

MINUTES OF THE 356TH MEETING OF THE OHIO TURNPIKE COMMISSION

November 9, 1987

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street in Berea, Ohio, at 11:12 a.m. on November 9, 1987, with key members of the staff; a representative, Richard L. Fetzer, of the trustee, AmeriTrust Company National Association; two members of the media, Steve Fogarty, The Elyria Chronicle-Telegram, and Hank Harvey, The (Toledo) Blade, and others in attendance.

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

Present: Roland A. Nesslinger, Edwin M. Bergsmark,  
Saundra Dombey Cooke, Charles R. Pinzone,  
Clarence D. Rogers, Jr.

Absent: None

Not Present: Warren J Smith

A motion was made by Mrs. Cooke, seconded by Mr. Bergsmark, that the minutes of the meeting of June 11, 1987, which had been examined by the Members, be approved without reading.

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

Ayes: Mrs. Cooke, Mr. Bergsmark, Mr. Nesslinger,  
Mr. Pinzone, Mr. Rogers

Nays: None

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

The Chairman reported that the meeting was the 356th of the Ohio Turnpike Commission, and the Commission was meeting at its headquarters as provided for in the Commission's Code of Bylaws.

The Chairman reported further that, first of all, he wanted to welcome Edwin M. Bergsmark to his first meeting as a Commission Member. He said Mr. Bergsmark had been appointed to the Commission by Governor Richard F. Celeste on August 12. He said Mr. Bergsmark had taken the required oath, and, therefore, was a qualified member and could vote. He said he also wanted to welcome Roland A. Nesslinger, Assistant Director of the Ohio Department of Transportation, who had been designated by ODOT Director Warren Smith to represent him at the meeting. He said Mr. Nesslinger had submitted an appropriate written notice of his designation and therefore was entitled by law to participate and vote.

The Chairman reported further that since the election of officers would be conducted at the meeting and the Members had to act on a number of resolutions, he would dispense with his customary report on the financial experience.

The Chairman reported further that in accordance with the Turnpike Act and the Commission's Code of Bylaws, the Commission would hold an election of officers, conducted by nominations and voting, and confirmed by a resolution so that action would appear in the Commission's Journal. He said he would begin by accepting nominations for the office of Chairman.

A nomination of Clarence D. Rogers, Jr., for Chairman of the Commission was made by Mr. Nesslinger, seconded by Mr. Pinzone.

The Chairman said that, inasmuch as he had been nominated, he would appoint Mrs. Cooke as Chairman pro tem to conduct the election of Chairman.

Mrs. Cooke asked if there were any other nominations and, there being none, she declared the nominations closed. She asked the Assistant Secretary-Treasurer to call the roll.

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

Ayes:	Mr. Nesslinger, Mr. Pinzone, Mr. Bergsmark, Mrs. Cooke, Mr. Rogers
-------	---

Nays	None
------	------

Mrs. Cooke declared that Mr. Rogers was elected Chairman of the Commission. A Chairman having been elected, Mrs. Cooke said she would turn the meeting over to the Chairman to conduct the rest of the meeting.

The Chairman said he would accept nominations for the election to the office of Vice Chairman. A nomination of Sandra Dombey Cooke for Vice Chairman of the Commission was made by Mr. Nesslinger, seconded by Mr. Bergsmark. The Chairman asked if there were any other nominations, and, there being none, he declared the nominations closed.

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

Ayes:	Mr. Nesslinger, Mr. Bergsmark, Mr. Pinzone, Mr. Rogers, Mrs. Cooke
-------	---

Nays:	None
-------	------

The Chairman declared Mrs. Cooke was elected Vice Chairman of the Commission.

A nomination of Charles R. Pinzone for Secretary-Treasurer of the Commission was made by Mr. Nesslinger, seconded by Mrs. Cooke. The Chairman asked if there were any other nominations, and, there being none, he declared the nominations closed.

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

Ayes: Mr. Nesslinger, Mrs. Cooke, Mr. Bergsmark,  
Mr. Pinzone, Mr. Rogers

Nays: None

The Chairman declared Mr. Pinzone was elected Secretary-Treasurer of the Commission.

The Chairman said it was the duty of the Secretary-Treasurer to appoint an Assistant Secretary-Treasurer and ask for the assent of the other Members to the appointment in accordance with the bylaws.

Mr. Pinzone said he reappointed Allan V. Johnson as Assistant Secretary-Treasurer.

The Chairman asked if Mr. Johnson's reappointment as Assistant Secretary-Treasurer had the assent of the other Members and all indicated it did.

