

MINUTES OF THE 364th MEETING OF THE OHIO TURNPIKE COMMISSION

November 6, 1989

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street in Berea, Ohio at 11:50 a.m., on November 6, 1989, with key members of the staff; a representative, William R. Fleischman, of the consulting engineers, J. E. Greiner Company - Ohio; a representative, Richard L. Fetzner, of the trustee, Ameritrust Company National Association; members of the media, Hank Harvey, The (Toledo) Blade, Pauline Thoma, The (Cleveland) Plain Dealer, Steve Fogarty, The (Elyria) Chronicle-Telegram; 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: Douglas E. Fairbanks, Bernard Hurst, Edwin M. Bergsmark, Charles R. Pinzone, Clarence D. Rogers, Jr.

Absent: None

A motion was made by Mr. Bergsmark, seconded by Mr. Fairbanks, that the minutes of the meeting of July 31, 1989, which had been examined by the Members, 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: Mr. Bergsmark, Mr. Fairbanks, Mr. Hurst, Mr. Pinzone, Mr. Rogers

Nays: None

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

The Chairman said the meeting was the 364th of the Ohio Turnpike Commission, and it was being held at the Commission's headquarters as provided for in the Commission's Code of Bylaws.

The Chairman reported that, first of all, he wanted to welcome Douglas E. Fairbanks to his first meeting as a Commission Member. He said Mr. Fairbanks was appointed to the Commission by Governor Richard F. Celeste on August 10. He said he had taken the required oath and, therefore, was a qualified Member and could vote.

The Chairman reported also that since the Commission would be discussing the preliminary budget for next year at the

Commission meeting, it was appropriate to mention the Commission's financial experience for the first nine months of 1989, because that information supplied the basis for next year's projected income, which was part of the budget analysis.

The Chairman reported further that total revenues for January through September 1989 amounted to \$72,667,600 an increase of 2.5% over the same period in 1988. He said passenger car toll income came to \$23,509,976, up 6.3%, while toll revenue from commercial vehicles was \$38,501,495, an increase of .2%.

The Chairman reported also that in addition to the resolution concerning the 1990 preliminary budget, there were seven other resolutions before the Members at the meeting. He said copies of the resolutions had been placed in the Members' folders and they will be explained and presented during the course of the appropriate committee or staff report.

The Chairman said that concluded his report. He said that if there were no questions, he would ask for the report of the Secretary-Treasurer, Mr. Pinzone.

Mr. Pinzone said the following listed items have been sent to the Members since the last regular meeting of the Commission, July 31, 1989:

- (1) Weekly traffic statistics
- (2) Investment transactions which occurred during July, August, September and October 1989
- (3) Draft of the Commission meeting minutes of July 31, 1989
- (4) Traffic Accident Analysis through September 1989
- (5) Traffic and Revenue Report for July, August and September 1989
- (6) Financial Statements for July, August and September 1989
- (7) Financial Statement through June 30, 1989 with the independent auditor's report
- (8) Expense and Budget Report for the first nine months of 1989
- (9) Litigation Report for the third quarter of 1989
- (10) News Release #5 - 1989 Speed Limit Changes; Bridge Construction and Resurfacing Projects

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 the Committee on Budget and Finance, Mr. Pinzone, said that under the terms of the current Trust Agreement, the Commission must adopt a preliminary budget for 1990 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 and that tabulation had been furnished to the Members. He said these were too numerous to list individually in the budget resolution to be considered by the Commission.

Mr. Pinzone reported further that revenues for 1990, projected at \$95,825,000, were up only \$475,000 or .5% from 1989. He said that even though toll revenues were estimated to be 1% higher, revenues from other sources, namely investments and special hauling permits, were down.

Mr. Pinzone reported further that the total proposed 1990 budget of Current Expenses and Bond Interest was \$54,302,211, compared to the budget of \$50,951,065 for 1989, which was \$3,351,246 or 6.6 % higher. He said the increase reflected the impact of moderate inflation, projected increased employee expense and sharper increases in certain other items. He said for example, one increase was \$900,000 for employee insurance, which was reflected in the actual experience for insurance. He said another example was a \$510,500 increase for disabled vehicle service which reflected the implementation of new contracts with the operators. 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 Members' folder.

