that, as the Commission Members were well aware, J. E. Greiner Co. - Ohio had been the Commission's Consulting Engineers throughout the existence of the Turnpike.

The Executive Director reported further that the role of Consulting Engineers was required as a covenant in the Trust Agreement. He said that

over the years the Commission had entered into agreements with J. E. Greiner Co. - Ohio of varying lengths of time, mostly three-year periods. He said that, although there was some question about whether or not the Commission would be in existence three more years, at least under which the provisions of the Trust Agreement would require the services of an engineering consultant, he had requested the J. E. Greiner Co. - Ohio submit their proposal on a three-year basis even though it was recognized that the termination of said services might be necessary prior to that time.

The Executive Director reported further that included in the resolution was a change in the fee rate, which had been fixed at the same amount during the preceding three-year period, recognizing the pressures of inflation. He said that, by the same token, the Commission was aware of the voluntary guidelines established by President Carter. He said that, although the resolution did not stipulate it, he had been verbally assured by Mr. Sawyer that the increase in fees was in compliance with those guidelines.

He said Mr. Sawyer would confirm his assurances in writing and that information would be included in the agreement which the resolution authorized.

The Executive Director reported further that the Commission's relationship with the J. E. Greiner Co. - Ohio had, over the years been an excellent one. He said he was entirely satisfied with the company's services and he had no hesitation in recommending that the Commission continue with their services.

A resolution authorizing acceptance of a proposal for consulting engineering services was moved for adoption by Mr. Anderson, seconded by Mr. Weir, as follows:

RESOLUTION NO. 13-1978

"WHEREAS the J. E. Greiner Company - Ohio, a partnership comprised of Frank T. Callahan of Tampa, Florida, James E. Sawyer of Baltimore, Maryland, and William R. Fleischman of Berea, Ohio, as partners, is presently performing the duties of consulting engineers in connection with the maintenance and operation of the Ohio Turnpike under an agreement with the Ohio Turnpike Commission which expires by its own terms on December 31, 1978;

"WHEREAS the duties of the J. E. Greiner Company - Ohio under said agreement are those duties required of the consulting engineers in connection with the maintenance and operation of the Ohio Turnpike by the trust agreement dated June 1, 1952 between the Ohio Turnpike Commission and The Ohio National Bank of Columbus, as trustee, and The National City Bank of New York (now Citibank, N. A.), as co-trustee;

"WHEREAS the J. E. Greiner Company - Ohio has submitted to the Commission a proposal for an agreement for the continuation of its services in the aforesaid capacity, together with suggestions as to the possible desirability or need for a separate agreement covering actions different from those provided for in, or outside the scope of, the aforesaid agreement which may be required in the event of the retirement of the Commission's bonded indebtedness;

"WHEREAS the J. E. Greiner Company - Ohio and the Commission desire to enter into a new agreement for the continuation of engineering services related to maintenance and operation of the Ohio Turnpike for a three-year period beginning January 1, 1979 and expiring December 31, 1981, unless sooner terminated by mutual agreement or in accordance with terms to be incorporated therein providing for its termination in the event that the services to be provided are no longer required by the trust agreement due to the retirement of the debt secured by said trust agreement, or unless such agreement shall be terminated by cancellation upon reasonable notice as may also be provided for therein;

"WHEREAS the parties further desire to provide that they may enter into an agreement at a future date for the performance of actions by the J. E. Greiner Company - Ohio relating to the termination of its services in the event of completion, including imminent completion, of retirement of the Commission's bonded indebtedness, and that the aforesaid agreement for the maintenance and operation shall not constitute any impediment to the execution of such an additional agreement at a future date if deemed appropriate by the parties, and that such additional agreement may be in addition to or in substitution for the agreement for consulting engineering services relating to the maintenance and operation hereby authorized; and

"WHEREAS said J. E. Greiner Company - Ohio has informed the Commission that it has been advised that the compensation which it has proposed for the performance of its services is within the guidelines established by the President of the United States, and that should such advice be incorrect, the J. E. Greiner Company - Ohio will voluntarily reduce its charges to the Ohio Turnpike Commission so as to effect such compliance to the extent that such charges to the Ohio Turnpike Commission are proportionately related to excess increases causing the failure of compliance;