A resolution confirming election of officers was moved for adoption by Mr. Pinzone, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 5-1987

"RESOLVED that the election of Clarence D. Rogers, Jr., as chairman of the Ohio Turnpike Commission; Saundra Dombey Cooke, as vice-chairman of the Ohio Turnpike Commission and Charles R. Pinzone, as secretary-treasurer of the Ohio Turnpike Commission, all, pursuant to Ohio Revised Code Section 5537.02 and Article I of the Commission's Code of Bylaws, to serve until the first meeting after June 30, 1989, and until their respective successors are elected and qualified or until the aforesaid term is terminated by law, or until such officers individually shall cease to be members of the Ohio Turnpike Commission, is hereby confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws, and the assistant secretary-treasurer is directed to enter this resolution in the journal of the Commission as a record thereof."

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

Ayes: Mr. Pinzone, Mr. Bergsmark, Mr. Nesslinger,  
Mrs. Cooke, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 5-1987.

The Chairman reported further that it was customary to designate the standing committees of the Commission following the election of officers. He said the Commission would continue with the same members of those committees until the next meeting so he would have time to discuss possible assignment with the Commission's new Member.

The Chairman reported further that the Members had before them six other resolutions to be acted on, and they would be explained and offered during the appropriate Committee and staff reports.

The Chairman said the report of the Secretary-Treasurer would be received.

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

1. Weekly traffic statistics
2. Investment transactions which occurred during June, July, August and September 1987
3. Draft of the Commission Meeting minutes of June 11, 1987
4. Traffic accident analysis through September 1987
5. Traffic and revenue report for June, July, August and September 1987
6. Financial statements for June, July, August and September 1987
7. Expense and budget report for the second and third quarter of 1987
8. Litigation report for the second and third quarter of 1987
9. Financial Statements with Auditor's Report - June 30, 1987
10. News release #4 re: Trust Agreement amendment and I-75 interchange  
News release #5 re: Construction resuming on Turnpike

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

The chairman of that committee, Mr. Pinzone, said that under the terms of the current Trust Agreement, the Commission must adopt a preliminary budget for 1988 by November 15. He said that as in the past, the various department heads had developed the detailed budget items according to the many various accounts included in the Commission's Chart of Accounts. He said that those were too numerous to list individually in the budget

resolution to be considered by the Commission. He said that instead, the resolution consolidated the amounts into three major expense categories, namely, Administration and Insurance, Operations and Bond Interest.

Mr. Pinzone said further that the total proposed 1988 budget of current expenses was \$48,911,000 compared to the budget of \$45,706,742 for 1987, which was \$3,204,258 or 7.0 percent higher. He said the increase reflected the impact of moderate inflation, projected increased employee expense and sharper increases in certain other items. He said that for example, one item was \$500,000 for toll tickets which was zero in 1987 because the tickets for 1987 were included in the contract for new toll booth terminals. He said another example was a \$300,000 increase for Patrol services which contemplated a full complement of troopers under the Commission's contract with the Ohio State Highway Patrol for their services. He said that whether they could provide the additional troopers, approximately ten in number, remained to be seen. He said a list of those and other items amounting to more than \$100,000, which accounted for most of the total increase, was in each Member's folder.

Mr. Pinzone said further that a resolution had been drafted to adopt the preliminary budget for 1988 and the resolveds read as follows:

"NOW, THEREFORE, BE IT

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

1988

Preliminary Budget of Revenues, Current Expenses

(Expenditures) and Capital Improvement Fund Requirements

Revenues		\$89,500,000
Current Expenses (Expenditures)		
Administration & Insurance	\$12,339,441	
Operations	36,162,709	
Bond Interest	<u>408,850</u>	
Total Expenses (Expenditures)		\$48,911,000
Estimated Capital Improvement Fund Deposits		\$40,589,000"

Mr. Pinzone said he had reviewed the detailed budget items with the Executive Director and they both considered the proposed amounts to be reasonable and necessary. He said he also wanted

to note that while those amounts were slightly different from those contained in the Annual Report of the Consulting Engineers for 1987, which they were required to prepare as one of the obligations under the Trust Agreement by October 1, the differences were refinements made in cooperation with the Consulting Engineers which were acceptable to them. He said, furthermore, the budget as presented would enable the Commission to continue its program and statutory obligation of operating, maintaining, and reconstructing the Turnpike.