Mr. Pinzone reported further that a resolution had been drafted to adopt the preliminary budget for 1990 and the resolved read as follows:

(The resolved of the resolution were read by the Assistant Secretary-Treasurer, Allan V. Johnson.)

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

1990

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

Revenues		\$95,825,000
Current Expenses (Expenditures)		
Administration & Insurance	14,724,480	
Operations	39,168,981	
Bond Interest	<u>408,850</u>	
Total Expenses (Expenditures)		54,302,311
Estimated Capital Improvement Fund Deposits		\$41,522,689"

The Assistant Secretary-Treasurer said he recommended the resolution and budget be adopted.

A resolution adopting the preliminary budget for the fiscal year 1990 and providing for capital improvement fund requirements during said year was moved for adoption by Mr. Fairbanks, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 17-1989

"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 1990 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 1990 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:

1990

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

Revenues		\$95,825,000
Current Expenses (Expenditures)		
Administration & Insurance	14,724,480	
Operations	39,168,981	
Bond Interest	408,850	
Total Expenses (Expenditures)		54,302,311
Estimated Capital Improvement Fund Deposits		\$41,522,689"

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

Ayes: Mr. Fairbanks, Mr. Bergsmark, Mr. Hurst,
Mr. Pinzone, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 17-1989.

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

The chairman of the Committee on Legal and Audit, Mr. Bergsmark, said the committee had met several times since the last Commission meeting to establish procedures and methodology for the solicitation of proposals for independent outside audit. He said the committee requested Squire, Sanders and Dempsey, the Commission's fiscal and legal counsel, to provide an opinion on the statutory requirements, as well as what the Commission's bond indenture required with regard to an independent audit. He said copies of that opinion were in the Members' folders.

Mr. Bergsmark said further that the Comptroller, Craig Rudolphy, solicited proposals from five major accounting firms. He said the committee met and determined that the contract be awarded to Deloitte, Haskins and Sells. He said further consultation was made with representative, of the Auditor of State, Thomas E. Ferguson, who concurred in that selection. He said that before the Members was a resolution ratifying award of a contract for auditing services.

The Assistant Secretary-Treasurer said he would read the resolved portion of the resolution as follows:

"RESOLVED that the action of the executive director in awarding a contract to Deloitte Haskins & Sells to conduct such audits and to perform such other accounting and auditing services for the audit periods ending December 31, 1989, June 30, 1990, and December 31, 1990, hereby is confirmed and ratified by the Commission, and the executive director is authorized to execute the contract and take any and all actions necessary or appropriate to carry out the terms and conditions of the contract."

The Assistant Secretary-Treasurer said he recommended the resolution be approved.

A resolution ratifying award of a contract for auditing services was moved for adoption by Mr. Pinzone, seconded by Mr. Fairbanks as follows:

RESOLUTION NO. 18-1989

"WHEREAS, the Commission solicited and on September 15, 1989, received proposals from five major accounting firms to provide auditing services to the Commission for the periods ending December 31, 1989, June 30, 1990 and December 31, 1990;

"WHEREAS, the proposals were evaluated by the comptroller and his staff and by memorandum dated September 26, 1989, the comptroller advised the Audit/Legal Committee that the firm of Deloitte Haskins & Sells received the highest evaluation, and he recommended that a contract for auditing services be awarded to Deloitte Haskins & Sells;

"WHEREAS, on September 27, 1989, a meeting was held of the Audit/Legal Committee at which time the proposals received were reviewed and discussed, and it was the recommendation of that committee that a contract be awarded to Deloitte Haskins & Sells;

"WHEREAS, the Auditor of State, Thomas E. Ferguson, acting through Thomas R. Stevens, Director of Quality Assurance, advised the executive director by letter dated October 11, 1989, that the auditor's office also had completed an evaluation of the proposals received and that they concur in the Commission's selection of Deloitte Haskins & Sells;

"WHEREAS, pursuant to the recommendations of the aforesaid and the recommendation of general counsel, the executive director awarded a contract for auditing services to Deloitte Haskins & Sells on October 12, 1989;

"NOW, THEREFORE, BE IT

"RESOLVED that the action of the executive director in awarding a contract to Deloitte Haskins & Sells to conduct such audits and to perform such other accounting and auditing services for the audit periods ending December 31, 1989, June 30, 1990, and December 31, 1990, hereby is confirmed and ratified by the Commission, and the executive director is authorized to execute the contract and take any and all actions necessary or appropriate to carry out the terms and conditions of the contract."