"NOW, THEREFORE, BE IT

"RESOLVED that the executive director be, and hereby he is authorized to enter into an agreement for the continuation of the employment of the J. E. Greiner Company - Ohio as consulting engineers in connection with the maintenance and operation of the Ohio Turnpike as required in the trust agreement dated June 1, 1952 between the Ohio Turnpike Commission and The Ohio National Bank of Columbus, as trustee, and The National City Bank of New York (now Citibank, N. A.), as co-trustee;

"FURTHER RESOLVED that while such agreement shall be in effect the compensation of the consulting engineers under such agreement shall be \$10,500 per month during 1979, \$11,250 per month during 1980 and \$12,000 per month during 1981; and

"FURTHER RESOLVED that said agreement shall be generally in the form heretofore used for such agreements, with such changes as shall be deemed by the Commission's executive director and general counsel to be necessary or appropriate to accommodate the approaching retirement of the Commission's bonded indebtedness, including one or more provisions relating to the termination of the services of the consulting engineers as hereinabove mentioned, and also with an appropriate additional provision for the revision of the compensation of the consulting engineers in the event that it should be determined that the presidential guidelines have been inadvertently exceeded in the proposal of the consulting engineers."

A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mr. Anderson, Mr. Weir, Mrs. Davidson, Mr. Rogers

Nays: None

The Vice Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 13-1978.

The Executive Director reported also that the Commission had before them a resolution awarding contract RMP 38-78-12 for furnishing and installing microwave communication equipment at the Commission's eight maintenance buildings and the Administration Building. He said the microwave equipment was the backbone of the Turnpike's communications system and the existing equipment, which has been used since the road was first opened, is now obsolete and, in some respects, is in violation of current Federal Communications Commission requirements. He said the Commission's staff and representatives of the company which maintain the present equipment, Syntonic Technology, Inc., have identified the segments of the system which are not in compliance with FCC standards and the joint conclusion was that it was time to replace the entire system.

The Executive Director reported further that plans for replacing the system were prepared and bids solicited. He said two bids were received, one from Collins Transmission Systems Division of Rockwell International, the low bid, and the other from Motorola. He said the Collins bid had been analyzed by the Commission staff, Syntonic Technology and J. E. Greiner Co. - Ohio and all concurred that the bid met the required specifications and he recommended that the bid be accepted and a contract award be made.

The Vice Chairman said that, for the record and prior to the motion for adoption, he wished to read a portion of the opinion letter issued by Francis K. Cole, General Counsel, on December 19, 1978, wherein he stated, as follows:

"If you determine on the basis of other than legal considerations, that the bid of Collins Transmission Systems Division, Rockwell International, Richardson, Texas, for the performance of the contract is the lowest and best of those received, you may lawfully award the contract to said bidder."

A resolution awarding contract RMP 38-78-12 was moved for adoption by Mr. Weir, seconded by Mrs. Davidson, as follows:

RESOLUTION NO. 14-1978

"WHEREAS the Commission has duly advertised according to law for bids upon a contract for the furnishing and installation of microwave communication equipment at the Commission's eight maintenance buildings and the Administration Building, which contract is designated Contract RMP 38-78-12, and proof of said advertising, together with the bids received, is before this meeting;

"WHEREAS two bids for the performance of said contract were received and were duly opened and read as provided in the published notice for said bids;

"WHEREAS said bids have been analyzed on behalf of the Commission by representatives of Syntonic Technology, maintenance contractor for the Commission's radio system, including the microwave elements thereof, by the Commission's consulting engineer and by its deputy executive director-chief engineer, and they have reported thereon with respect to said analyses, and they and also the Commission's executive director, have made their recommendations predicated upon such analyses;

"WHEREAS all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of Collins Transmission Systems Division, Rockwell International, of Richardson, Texas, in the amount of \$679,000.01 for the performance of Contract RMP 38-78-12 is determined by the Commission to be the lowest and best of all bids received, and the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions and specifications of the legal notice applicable thereto, and accordingly, the Commission may legally accept said bid as the lowest and best of all bids for the performance of the work required under said contract, and of the incidental obligations thereof; and

"WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

"NOW, THEREFORE BE IT

"RESOLVED that the bid of Collins Transmission Systems Division, Rockwell International, of Richardson, Texas, in the amount of \$679,000.01 for the performance of Contract RMP 38-78-12, is, and is by the Commission determined to be, the lowest and best of all bids received for the performance of said contract, and is accepted, and that the vice chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to direct the return to the other bidder of its bid security, (3) to direct the return to the successful bidder of its bid security when the aforesaid contract has been duly executed, and the performance bond furnished, and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mr. Weir, Mrs. Davidson, Mr. Anderson, Mr. Rogers

Nays: None

The Vice Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 14-1978.