A resolution adopting the preliminary budget for the fiscal year 1988 and providing for capital improvement fund requirements during said year was moved for adoption by Mr. Pinzone, seconded by Mr. Nesslinger as follows:

RESOLUTION NO. 6-1987

"WHEREAS, it is provided by Article V, Section 5.01 of the trust agreement dated as of September 1, 1984, between the Commission and Ameritrust Company National Association, Cleveland, Ohio, as trustee, that on or before the 15th day of November in each fiscal year, the Commission will adopt a preliminary budget of revenue and current expenses (expenditures) for the ensuing fiscal year;

"WHEREAS, the Commission's executive director and comptroller have submitted a preliminary budget of revenues and current expenses (expenditures) for the fiscal year 1988 to the Commission, and have recommended the adoption thereof, and said budget is now before the Commission;

"WHEREAS, the Commission's consulting engineer, J. E. Greiner Company-Ohio, after consultation with the Commission's executive director and its deputy executive director-chief engineer, have estimated that the capital improvement fund requirements relating to the improvement, maintenance, and repair of the turnpike for the fiscal year 1988 will be adequately covered by the estimated deposits to that fund.

"NOW, THEREFORE, BE IT

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

1988

Preliminary Budget of Revenues, Current Expenses  
(Expenditures) and Capital Improvement Fund Requirements

Revenues		\$89,500,000
Current Expenses (Expenditures)		
Administration & Insurance	\$12,339,441	
Operations	36,162,709	
Bond Interest	<u>408,850</u>	
Total Expenses (Expenditures)		48,911,000

Estimated Capital Improvement Fund Deposits \$40,589,000"

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

Ayes: Mr. Pinzone, Mr. Nesslinger, Mr. Bergsmark,  
Mrs. Cooke, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 6-1987.

The Chairman reported that before proceeding he wanted to recognize as being present at the meeting Dick Fetzner representing the Commission's trustee, AmeriTrust Company National Association. He said that from the media were Hank Harvey from The (Toledo) Blade and Steve Fogarty, The Elyria Chronicle-Telegram. He said he also wanted to recognize the presence of Stanley J. Dobrowski, an attorney with Calfee, Halter and Griswold.

The Chairman said the report of the Committee on Budget and Finance was accepted as offered. He said the report of the Committee on Service Plazas would be received.

The chairman of the committee, Mrs. Cooke, said that, as the Members knew, the Commission's service station operator, Oasis Petroleum Corporation, had been in a Chapter 11 reorganization since January 1986, and in July 1986 the contract for operation was extended to September 30, 1988, with supply and backup conditional assignment contracts with SOHIO and MOBIL which were required by the Commission. She said that now, the Chapter 11

Trustee for OASIS had offered to sell OASIS's remaining interest in the Commission's contract, as such permitted under bankruptcy law, and SOHIO had offered to purchase the contract. She said there would be a hearing on the matter in the Bankruptcy Court on November 13 and a resolution approving such sale had been prepared.

Mrs. Cooke said she would ask the Executive Director to provide additional details on the subject.

The Executive Director, Allan V. Johnson, said he would not read the resolution, but that it approved the sale of the contract to SOHIO. He said that, as the Members knew, the Commission insisted when the contract was extended in 1986 that there be supply contracts with both SOHIO and MOBIL, each for eight of the stations. He said SOHIO was the only company which offered to purchase the OASIS contract. He said there might be other offers made at the bankruptcy hearing, but he didn't know whether other companies might make offers.

The Executive Director said further that the staff had been working with SOHIO all along during the course of the case, and felt comfortable with them. He said SOHIO was a Cleveland-based company that was near the Turnpike and its administration building, and more than adequate to handle the contract.

The Executive Director said further that the resolution approved the sale of the contract to SOHIO subject to the hearing which he and General Counsel, James C. McGrath, would be attending in order to represent the interests of the Commission. He said their attendance was especially important should there be any other companies that might make an offer to purchase the contract. He said he felt it would be appropriate for the resolution to be adopted so that he and Mr. McGrath could have it in hand when they attended the hearing later in that week.

The Chairman said he thought it was appropriate that the bankruptcy court have some indication that the Commission was willing to go along with the terms of the sale.

A resolution approving the sale and assignment of contract SS8-A to the Sohio Oil Company was moved for adoption by Mrs. Cooke, seconded by Mr. Pinzone.

Mr. Bergsmark asked what would happen if another company made a better offer than SOHIO for the contract.

Mr. McGrath said that if another company outbid SOHIO prior to or at the bankruptcy hearing then the Commission had the right to examine the financial strength of that company and whether or not they were capable of handling the contract.

Mr. Johnson said the word "bids" is their term in the courts. He said it was an offer to purchase the remaining



portion of the contract as it currently existed. He said the contract expired on September 30, 1988, and that if there were to be formal rebidding, it would be done by the Commission for the term after that time period.