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

Ayes: Mr. Pinzone, Mr. Fairbanks, Mr. Hurst,
Mr. Bergsmark, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 18-1989.

The Executive Director said representatives of the accounting firm were at the administration building earlier in the day to discuss having them begin the audit. He said he fully expected the audit would be done in a timely fashion so that the Commission could meet the statutory requirement so that it can be presented in the annual report for April 1, 1990. He said that included would be a compliance audit for the first time by an independent, outside accounting firm. He said the Commission was working closely with the Auditor of State to assure that the process would be acceptable in lieu of him having to do a separate audit.

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

The Executive Director said that, as vice chairman of the committee, he would give that report. He said that, as all the Members were aware, Mrs. Sandra Dombey Cooke, who no longer was a Commission Member, had chaired that committee. He said new contracts had been awarded within the last two months to provide disabled vehicle service on the Turnpike.

The Executive Director said further the Turnpike was divided into seven areas for coverage by disabled vehicle service operations. He said that up to 1989 that service was provided without the Commission getting any revenue from it nor did the Commission provide a subsidy. He said that in recent years there had been fewer and fewer service calls and the staff found that it was very difficult to obtain operators who were willing to provide the service. He said that earlier in 1989 the Commission began to provide a subsidy in order to make sure that those services were obtained. He said that at the same time the staff notified existing operators that, due to the subsidy, the contracts would be rebid to open them up for others who might be interested under the new ground rules.

The Executive Director said further that bids were then solicited through a formal bidding process. He said those bids received were evaluated and contracts were awarded. He said three new contractors were selected, while four existing operators were awarded contracts. He said there had been a great deal of publicity about complaints from one former operator who was not successful in the bidding process. He said those complaints had resulted in the generation of a large number of letters sent to the Commission's headquarters. He said the operator's legal representative had corresponded with the staff. He said that as a result of the letters and publicity the staff was making a careful review of the whole process. He said there

were certain claims being made and they would be reviewed by him and General Counsel.

The Executive Director said further that the bidding process for the disabled vehicle service would be reviewed and he would keep the members informed as to what developed from the review. He said that the new contracts had been in effect since October 1, and service was being handled appropriately on the road. He said the staff was dealing with an unhappy operator who lost out in what he considered to be a fair and open bidding process.

Mr. Hurst said he had reviewed the correspondence and his concern wasn't so much about the allegations of the unhappy operator that didn't receive the contract, but rather about some of the people who had written to him about the way the bids might have been handled or how they might have been checked into. He said he had letters from the Sandusky County Chamber of Commerce, the Sandusky County Economic Development Corporation, Sandusky County Convention and Visitors Bureau, presidents of banks, the president of the Fremont City Council and others. He said he thought the Commission should oversee some kind of an investigation into the way the process was handled so that a statement could be made to those people and their letters answered to assure them that the award of the bid to another operator was in order.

Mr. Bergsmark said he had received the same letters and he contacted Mr. Johnson who informed him that the staff was looking at the whole process and would get back with answers to the situation.

The Chairman said that whenever complaints regarding the bidding process or whatever were received the Commission was fully prepared to go back and review the process to determine that everything was done properly. He said that based on all the information that he was aware of procedurally, he thought everything was correct. He said that, nevertheless, a review was being undertaken and when it was completed the Members would be made aware and would respond accordingly.

The Executive Director said he had seen all the letters which could give the impression that something really might be wrong. He said those letters were being written by people who have only someone else's side of the story. He said there was another side to the situation and that was being reviewed. He said the letter writers were not aware of how the bidding process was handled.

Mr. Bergsmark said once the review was completed the Executive Director could describe it to the Members.

The Executive Director said he would do that.

Mr. Fairbanks said he agreed with Mr. Hurst that the Commission should respond to the letter writers.

The Executive Director said that would be done.

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 Director of Transportation and the Committee on Safety. He said the report of the Executive Director would be received.