The Executive Director reported also that the eastbound span of the twin bridges over the Cuyahoga River valley, which had been closed on August 17 after a tanker truck loaded with 9,000 gallons of diesel fuel overturned and caught fire, was reopened in just 91 days, on November 16. He said he wanted to compliment the Commission's staff because they worked very hard to restore the damaged bridge. He said everyone was relieved that the eastbound bridge was reopened before severe winter weather, which could have caused serious traffic problems had the span been closed.

The Executive Director reported further that the Commission's staff was working with the insurance companies involved on presenting claims for the bridge repair costs. He said the cost of reconstruction would be approximately \$670,000 and the figure for lost revenue had yet to be determined. He said he anticipated having a total cost estimate available at the next Commission meeting and he expected the Commission would be receiving some payment under the damage portion of its insurance coverage in January, 1979.

The Executive Director reported also that the Christmas luncheon, which would occur after the Commission meeting, was held each year in the Administration Building and the food, prepared in alternating years by the Turnpike's two restaurant concessionaires, was paid for from proceeds from the soft drink vending machine in the building and none of the money came from revenues of the Commission. He said a fund was maintained solely for that purpose and it was completely separate from all other Commission accounts.

The Executive Director reported also that four women had been added to the Commission's administrative staff. He said the four were: Jean M. Floasin, Assistant Director of Information and Research; Ruth Scott, Office Manager, Engineering, Construction and Maintenance Department; Roberta Smith, Personnel Records Manager and Employee Insurance Specialist, and Ann Donathan, Purchasing Specialist and Purchasing Office Manager. He said all four will have a role in the conducting of the Turnpike's day-to-day operation and the implementation of Commission policies.

The Executive Director said he wanted to recognize Lockwood Thompson, the Commission's former General Counsel, who had just entered the meeting room. He said the painting which hung on his office wall had been lent to him by Mr. Thompson, and was from his extensive collection of modern art, which was perhaps the finest in the Cleveland area. He said he wanted it in the record that the painting belonged to Mr. Thompson in the event it ever came down off the wall it would be returned to him. He said he enjoyed having the painting and he would like loan of a few more.

The Vice Chairman said the report of the Executive Director was accepted as offered. He said the report of General Counsel would be received.

General Counsel, Francis K. Cole, reported that he was absent from the last Commission meeting due to the fact that he and Lockwood Thompson were in Williams County Common Pleas Court representing the Commission in the damage issue of the Stacey case. He said the Court of Appeals had found that the method by which the trial court determined damages previously was wrong and sent the case back for a redetermination. He said he was awaiting a court decision.

General Counsel reported also that the Commission Members had before them a resolution authorizing issuance of new bonds in the principal amount of \$4,000 to replace bonds owned by Milton C. Oakes of Mansfield, Ohio. He said the Commission had received from the Trustee, The Ohio National Bank, an application, affidavit and indemnity bond relating to bond loss in accordance with Section 211 of the Trust Agreement and the next step would be the passage of the resolution by the Commission in order that the lost bonds might be replaced. He added that coupons maturing December 1, 1977 and later would also be replaced.

A resolution authorizing issuance of new bonds in the principal amount of \$4,000 to replace bonds owned by Milton C. Oakes of Mansfield, Ohio was moved for adoption by Mr. Anderson, seconded by Mrs. Davidson, as follows:

RESOLUTION NO. 15-1978

"WHEREAS by Resolution No. 100-1954, adopted by the Commission on June 8, 1954, provision was made for the execution, authentication and delivery of new bonds in exchange and substitution for mutilated bonds and their interest coupons, and in lieu of and in substitution for bonds destroyed or lost and their coupons, pursuant to §211 of the trust agreement relating to Turnpike Revenue Bonds, Project No. 1, and by said resolution certain requirements for execution and issuance of such new bonds and coupons were established;

"WHEREAS Milton C. Oakes, 905 Dickson Parkway, Mansfield, Ohio 44907, has submitted an affidavit and application dated the 13th day of April 1978 to The Ohio National Bank of Columbus, as trustee, pursuant to the requirements of said Resolution No. 100-1954, in which it is averred that Bond Nos. M149968, M149969, M149970 and M149971, with coupons maturing December 1, 1977 and thereafter attached, were lost or destroyed;