The Chairman said that it was an interim operation by SOHIO until the present contract expired. He said that in other words, SOHIO was simply stepping into the shoes of Oasis until September of 1988.

RESOLUTION NO. 7-1987

"WHEREAS, Contract SS8-A was entered into on August 11, 1980, between the Ohio Turnpike Commission ("Commission,") and Oasis Petroleum Corporation ("Oasis,");

"WHEREAS, on January 23, 1986, Oasis filed a voluntary petition under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Central District of California, Case No. LA 86-01225-BR, and said action is still pending;

"WHEREAS, by Resolution No. 3-1986, the Commission authorized the extension of Contract SS8-A from October 1, 1986, to September 30, 1988, subject to the execution and approval of supply and conditional assignment contracts among Oasis, Sohio Oil Company ("Sohio,") Mobil Oil Company ("Mobil,") and the Commission which contracts were entered into and were approved by the bankruptcy court on July 30, 1986;

"WHEREAS, the agreements aforesaid provided that Sohio and Mobil would operate the service stations on the Ohio Turnpike during the remaining term of Contract SS8-A, if Oasis was unable to do so;

"WHEREAS, Sohio has offered to purchase and a contract has been entered into between Oasis and Sohio for the sale of the interest of Oasis in Contract SS8-A to Sohio, and pursuant to bankruptcy law, the approval of such contract is set for hearing before the United States Bankruptcy Court for the Central District of California on November 13, 1987, at which time other interested parties may submit offers to purchase the rights of Oasis in Contract SS8-A subject to the determination that such interested parties have the experience, management and financial strength to adequately perform Contract SS8-A;

"WHEREAS, the Commission's executive director and general counsel have both recommended to the Commission that they accept and approve the contract entered into between Oasis and Sohio and that it recognize Sohio as having sufficient experience, management and financial strength to adequately carry out the terms and provisions of Contract SS8-A;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission approve the sale and assignment of the remaining term of Contract SS8-A from Oasis Petroleum Corporation to Sohio Oil Company and recognize that Sohio Oil Company has sufficient experience, management and financial strength to adequately carry out the terms and provisions of Contract SS8-A; and

"FURTHER RESOLVED that the executive director and the general counsel are authorized to take any and all action necessary to implement and carry out the terms and provisions of this resolution, and in the event that a proposal is received by the trustee in excess of that submitted by Sohio, that the executive director and general counsel are authorized and directed to determine, on behalf of the Commission, if such prospective purchaser has sufficient experience, management and financial strength to adequately carry out the terms and provisions of Contract SS8-A. "

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

Ayes: Mrs. Cooke, Mr. Pinzone, Mr. Nesslinger, Mr. Bergsmark, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 7-1987.

Mrs. Cooke said she wanted to congratulate Mr. Johnson and Mr. McGrath for their successful efforts with regard to the Oasis contract.

The Chairman said the report of the Committee on Service Plazas was accepted as offered. He ascertained there would be no report from the Committee on Employee Relations.

The Chairman said that before moving to the Committee on Safety he wanted to recognize and congratulate Captain Hank Williams, the new commander of the Turnpike Patrol District. He said Captain Williams had been promoted the week before the meeting to succeed Captain Ray Smith, who was transferred to Columbus. He said he also wanted to welcome Lieutenant Ken Marshall, who came to the Turnpike from Massillon.

The Chairman ascertained there would be no report from either the Committee on Safety or the Department of Transportation. He said the report of the Executive Director would be received.

The Executive Director said his report would consist of explaining and introducing the remaining resolutions to be considered at the meeting. He said the first resolution authorized him to take immediate action concerning award of certain bridge renovation contracts and certain roadway resurfacing contracts. He said the resolution consisted of a long list of CIP (Capitol Improvement Projects) and FTP (Fuel Tax Projects) projects.

The Executive Director said further that as the resolution indicated in the Whereas, there were 26 separate contracts for bridge deck replacement and widening. He said there were also six contracts for roadway repair. He said the engineering staff would soon be finished with the plans for those projects, and bids would be solicited through advertising beginning in a short time. He said bids on those contracts would be received at times that were inconvenient for action at the Commission meetings. He said that as had become customary the Commission granted the authority to him as Executive Director to take such action. He said he wanted to assure the Members that the bids would be advertised according to the Turnpike statute and they would be analyzed carefully. He said that then the awards would be made to the lowest and best bidders. He said he recommended that the resolution be adopted.