The Executive Director said his report would consist mainly of introducing a number of the remaining resolutions before the Members at the meeting. He said he would start with a resolution authorizing the Executive Director to take immediate action concerning award of contracts CIP 55-90-01, CIP 55-89-01 and CIP 55-90-02. He said those were projects involving the interchange between the Turnpike and State Route 2 in Lucas County. He said there were three separate projects, one for the interchange itself, one for the toll plaza facilities and the third for the work that's being done in conjunction with that project on State Route 2. He said it was a long resolution and he didn't think it was necessary to read it. He said he did recommend that it be adopted.

A resolution authorizing the Executive Director to take immediate action concerning award of contracts, CIP 55-90-01, CIP 55-89-01 and CIP 55-90-02 was moved for adoption by Mr. Fairbanks, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 19-1989

"WHEREAS, the Commission is preparing to advertise for bids for the contracts providing for the construction of a toll interchange with S.R. 2 (Airport Highway) and the Ohio Turnpike in the vicinity of Milepost 52.9 in Lucas County, Ohio; such contracts being designated and described as follows:

CIP 55-90-01	Construction of Interchange 3A with S.R. 2, Milepost 52.56 in Lucas County, Ohio;
CIP 55-89-01	Construction of Toll Plaza facilities at Interchange 3A, Milepost 52.56 in Lucas County, Ohio;
CIP 55-90-02	Improvement and widening of S.R. 2 at Interchange 3A, Milepost 52.56 in Lucas County, Ohio;

"WHEREAS, it is imperative that the contract or contracts be awarded as soon as possible after the openings of bids so that the work to be performed under these projects be commenced as soon as possible;

"WHEREAS, it is estimated that the cost of each contract 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 so that such award may be made immediately as soon as appropriate;

"NOW, THEREFORE, BE IT

"RESOLVED that with respect to the award of Contracts CIP 55-90-01, CIP 55-89-01 and CIP 55-90-02, if, in the opinion of the executive director, the deputy executive director-chief engineer and the consulting engineer it is in the best interest of the Commission for awards 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 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."

Mr. Bergsmark asked when the Turnpike/State Route 2 interchange would be completed.

The Executive Director said it should be opened in November 1990.

Mr. Bergsmark asked if ODOT had to do anything regarding construction of the interchange or was it strictly a Commission project.

The Executive Director said the Commission was totally responsible for the project, although the Commission did have a formal agreement with ODOT for the project and ODOT had reviewed the plans for the interchange. He said bids would be advertised and contracts awarded to enable contractors to place their orders

for some of the critical items that were still going to be needed on the bridges.

The Deputy Executive Director-Chief Engineer, G. Alan Plain, said the staff had tentative dates for advertising the bids. He said bids would be advertised for construction of the toll plaza facilities on November 15 because there were some long delivery dates on items associated with that work. He said that January 1, 1990, would be the ad date for construction of the interchange and February 1990, for widening of State Route 2.

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

Ayes: Mr. Fairbanks, Mr. Bergsmark, Mr. Hurst,
Mr. Pinzone, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 19-1989.

The Executive Director said the next resolution was entitled resolution authorizing the Executive Director to take immediate action concerning award of contracts CIP 55-90-03 and CIP 55-90-04. He said those two contracts would provide for the remainder of the interchange between the Turnpike and I-75 in Wood County. He said one contract had already been let for the portion from the toll plaza on down to the Turnpike. He said that, in fact, that part of the project was almost finished. He said the two contracts in the resolution would provide for the remainder of the interchange, from the toll plaza area including all the work that needed to be done on I-75, and also for the construction of the necessary toll plaza facilities. He said he recommended that the resolution be adopted.

