

MINUTES OF THE 386th MEETING OF THE OHIO TURNPIKE COMMISSION

May 10, 1993

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administrative Building at 682 Prospect Street, Berea, Ohio at 10:22 a.m., on May 10, 1993, with key members of the staff; a representative, W. Robson Fleischman, of the consulting engineers, Greiner Engineering, Inc.-Ohio; two members of the media, Hank Harvey, The (Toledo) Blade, and 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: Robert F. Hagan, M. Ben Gaeth, Jerry Wray,
Ruth Ann Leever, Umberto Fedeli

Absent: Charles R. Pinzone, Edwin M. Bergsmark

A motion was made by Mr. Wray, seconded by Mrs. Leever, that the minutes of the meeting of April 12, 1993, 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: Mr. Wray, Mrs. Leever, Mr. Fedeli

Nays: None

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

The Chairman said he would like everyone in the meeting room to identify themselves as follows: Don Sharp, Director of Operations; Andrea Plassard, Assistant Comptroller; Craig Rudolphy, Comptroller; Ed Presley, Society Bank; Dick Fetzer, Society Bank; Les Gaines, Minority Business Enterprise Coordinator; Hank Harvey, The (Toledo) Blade; Steve Fogarty, The (Elyria) Chronicle-Telegram; John Lavelle, Society Corporation; Jim Conroy, Porter, Wright, Morris and Arthur; Chris Rice, Joseph Rice Consultants; Lou Disantis, Director of Administrative Services; Captain Hank Williams, Commander of District 10, Ohio State Highway Patrol; Jim Cooper, Donaldson, Lufkin & Jenrette; Kym Arnone, Bear Stearns; John Lee, Kemper Securities; Gordon Reis, Seasingood & Mayer; Ken Becker, Smith Barney; Chris Riemenschneider, Kemper Securities; Alice Linn, Superintendent of Patron Services; Eleonore Spencer, Administrator of Workers'

Compensation; Sharon Isaac, Staff Counsel; Tom Strussion, Strussion Consulting; Bill Howell, Prudential Securities; Dan Rohr, Bank One Capital; Barb Lesko, the Executive Director's Secretary; Leah Fox, ODOT; Diane Pring, General Counsel's Secretary; Heidi Jedel, Information and Research; Pat Patton, Government Liaison Officer; David Goodman, Calfee, Halter & Griswold; and Joe Rice, Joseph Rice Consultants.

The Chairman said the meeting was the 386th 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. He said Mr. Pinzone and Mr. Bergsmark were unable to attend the meeting, but the Commission did have a quorum.

The Chairman said further that the main reason for the meeting was to receive committee and staff reports and act on resolutions, draft copies of which had been previously sent to the Members and were also in the Members' folders. He said the resolutions would be explained and introduced during the various committee and staff reports.

The Chairman said further that if there were no questions, the report of the Secretary-Treasurer, which would be given by the Assistant Secretary-Treasurer, Allan V. Johnson, would be received.

The Assistant Secretary-Treasurer said that the following listed items had been sent to the Members since the last regular meeting of the Commission, April 12, 1993:

- (1) Weekly Traffic Statistics
- (2) Investment Transactions which occurred during April 1993
- (3) Draft of the Commission Meeting minutes of April 12, 1993
- (4) Financial Statement for March 1993
- (5) Service Plaza Audit Reports - Ciuni & Panichi
- (6) News Release #11 - Regarding the Great Lakes/
Mid-Atlantic Corridor

(At this time, Representative Hagan left the meeting room for another appointment.)

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

Mr. Johnson said that the committee had reviewed the proposals that had been submitted to the Commission for the services of bond counsel. He said the committee reviewed all of the proposals that had been submitted to come up with a smaller list to be reviewed further by General Counsel and Special Counsel who also conducted interviews with some of those firms.

He said he would ask General Counsel to explain what transpired after the committee's initial work and to explain the resolution that had been prepared on that matter.

General Counsel, James C. McGrath, said he and John Peca, Special Counsel, had interviewed four firms in response to the RFP for bond counsel. He said he had prepared a memorandum relative to their considerations concerning those interviews. He said each Member of the Commission had received a copy of that particular report.

General Counsel said that the report stated that in his and Mr. Peca's opinions the firms of Squire, Sanders & Dempsey and Peck, Shaffer and Williams both could serve as bond counsel to the Commission. He said they both were qualified.

General Counsel said he had prepared a resolution relative to the decision to select bond counsel.

The Chairman said that, as Mr. McGrath and Mr. Peca were probably aware, there was a considerable difference in the fees for the two firms. He said Peck, Shaffer and Williams was considerably lower.