"WHEREAS according to said affidavit and application, the aforesaid bonds belong to the affiant and were in the principal aggregate amount of \$4,000 and said affidavit and application were accompanied by an indemnity bond on which said Milton C. Oakes is principal and American Manufacturers Mutual Insurance Company is surety, in the amount of \$11,900.00, being at least twice the amount of said bonds and unmatured coupons; and

"WHEREAS The Ohio National Bank of Columbus, as trustee, has approved the aforesaid documents and has notified the Commission of its approval and submitted said documents to the Commission;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby approves the documents submitted to it by The Ohio National Bank of Columbus, as trustee, as aforesaid, and authorizes the execution, authentication and delivery of new bonds in lieu of the aforesaid bonds pursuant to §211 of said trust agreement, and that said bonds shall be in the aggregate principal amount of \$4,000 with all coupons maturing subsequent to the receipt by the trustee of written notice satisfactory to it regarding the loss or destruction of the bonds, that is to say the coupons maturing on and after June 1, 1978; and

"FURTHER RESOLVED that within two weeks prior to the issuance of said new bonds and coupons, the trustee shall obtain written confirmation that the

facts set forth in the affidavit of Milton C. Oakes, hereinabove referred to, are still true and correct."

A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mr. Anderson, Mrs. Davidson, Mr. Weir, Mr. Rogers

Nays: None

The Vice Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 15-1978.

The Vice Chairman said the report of the General Counsel was accepted as offered. He said the report of the Consulting Engineers would be received.

Mr. Sawyer said he did not have a formal report but that he did want to express the company's appreciation to the Commission for renewing its contract. He said the Consulting Engineers also wished to congratulate the Commission's staff for its efforts in restoring the eastbound bridge over the Cuyahoga River valley in only 91 days.

The Vice Chairman said the report of the Consulting Engineers was accepted as offered. He said the report of the Trustee would be received.

The representative of the Trustee, Mr. Sesler, reported that some of the bonds with a face value of \$4,006,000 offered on the tender date of December 7 were among those called on December 1. He said that occurrence was an indication that there were obviously many bondholders which were unaware of the December 1 bond call and the Trustee was making every effort to notify these bondholders so that more called bonds might be received.

The Vice Chairman said the report of the Trustee was accepted as offered. He said the report of the Director of Information and Research would be received.

The Director of Information and Research, Robert P. Barnett, reported that work was under way on the Commission's 1978 Annual Report. He said the report would be ready for distribution on January 30, 1979.

The Vice Chairman said the report of the Director of Information and Research was accepted as offered.

The Vice Chairman said that the next Commission meeting would be held on Tuesday, February 13, 1979 and he asked the Commission Members if they had any preference for a meeting place.

The Executive Director said he would poll the Commission Members well in advance of the meeting date to select an agreeable location, either in Berea or perhaps in Columbus to accommodate those Members who reside in and around that city.

He said the February 13 date, which was not the normal time of the month to hold the meeting, actually a week later, had been selected to give the Commission's staff an extra week to prepare plans and specifications for several projects. He said he wanted to alert the Commission Members that at the February meeting bids would be presented for three resurfacing projects involving 29 miles of Turnpike mainline. He said further that he hoped to have bids on expansion of service plaza restroom facilities, which he had described earlier in the meeting.

The Executive Director said further that at the February meeting the Commission might have bids on two other projects. The first would be for construction of a toll plaza where Interstate Route 480 will, upon completion, connect to the Turnpike. He said the toll facility would have to be finished when the final work on I-480 was done, probably in 1979. The second project, for which bids might be available, involves correction of a slope slide problem at milepost 99 for which the Commission approved a resolution earlier in the year to appropriate right-of-way.

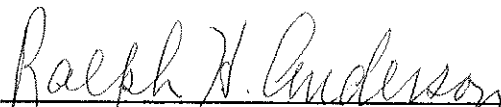
There being no further business to come before the Commission, a motion was made by Mrs. Davidson, seconded by Mr. Anderson, that the meeting adjourn until February 13, 1979, subject to call of the Vice Chairman. A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mrs. Davidson, Mr. Anderson, Mr. Weir, Mr. Rogers

Nays: None

The Vice Chairman declared the meeting adjourned and invited all those present to the Christmas luncheon. The time of adjournment was 11:40 a.m.

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



Ralph H. Anderson, Secretary-Treasurer