A resolution authorizing the Executive Director to take immediate action concerning award of contracts CIP 55-90-03 and CIP 55-90-04 was moved for adoption by Mr. Bergsmark, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 20-1989

"WHEREAS, the Commission is preparing to advertise for bids for the contracts providing for the construction of a portion of the toll interchange at Interstate Route 75 and the Ohio Turnpike, such contracts being designated and described as follows:

CIP 55-90-03

Interchange 4A; connecting ramps and structures from the toll plaza to Milepost 64.9 in Wood County, Ohio;

CIP 55-90-04

Construction of toll plaza facilities, Interchange 4A, Milepost 64.9 in Wood County, Ohio;

"WHEREAS, it is imperative that the contract or contracts be awarded as soon as possible after the openings of bids so that the work to be performed under these projects be commenced as soon as possible;

"WHEREAS, it is estimated that the cost of each contract 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 so that such awards may be made immediately as soon as appropriate;

"NOW, THEREFORE, BE IT

"RESOLVED that with respect to the award of Contracts CIP 55-90-03 and CIP 55-90-04, if, in the opinion of the executive director, the deputy executive director-chief engineer and the consulting engineer it is in the best interest of the Commission for awards 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 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."

Mr. Bergsmark asked when the Turnpike/I-75 interchange would be opened.

The Executive Director said it was scheduled to be opened at the end of the construction season in 1991. He said it was a

more difficult project than the Turnpike/S.R. 2 project, especially due to the work that had to be done on I-75.

Mr. Bergsmark asked if plans had been completed to provide a link up with the future I-75/S.R. 795 interchange south of the Turnpike.

The Executive Director said the staff had included all the elements that were necessary to link up with the S.R. 795 interchange south of the Turnpike. He said ODOT had a consultant working on the plans for that interchange. He said he was attempting to get a meeting together at the Commission's headquarters as soon as possible. He said he had hoped to have it the week of the Commission meeting, but all the participants were not available. He said he would schedule a meeting among the Commission, ODOT and the respective consultants to make sure everything meshes with the S.R. 795 project. He said he hoped to have the meeting the week after the Commission meeting.

Mr. Bergsmark asked Mr. Hurst if the interchange of I-75/S.R. 795 would open at the same time as the Turnpike/I-75 interchange.

Mr. Hurst said it would not. He said a consultant had been awarded a contract to begin plans for the I-75/S.R. 795 interchange and it would be late in 1991 before a construction contract could be let. He said he was going to try to cut some time off that schedule.

Mr. Bergsmark said that then ODOT couldn't let the I-75/S.R. 795 contract until the Turnpike/I-75 interchange was opened.

Mr. Hurst said he hoped to have the contract let by or before that interchange was opened.

Mr. Bergsmark asked Mr. Hurst how long the construction time would be.

Mr. Hurst said he thought it would probably take one year. He said that if it had been let before the beginning of 1992 it could be finished during the construction year 1992.

The Executive Director said he thought ODOT could do that because there weren't any bridges in that project. He said there were ten bridges in the Turnpike/I-75 project.

Mr. Bergsmark asked if there was anything the Commission could do to assist ODOT in speeding up the S.R. 795 project. He said he thought it made sense to have both interchanges opened at the same time.

Mr. Hurst said ODOT was using Federal funds and a different set of rules applied, particularly the purchasing of the right-of-way.

The Executive Director said that when the meeting he had mentioned earlier was held maybe some more answers on the S.R. 795 project could be pinned down. He said he would report on those discussions at the December Commission meeting.

Mr. Bergsmark said he just asked the Executive Director to do whatever he could to speed up the work on the I-75/S.R. 795 interchange so that it might open very soon after the Turnpike/I-75 interchange. He said he thought that if both interchanges opened close together there could be some money saved.

The Executive Director said that if the state's construction bids were taken while the Commission's work was still going on there could be an advantage.

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

Ayes: Mr. Bergsmark, Mr. Pinzone, Mr. Hurst,
Mr. Fairbanks, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 20-1989.

The Executive Director said also the next resolution was entitled resolution authorizing the Executive Director to take immediate action concerning award of bridge renovation contracts, roadway resurfacing contracts, and maintenance building renovation contracts. He said it was a long resolution in that it listed all the projects, on which plans were being prepared at the present time, which would be included in the 1990 construction season or carried over to 1991. He said it was the basic bridge/roadway resurfacing and building renovation program for 1990. He said he recommended the resolution be adopted.