Mr. McGrath said the fee for Peck, Shaffer and Williams was \$40,000 less than the fee for Squire, Sanders and Dempsey.

The Chairman said the fee for Peck, Shaffer and Williams was \$50,000, while the fee for Squire, Sanders & Dempsey was \$90,000.

Mr. Johnson said that as Assistant Secretary-Treasurer he would read the Resolved of the resolution, and the Members could fill in the blanks. He read the Resolved as follows:

"RESOLVED that the Commission hereby selects _____ to serve as its bond counsel and authorizes and directs the executive director and the general counsel to enter into negotiations with _____ to formalize a contract for services as bond counsel, all in accordance with the terms and conditions of the Commission's Request for Proposals."

Mr. Johnson said he recommended that the Members fill in the blanks and then adopt the resolution.

A motion was made by Mrs. Leever, seconded by Mr. Wray that the Commission select Peck, Shaffer and Williams to serve as bond counsel for the Commission as follows:

RESOLUTION NO. 20-1993

"WHEREAS, on February 26, 1993, the Commission issued a Request for Submission of Proposals to Serve as Bond Counsel to the Commission;

"WHEREAS, responses were received on March 19, 1993, from eleven firms expressing an interest in serving as bond counsel, and such responses were studied and reviewed by the Commission's Committee on Budget and Finance, the Commission's Audit and Legal Committee, its General Counsel and Special Counsel;

"WHEREAS, after reviewing the proposals submitted, four of the firms were selected to be interviewed, such interviews being held on April 23, 1993;

"WHEREAS, the General Counsel, after analyzing the proposals received and conducting the interviews aforesaid, submitted his report to the Commission, and the Commission has duly considered such report;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby selects Peck, Shaffer & Williams of Cincinnati, Ohio, to serve as its bond counsel and authorizes and directs the executive director and the general counsel to enter into negotiations with Peck, Shaffer & Williams to formalize a contract for services as bond counsel, all in accordance with the terms and conditions of the Commission's Request for Proposals."

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

Ayes: Mrs. Leever, Mr. Wray, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 20-1993.

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

Mr. McGrath said that committee had worked with the Budget and Finance Committee to review the RFP's for bond counsel.

Mr. Johnson said he wanted to add one specific item from that committee and that was the Commission's current audit contract had been proposed to be extended for one final year. He said the proposed extension of the contract with Deloitte and Touche had been submitted to the Auditor of State, which was necessary in order to receive his concurring approval of it. He said he expected it back shortly so Deloitte and Touche could conduct the Commission's audit for the six months of 1993 and the final audit at the end of the year.

The Chairman asked if Deloitte and Touche would be entering into the fifth year of its contract in 1993.

Mr. Johnson said it would be the fifth year of the contract and that was the most time permitted for one firm under the rules of the Auditor of State.

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

Mr. Disantis said that, in Mr. Pinzone's absence, he would report that the fact finder had not yet submitted his report on the negotiations with the radio room employees' representatives. He said also that SERB had not yet rendered a decision on the part-time employees' right to unionize. He said that the Commission was at the same place they were at the last meeting regarding those two items.

Mr. Disantis said also that the subcommittee of the Committee on Employee Relations would begin its annual meetings with the supervisory personnel from the field in toll and maintenance and the representatives of the administrations building personnel. He said he hoped to be able to report back by the June Commission meeting on how well those meetings progressed.

Mr. Wray asked if the meetings were held on an annual basis.

Mr. Disantis said the subcommittee met every year for discussion with the field supervisors and the employees in the administration building.

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

The Chairman said that at the last meeting Mr. Wray was unable to attend and the Commission thanked ODOT for all the cooperation the Commission had been getting with the Mid-Atlantic Corridor. He said the Commission was quite happy and very proud of its partnership relationship with ODOT and looked forward to working with them in the future.

The Chairman asked Mr. Wray if he had a report.

Mr. Wray said he did not.

The Chairman said the report of the Executive Director would be received.

The Executive Director, Allan V. Johnson, said that at the last Commission meeting he reported that consultants had been retained for both the new interchange at State Route 4 in Erie County and State Route 44 in Portage County. He said he had entered into contracts with the firms for those interchanges and the preliminary work was under way. He said there had been some meetings scheduled with ODOT to coordinate with them on those projects.

The Executive Director said proposals were submitted on the Friday before the meeting from consultants to prepare plans for the new interchange with State Route 58. He said the staff would be evaluating those proposals as quickly as possible.

The Executive Director said further that the only thing he could report on the new interchange complex at the Lordstown General Motors plant was that the contractor was working quite hard to make sure that the earthwork got finished so that the remaining pavements could be put in place. He said the interchange would be opened in late June or early July. He said he was confident that the interchange would be finished on time.