A resolution authorizing the Executive Director to take immediate action concerning award of certain bridge renovation contracts, and certain roadway resurfacing contracts was moved for adoption by Mrs. Cooke, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 8-1987

"WHEREAS, the Commission is preparing to advertise for bids for 26 bridge renovation contracts providing for replacement and widening of bridge decks and parapet replacement; six contracts for roadway repair, resurfacing and guardrail replacement, such contracts being designated and described as follows:

CIP 43-88-01	Nettle Creek, Milepost 10.6; St. Joseph River, Milepost 11.3, Williams County, Ohio;
CIP 43-88-02	Conrail, Milepost 19.6; U.S. Route 127, Milepost 20.1, Williams County, Ohio;
FTP 43-88-03	S.R. 66, Milepost 26.3, Fulton County, Ohio;
CIP 43-88-04	Crissey Road, Milepost 54.8; Holloway Road, Milepost 57.3, Lucas County, Ohio;

CIP 43-88-05	U.S. Route 20, Milepost 59.8; Eastgate Road, Milepost 61.1; N & W Railroad & Stengel Avenue, Milepost 61.5, Lucas County, Ohio;
CIP 43-88-06	Glenwood Road, Milepost 66.0; Conrail Railroad, Milepost 66.2; Cedar Creek, Milepost 68.0; Conrail Railroad & C.R. 10, Milepost 68.8, Wood County, Ohio
CIP 43-88-07	S. R. 163, Milepost 73.0; Conrail Railroad, Milepost 74.0; County Line Road, Milepost 74.1, Wood County, Ohio;
CIP 43-88-08	Trapp Road, Milepost 77.4; Toussaint Creek, Milepost 77.5; Lime Road, Milepost 77.6, Sandusky County, Ohio;
FTP 43-88-09 CIP 43-88-10	S. R. 590, Milepost 85.5; Fought Road, Milepost 86.6; Four Mile House Road, Milepost 88.1, Sandusky County, Ohio;
CIP 43-88-11	Fangbonner Road, Milepost 91.1; Exit 6 Ramp, Milepost 91.6, Sandusky County, Ohio;
CIP 43-88-12	Bark Creek, Milepost 94.2; U.S. 6, Milepost 95.4; Sandusky County, Ohio;
CIP 43-88-13	Yorktown Road, Milepost 100.2; Mugg Road, Milepost 102.3, Sandusky County, Ohio;
FTP 43-88-14 CIP 43-88-15	S. R. 269, Milepost 106.8; Billings Road, Milepost 108.7, Erie County, Ohio;
CIP 43-88-16	N & W Railroad-Kelley Road, Milepost 117.3; U.S. 250, Milepost 118.1, Erie County, Ohio;
CIP 43-88-17	Huron River, N&W Railroad, Milepost 119.6; Erie County, Ohio;
CIP 43-88-18	Gore-Orphanage Rd., Milepost 133.1; Vermilion Road, Milepost 135.0, Lorain County, Ohio;

CIP 43-88-19	South Amherst Rd., Milepost 138.7; Oberlin Road, Milepost 141.3, Lorain County, Ohio;
CIP 43-88-20	Race Road, Milepost 149.2; Maddock Road, Milepost 149.8; Exit 9 Ramp/C.R. 12, Milepost 152.3; Root Road, Milepost 151.1, Lorain County, Ohio;
CIP 43-88-21	Big Creek Parkway, Milepost 161.0, Old Exit 10 Ramp, Milepost 161.5, Exit 10 TP lanes over ramp/S.R. 42, Milepost 162.0, Cuyahoga County, Ohio;
FTP 43-88-22	S.R. 3 (Ridge Rd.), Milepost 166.8, Cuyahoga County, Ohio;
CIP 43-88-23	Black Road, Milepost 174.1, Summit County, Ohio;
CIP 43-88-24	Infirmary Road, Milepost 193.1, Portage County, Ohio;
CIP 43-88-25	Parkman Road, Milepost 203.7; South Fork Eagle Creek, Milepost 205.2, Portage County, Ohio;
CIP 43-88-26	Interchange 16 Ramps, Milepost 232.9; Interchange 16 Ramps over S.R. 7, Milepost 232.6, Mahoning County, Ohio;
CIP 59-88-01	Mainline Resurfacing at Milepost 27.6 to Milepost 38.9, Fulton County, Ohio;
CIP 59-88-02	Mainline Resurfacing at Milepost 49.55 to Milepost 55.45, Lucas County, Ohio;
CIP 59-88-03	Mainline Resurfacing at Milepost 180.1 to Milepost 187.0, Summit County, Ohio;
CIP 59-88-04	Mainline Resurfacing at Milepost 207.4 to Milepost 214.25, Trumbull County, Ohio;
CIP 59-88-05	Resurfacing of Interchange #3, Fulton County, Ohio;