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

RESOLUTION NO. 21-1989

"WHEREAS, the Commission has advertised and is preparing to advertise for bids for twelve bridge renovation contracts;

three roadway repair and resurfacing contracts, and three maintenance building renovation contracts, such contracts being designated and described as follows:

Bridge Renovation Contracts

CIP 43-90-01 FTP 43-90-02	Nettle Creek Road, Milepost 6.2, Farmer Center Road, Milepost 9.0; S.R. 576, Milepost 10.2, Williams County, Ohio;
CIP 43-90-03 FTP 43-90-04	Town Line Road, Milepost 12.1, Pleasant Hill Road, Milepost 15.1 and S.R. 15 (two structures), Milepost 13.2, Williams County, Ohio;
CIP 43-90-05	Hartman-Inlet Road (TR-17), Milepost 32.5, Lena-Morenci Road (TR-16), Milepost 33.2, Pettisville-Morenci Road, Milepost 30.3 and Tedrow-Morenci Road, Milepost 31.4, Fulton County, Ohio;
CIP 43-90-06 FTP 43-90-07	U.S. 24-S.R. 25, Milepost 62.3; Exit 4 Ramp, Milepost 59.5; Cass Road, Milepost 60.3 and Crystal Street, Milepost 62.0; Exit 4 Ramp over U.S. 20, Lucas County, Ohio;
CIP 43-90-08	Exit 5 Ramp over S.R. 420, Milepost 71.4; and Pemberville Road, Mile- post 72.0; Wood County, Ohio and Billman Road, Milepost 75.2 in Ottawa County; Camper Road, Mile- post 75.6; and eastbound and westbound structures carrying Ohio Turnpike over Portage River, Mile- post 80.5 in Ottawa County, Ohio;
CIP 43-90-09	Gibbs Road, Milepost 97.6; Karbler Road, Milepost 98.1; Vickery Road, Milepost 101.2; Yorktown Road, Milepost 100.2 and Mugg Road, Mile- post 102.3, Sandusky County, Ohio;
CIP 43-90-10	Eastbound and westbound structures carrying Ohio Turnpike over the B&O Railroad, Milepost 113.7; and Ransom Road, Milepost 114.0, Erie County, Ohio;

CIP 43-90-11	Joppa Road, Milepost 128.5; Har-
FTP 43-90-12	rison Road, Milepost 130.8, and
	S.R. 60, Milepost 131.6, Erie
	County, Ohio;
CIP 43-90-13	Albion Road, Milepost 162.2; S.R.
FTP 43-90-14	94 (State Road); Milepost 167.3 and
	S.R. 176 (Broadview Road), Milepost
	169.5, Cuyahoga County, Ohio;
FTP 43-90-15	Southbound and northbound struc-
CIP 43-90-16	tures carrying I-480 over the Ohio
	Turnpike, Milepost 186.8, replace-
	ment of Exit 13 Ramp, Milepost
	187.0; Exit 13 Ramp over S.R. 14,
	Milepost 187.0, Portage County,
	Ohio;
FTP 43-90-17	State Route 88, Milepost 199.5;
CIP 43-90-18	Stanley Road, Milepost 201.8; Horn
	Road, Milepost 204.8, Portage
	County, Ohio;
CIP 43-90-19	Eastbound and westbound structures
	carrying Ohio Turnpike over S.R. 5,
	Milepost 209.6; Mahoning River;
	Milepost 209.9; Ravenna-Warren
	Road, Milepost 210.1; and B&O
	Railroad, Milepost 210.3, Trumbull
	County, Ohio;

Roadway Repair and Resurfacing Contracts

CIP 59-90-01	Mainline Resurfacing at Milepost
	38.9 to Milepost 48.6 in Fulton and
	Lucas Counties, Ohio;
CIP 59-90-02	Mainline Resurfacing at Milepost
	173.0 to 177.0 in Summit County,
	Ohio;
CIP 59-90-03	Mainline Resurfacing at Milepost
	230.6 to Milepost 241.2 in Mahoning
	County, Ohio;

Maintenance Building Renovation Contracts

CIP 56-90-01	Addition and rehabilitation of Kunkle Maintenance Building, Milepost 16.0, Williams County, Ohio;
CIP 56-90-02	Addition and rehabilitation of Amherst Maintenance Building, Milepost 141.0, Lorain County, Ohio;
CIP 56-90-03	Addition and rehabilitation of Canfield Maintenance Building, Milepost 228.1 in Mahoning County, Ohio;

"WHEREAS, it is imperative that each contract be awarded as soon as possible after the openings of bids so that the work to be performed under these contracts be commenced as soon as possible;

"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 opinion 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 responded to roll call. The vote was as follows:

Ayes: Mr. Bergsmark, Mr. Fairbanks, Mr. Hurst,
Mr. Pinzone, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 21-1989.