"WHEREAS, it is imperative that the work to be performed under these contracts be commenced as soon as possible so as to take advantage of the construction season;

"WHEREAS, it is estimated that the cost of each of the aforesaid contracts will exceed the \$250,000 limit of authorization heretofore granted by the Commission to the executive director with respect to the awarding of such contracts;

"WHEREAS, the Commission desires to delegate to the executive director authority to make award of these contracts for the performance of the work of each of these projects so that such awards may be made immediately as soon as appropriate;

"NOW, THEREFORE, BE IT

"RESOLVED that with respect to the award of the contracts as set forth above, if, in the opinions of the executive director, the deputy executive director-chief engineer and the consulting engineer it is in the best interest of the Commission for an award to be made by the executive director in advance of any meeting of the Commission, the executive director hereby is authorized to award and enter into any contract or contracts and to take whatever other action, on behalf of the Commission, the executive director, with the approval of the deputy executive director-chief engineer and the consulting engineer, shall determine to be in the best interest of the Commission, notwithstanding any limitation imposed upon the authority of the executive director under any resolution heretofore adopted, provided that any award made and contract entered into pursuant to authority granted herein shall be approved by general counsel; and

"FURTHER RESOLVED that the executive director shall inform the Commission of the actions taken hereunder."

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

Ayes: Mrs. Cooke, Mr. Bergsmark, Mr. Nesslinger,  
Mr. Pinzone, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 8-1987.

The Executive Director said also that the next resolution was entitled "Resolution Authorizing Lease of Real Estate", and although he realized it was a long resolution with lengthy attachments, he would try to be brief in summarizing it.

The Executive Director said further that the Commission held certain real estate in a loop ramp that was part of the old interchange between the Turnpike and State Route 42. He said that interchange was connected with a newer interchange between the Turnpike and Interstate Route 71. He said certain portions of the old, State Route 42 interchange had been sold to the City of Strongsville. He said the piece of property in question, shown in a shaded area of the attachment to the resolution, was a piece of unused real estate.

The Executive Director said further that the Commission had been approached by the City of Strongsville quite some time ago about whether a portion of the piece of property could be made available for a park and ride facility. He said the staff had been working with the City of Strongsville, ODOT, and the Greater Cleveland Regional Transit Authority for almost two years on the subject. He said he believed it would be appropriate use of the property for another public purpose. He said the land would be used as a passenger car parking lot for those who wanted to take a bus to and from downtown Cleveland.

The Executive Director said further that the resolution authorized the lease of that real estate. He said the resolution, which had been drafted by the Commission's Legal Department, included a description of the property, a map, and a draft of the agreement that would be executed. He said the agreement would be among the Greater Cleveland Regional Transit Authority, the Commission, ODOT, the Commission's potential successor agency, and the City of Strongsville. He said he recommended the resolution be adopted.

A resolution authorizing lease of real estate was moved for adoption by Mr. Nesslinger, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 9-1987

"WHEREAS, the Commission acquired, in the name of the State of Ohio, a certain parcel of real estate on which was located a portion of original Interchange #10 until such interchange was relocated in November 1966;

"WHEREAS, the Commission, the Greater Cleveland Regional Transit Authority ("GCRTA"); the Ohio Department of Transportation ("ODOT"); and the City of Strongsville ("Strongsville") propose to enter into an agreement whereby the Commission will lease the parcel of real estate aforesaid to GCRTA and GCRTA and Strongsville will construct thereon a "Park and Ride" facility with related structures so as to provide a central parking location for users of the GCRTA, a drawing and legal description of which is attached as Exhibit "A";

"WHEREAS, the lease agreement between the parties, a draft of which is before the Commission, provides that the property is to be leased for a period of forty (40) years, and further

provides that the air rights of said real estate are reserved to the Commission for the construction of any facility authorized under Chapter 5537 of the Revised Code; that the "Park and Ride" facility will be so constructed and utilized so as to permit the use of the parking facilities by patrons or other users of any hotel or other structure authorized by the Commission on the subject real estate or adjacent real estate;

"WHEREAS, the Commission is authorized by Section 5.08 (iii) of the Trust Agreement with AmeriTrust Company National Association dated September 1, 1984, to enter into the lease agreement which is the subject of this resolution provided the Commission finds and declares that such real estate is not needed or serves no useful purpose in connection with the maintenance and operation of the Turnpike providing that the consulting engineers concur in such findings and declaration;

"WHEREAS, the Commission has been advised that its consulting engineers, the J. E. Greiner Co. - Ohio, has determined that the parcel of real estate which is the subject of this resolution, is no longer needed or serves no useful purpose in connection with the maintenance and operation of the Turnpike;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission duly and fully considered the matter and hereby determines that the real estate, which is described in Exhibit "A," is no longer needed or serves no useful purpose in connection with the maintenance and operation of the Turnpike; and

"FURTHER RESOLVED that the Commission deems it proper and desirable to lease the subject real estate in accordance with the terms and conditions of the draft agreement which has been presented to the Commission; and

"FURTHER RESOLVED that the Commission hereby authorizes the chairman and the executive director, or either of them, acting on behalf of the Commission to enter into the agreement for the lease of the real estate which is the subject of this resolution, substantially on the terms of the draft of the lease agreement which is before the Commission, and further that the executive director is authorized and directed to take all action necessary to carry out the provisions of this resolution including, but not limited to, acts required by the Trust Agreement of September 1, 1984."

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

Ayes:	Mr. Nesslinger, Mr. Pinzone, Mr. Bergsmark, Mrs. Cooke, Mr. Rogers
-------	---

Nays:	None
-------	------



The Chairman declared the resolution stood approved with all Members present voting in the affirmative. The resolution was identified as No. 9-1987.

The Executive Director said also that, as most of the Members knew, O. L. Teagarden was the very first Member appointed to the Commission in 1949, and served as a Member for 29 years. He said Mr. Teagarden died on July 29, 1987, at the age of 95. He said Mr. Teagarden left the Commission in 1978 because of ill health, but he continued to be deeply interested in the affairs of the Commission. He said the Commission honored him when the 30th anniversary of complete opening of the Turnpike was marked on October 1, 1985. He said the Chairman and he had stopped to see Mr. Teagarden after the ceremonies and honored him with a cake.

The Executive Director said a resolution had been prepared expressing sympathy to his family, and, although he had not spoken to the Members about it, one of the Resolveds indicated that the Commission thereby expressed its appreciation for his long and dedicated services and the desire to recognize him by naming and dedicating the newly expanded and renovated administration building in his memory. He said the resolution also authorized that a plaque be put in the building to that effect. He said he knew that not all the Members had known Mr. Teagarden, but those who did truly felt strongly that the recognition was warranted and deserved. He said he urged that the Commission adopt the resolution in his memory.

The Chairman said he had the pleasure of serving on the Commission with Mr. Teagarden, and he certainly echoed the sentiments of Mr. Johnson. He said Mr. Teagarden was a dedicated Commission Member, a very able individual, and he thought it fitting that the Commission recognize his memory and service with the resolution.

A resolution expressing the Commission's sorrow and extending sympathy to the widow and children on the death of O. L. Teagarden was moved for adoption by Mr. Bergsmark, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 10-1987

"WHEREAS, the Commission suffered a grievous loss in the death on July 29, 1987, of O. L. Teagarden, former member, vice chairman and chairman of the Commission;

"WHEREAS, Mr. Teagarden was the first member ever appointed to the Ohio Turnpike Commission, was reappointed four times and remained a member for twenty-nine years until his resignation on September 1, 1978, and thus, he served longer than any other member;

"WHEREAS, Mr. Teagarden served as vice chairman of the Commission, from its initial meeting in September 1949, until he succeeded his long-time friend and associate, James W. Shocknessy, as chairman after Mr. Shocknessy's death in 1976;

"WHEREAS, Mr. Teagarden served ably and with distinction as vice chairman and chairman of the Commission and maintained a keen interest in the affairs of the Commission even after his resignation for health reasons and was highly respected both by his fellow Commission members and by the employees of the Commission, as well as those who knew him in many other walks of life, for his sincerity and acumen in dealing with the broad range of concerns to which he addressed himself;

"WHEREAS, Mr. Teagarden was devoted to other matters of civic importance and established himself as a successful businessman in the food packaging, banking and newspaper industries, and his exceptional talent to varied governmental and civic projects were not only an indication of the scope of his interest and of his concern and zeal for the well-being of others, but also were highly effective in advancing the purposes to which they were directed;

"NOW, THEREFORE, BE IT

"RESOLVED, that the Ohio Turnpike Commission, on behalf of said Commission, its members individually, its staff and employees, hereby expresses its sorrow upon the death of O. L. Teagarden, who contributed so much to the establishment and implementation of the objectives of the Commission and hereby tenders to Mrs. Mary Teagarden, his widow and his two children its most sincere sympathy;

"FURTHER RESOLVED, that the Commission hereby expresses its appreciation for the long and dedicated service of O. L. Teagarden and desires to recognize him by naming and dedicating its newly expanded and renovated Administration Building in his memory;

"FURTHER RESOLVED that the executive director is authorized and directed hereby to cause a suitable plaque or marker to be installed in the Administration Building so honoring O. L. Teagarden;

"FURTHER RESOLVED that the assistant secretary-treasurer be directed to send a copy of this resolution to the widow and family of O. L. Teagarden."