The Executive Director said also the next resolution authorized lease of office space. He said the Commission was proposing to open a small office in Columbus to help coordinate all the work the Commission did with other state agencies which were all located in Columbus. He said it had been many years since the Commission had the advantage of being able to use facilities in Columbus at an ODOT building located on Gay Street which the Commission originally owned. He said that being very active in dealing with other agencies in Columbus almost necessitated that office space be available for the Members and staff at times when they were in Columbus.

Executive Director further said that he would read the resolved of the resolution as follows:

"RESOLVED that the executive director be, and he hereby is, authorized to enter into a lease of office space located at 236 East Town Street, Columbus, Ohio with Town Street Office Suites, an Ohio corporation, for approximately 336 square feet within Suite 130 for a period of no more than twelve months, with an option to renew for one year, at a rental of \$500 per month, such lease to be in such form and contain such terms and conditions as are approved by the general counsel."

The Executive Director said further that the monthly fee covered not only office rental, but all utilities and the services of a person for phone answering purposes so that the office would be covered even though a Commission representative was not physically present.

A resolution authorizing lease of office space was moved for adoption by Mr. Fairbanks, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 22-1989

"WHEREAS, the Commission has requested and received a proposal from Town Street Office Suites, an Ohio corporation, offering to rent to the Commission an office in Columbus containing approximately 336 square feet and related facilities and services for the sum of \$500 per month for a period of one year;

"WHEREAS, the Commission deems it advisable to obtain a small office facility in the City of Columbus to more efficiently coordinate its activities in the state capital;

"WHEREAS, the Commission has fully considered said offer and has examined the office and related facilities and is of the opinion that it will be desirable and in the best interests of the Commission that a lease be entered into for said office space and related facilities;

"NOW, THEREFORE, BE IT

"RESOLVED that the executive director be, and he hereby is, authorized to enter into a lease of office space located at 236 East Town Street, Columbus, Ohio with Town Street Office Suites, an Ohio corporation, for approximately 336 square feet within Suite 130 for a period of no more than twelve months, with an option to renew for one year, at a rental of \$500 per month, such lease to be in such form and contain such terms and conditions as are approved by the general counsel."

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

Ayes: Mr. Fairbanks, Mr. Bergsmark, Mr. Hurst,
Mr. Pinzone, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 22-1989.

The Executive Director said also that he had a resolution increasing the maximum balance of the revolving fund. He said the resolution was explanatory in the Whereas. He said the Commission had a small account in a Cleveland-area bank which had been maintained since the headquarters' office opened in Berea. He said the original Trust Agreement stipulated that the revolving fund not exceed \$10,000 total. He said the stipulation goes back to 1956 and it turned out that keeping it at that low amount required an unusual number of deposits to be made. He said the resolution called for doubling the revolving account fund to a maximum of \$20,000.

The Executive Director said further that the account was used to fund checks which were inconvenient to run through the depository bank. He said those checks were written for such things as certain expense accounts and toll refunds. He said he recommended that the resolution be adopted.

A resolution increasing the maximum balance of the revolving fund was moved for adoption by Mr. Pinzone, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 23-1989

"WHEREAS, as permitted by its original 1952 Trust Agreement and pursuant to Resolution No. 21-55, the Commission established and has maintained a bank account, designated the Revolving Fund, to provide a convenient method of paying certain non-recurring, day-to-day expenses;

"WHEREAS, the Commission's original trust agreement provided that the balance in the Revolving Fund could not exceed \$10,000, however, the Commission's current trust agreement does not contain such a \$10,000 limitation;

"WHEREAS, the comptroller has recommended that the maximum balance in the Revolving Fund be increased to \$20,000 in order to reduce the number of deposits which must be made in the Revolving Fund;

"NOW, THEREFORE, BE IT

"RESOLVED that the executive director and the comptroller are hereby authorized to act on behalf of the Commission in continuing to maintain a bank account, to be designated the Revolving Fund, with a balance not to exceed \$20,000, in order to provide an account from which to pay items of current expenses which cannot conveniently be paid through the Commission's other accounts, and the executive director and the comptroller, with the approval of general counsel, hereby are authorized to execute such agreements, as are necessary, to establish the aforesaid account."