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

Ayes:	Mr. Bergsmark, Mr. Pinzone, Mr. Nesslinger, Mrs. Cooke, Mr. Rogers
-------	---

Nays:	None
-------	------

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 10-1987.

The Executive Director said also that the final resolution expressed appreciation to William H. Schneider, who served on the Commission as the immediate predecessor of Mr. Bergsmark. He said it was a simple resolution, but one he would urge the Commission to adopt so that it could be sent to Mr. Schneider in appreciation of his service to the Commission.

A resolution expressing appreciation to William H. Schneider was moved for adoption by Mrs. Cooke, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 11-1987

"WHEREAS, William H. Schneider has been a valued member of this Commission since his appointment by Governor James A. Rhodes in May of 1982;

"WHEREAS, he served as the chairman of the Commission's Committee on Safety and actively contributed to the Commission's purposes and objectives through his diligent application to the problems coming before the Commission and the astuteness and knowledge which he has employed in making and expressing judgments with respect to them;

"NOW, THEREFORE, BE IT

"RESOLVED, that the Commission hereby recognizes and expresses its appreciation of the diligent, active and valuable service rendered by William H. Schneider as a member of the Ohio Turnpike Commission;

"RESOLVED that the Commission extends to William H. Schneider its best wishes for his success and well-being in all matters and activities which he shall undertake in the future; and

FURTHER RESOLVED that the assistant secretary-treasurer be, and hereby he is, directed to send a certified copy of this resolution to Mr. Schneider."

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

Ayes: Mrs. Cooke, Mr. Pinzone, Mr. Nesslinger, Mr. Bergsmark, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 11-1987.

The Executive Director said also that the only other thing he would mention was that the Commission's 1987 construction program was in its final stages. He said work was near completion on 32 mainline bridges, and a few ramp bridges over the Turnpike and in interchange areas. He said all the projects appeared to be on target with respect to completion dates, which were before the end of November. He said that he was confident that they would be done on time, barring a disaster in the weather. He said that for the most part, all the mainline bridge decks were poured, although there was some parapet work to be done. He said some of the work zones already were being taken down, so he was confident that the conclusion of another successful construction season was at hand.

The Chairman said the report of the Executive Director was accepted as offered. He ascertained there would be no report from General Counsel. He noted the absence of a representative of the consulting engineers.

Mr. Johnson said that on behalf of the consulting engineers he wanted to mention that they did submit their annual report on schedule, October 1st, and he thought the Members had been furnished a copy of it.

The Chairman ascertained there would be no report from the Director of Information and Research.

Mr. Bergsmark said he wanted to thank Mr. Johnson and his staff for their efforts with regard to establishing an Interstate Route 75 interchange with the Turnpike, and also for the continued examination of the feasibility of an interchange at the Toledo Airport. He said both interchanges were becoming more important since the announcement that two panda bears from the People's Republic of China would be on display at the Toledo Zoo in June 1988. He said Toledo civic leaders invisioned a tremendous amount of visitors from the midwest to the zoo via the Turnpike. He said he would appreciate any support for the airport interchange from the Commission.

Mr. Johnson said the staff was moving as fast as it could to develop plans for the I-75 interchange. He said plans should be submitted to ODOT by the end of the meeting week. He said the project was to be coordinated with a potential, future interchange with State Route 795 just south of the I-75 interchange with the Turnpike.

The Chairman said the next Commission meeting tentatively would be set for December 18 at the administration building.

There being no further business to come before the Commission, a motion was made by Mr. Pinzone, seconded by Mrs. Cooke that the meeting adjourn, subject to call of the Chairman.

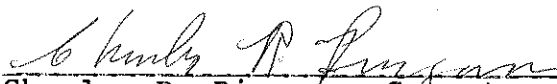
A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Mr. Pinzone, Mrs. Cooke, Mr. Nesslinger,  
Mr. Bergsmark, Mr. Rogers

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 11:44 a.m.

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

  
\_\_\_\_\_  
Charles R. Pinzone, Secretary-Treasurer