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

Ayes: Mr. Pinzone, Mr. Bergsmark, Mr. Hurst,
Mr. Rogers

Abstain: Mr. Fairbanks

Nays: None

The Chairman declared the resolution stood adopted with all Members, with the exception of Mr. Fairbanks, voting in the affirmative. The resolution was identified as No. 23-1989.

The Executive Director said also that the final resolution before the Members was a resolution expressing appreciation to Sandra Dombey Cooke, who served as a Member of the Commission until August 1989. He said it was customary for the Commission

to adopt a resolution of appreciation. He said he recommended that the resolution be adopted and he would send a copy of it in an appropriate form to Mrs. Cooke.

A resolution expressing appreciation to Sandra Dombey Cooke was moved by Mr. Fairbanks, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 24-1989

"WHEREAS, Sandra Dombey Cooke has been a valued member of this Commission since her appointment by Governor James A. Rhodes on January 1, 1981, to fill the unexpired term of Jo Ann Davidson, and Mrs. Cooke was reappointed by Governor Rhodes for the term beginning on July 1, 1981;

"WHEREAS, she served as the vice-chairman of the Commission since July 7, 1981, and also as chairman of the Commission's Committee on Service Plazas during which time the plazas were totally renovated and new restaurant contracts awarded which incorporated the most modern methods of food service to the traveling public; and

"WHEREAS, she actively contributed to the Commission's purposes and objectives through her diligent application to the problems coming before the Commission and the astuteness and knowledge which she 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 Sandra Dombey Cooke as a member of the Ohio Turnpike Commission;

"RESOLVED that the Commission extends to Sandra Dombey Cooke its best wishes for her success and well-being in all matters and activities which she 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 Mrs. Cooke."

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

Ayes: Mr. Fairbanks, Mr. Pinzone, Mr. Hurst,
Mr. Bergsmark, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 24-1989.

The Executive Director said also that legislation affecting the Turnpike has passed in the Ohio Senate and gone to the Ohio House of Representatives. He said the General Assembly was basically in recess for the remainder of 1989, so he didn't expect further action on that legislation until 1990.

The Executive Director said further that federal legislation to allow the cancellation of the Commission's tripartite agreement was under consideration by the U.S. House of Representative's Public Works Committee along with major legislation that was going to be coming before Congress later in 1989 and 1990 concerning the national transportation system. He said that the legislation on the state and federal levels was on hold until early 1990.

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

General Counsel, James C. McGrath, said he was proceeding to obtain the right-of-way for the two new interchanges in the Toledo area and that progress was satisfactory.

The Chairman said the report of General Counsel was accepted as offered. He said the report of the consulting engineers would be received.

The representative of the consulting engineers, Mr. Fleishman, said the annual report of the consulting engineers had been submitted to the Commission as required by the trust agreement.

The Chairman said the report of the consulting engineers was accepted as offered. He ascertained there would be no report from the trustee or the Director of Information and Research.

The Chairman said that for the benefit of Mr. Fairbanks the Commission annually had a meeting in December which coincided with a Christmas luncheon for the administration building employees. He said a meeting date which was convenient to all Members would be selected. He said he also wanted to invite the members of the media in attendance not only to the meeting, but also to the festivities which would follow.

The Chairman said also that he would be making additional committee assignments inasmuch as Mrs. Cooke was no longer a Commission Member and she held certain committee assignments. He said he would not merely fill those committee assignments with Mr. Fairbanks. He said he would be making those assignments before the first meeting of 1990.

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

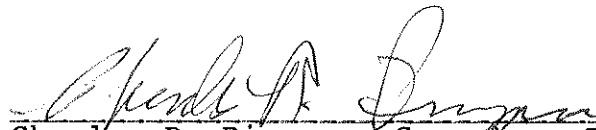
A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mr. Bergsmark, Mr. Fairbanks, Mr. Hurst,
Mr. Pinzone, Mr. Rogers

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 12:29 p.m.

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



Charles R. Pinzone, Secretary-Treasurer