The Executive Director said further that he would let Jim Brennan talk about some of the other sites that were under consideration, but before doing that there was only one other matter that he had to mention. He said there was a resolution before the Members to award a contract for expanding and renovating the Turnpike's Boston Maintenance Building. He said the project would be the last maintenance building to undergo such work. He said the renovation and expansion of the seven other maintenance buildings was either complete or already under contract.

The Executive Director said further that he had furnished the Members with a tabulation of the bids received on the contract. He said there were seven bids received. He said the low bid was that of the Industrial Construction Company, Inc. of Cleveland. He said the bids had been reviewed by the Commission's consultants, staff and by General Counsel. He said he recommended that the contract be awarded to the low bidder. He said he would read the Resolved as follows:

"RESOLVED that the bid of Industrial Construction Company, Inc. of Cleveland, Ohio, in the amount of \$1,695,666.00 for the performance of Contract CIP 56-93-03, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the 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; (2) to direct the return to the other bidders of their bid security, when

appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

The Executive Director said he recommended that the resolution be adopted.

A resolution awarding contract CIP 59-93-03 was moved for adoption by Mr. Wray, seconded by Mrs. Leever as follows:

RESOLUTION NO. 21-1993

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for the addition and renovation of the Boston Maintenance Building, Milepost 173.9 in Summit County, Ohio;

"WHEREAS, seven bids for the performance of said contract were received;

"WHEREAS, said bids have been reviewed and analyzed by the Commission's deputy executive director-chief engineer and the Commission's consulting engineer, and they have submitted reports concerning such analyses and those reports are before the Commission and the Commission's executive director has made his recommendation to the Commission predicated upon such analyses;

"WHEREAS, the Commission's minority business enterprise coordinator has reviewed the documents submitted by the bidders and has determined that there is satisfactory evidence of compliance with the Commission's Minority Business Enterprise Program;

"WHEREAS, all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications, and the bid of Industrial Construction Company, Inc. of Cleveland, Ohio, in the amount of \$1,695,666.00 for the performance of Contract CIP 56-93-03 has been determined by the Commission to be the lowest responsive and responsible bid received;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.07 (B), Section 9.312 and Section 153.54, all of the Revised Code of Ohio, and that a performance bond with good and sufficient surety has been submitted by Industrial Construction Company, Inc.;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Industrial Construction Company, Inc. of Cleveland, Ohio, in the amount of \$1,695,666.00 for the performance of Contract CIP 56-93-03,

is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the 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; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) 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 present responded to roll call. The vote was as follows:

Ayes: Mr. Wray, Mrs. Leever, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 21-1993.

Mr. Wray asked the Executive Director if the Commission's staff had been meeting with ODOT officials on the district level regarding the new Turnpike interchanges at State Routes 4 and 44.

The Executive Director said Mr. Wray was correct. He said the staff had met with ODOT representatives at District 3 for the interchange at State Route 4 and District 4 for the interchange at State Route 44.

The Chairman told Mr. Wray that at the last Commission meeting, which Mr. Wray was unable to attend, detailed maps of the Mid-Atlantic Corridor were shown. He said it also was mentioned that environmental impact statements were being done for potential interchange sites at Interstate Route 77, State Route 11 and Mahoning County Road 18.

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

The Development Coordinator, James H. Brennan, said that, regarding the Mid-Atlantic Corridor, he had met on April 14 with representatives from Districts 3 and 4 in Delaware County at Grady Memorial Hospital. He said it was a good meeting and, again, a great deal of excitement was displayed for the commitment to the program by Governor Voinovich and the Commission.

Mr. Brennan said further that of a major concern was the route the I-73/74 highway would follow through Delaware County.

He said it was well recognized that the route could not follow U.S. 23 through the county. He said a way had to be determined to route traffic east to Interstate Route 71 or build some new road to the west.

Mr. Brennan said further that, also on April 14, the Executive Director, the Deputy Executive Director-Chief Engineer, G. Alan Plain, and he had met with several high-level ODOT officials at the ODOT Columbus office. He said those at the meeting had a good exchange and everyone involved knew of the Governor's key commitment to the project. He said an RFP had been drafted covering solicitation of letters of interest for a feasibility study for the Commission's review. He said he believed a group would have to meet on a regular basis so that the momentum could be maintained, which was something he wanted to talk about with Mr. Wray and Mr. Johnson.

Mr. Brennan said also that two public meetings were held in Toledo on April 22 concerning the Maumee River crossing. He said they were very well attended. He said there were about 100 people at the 3:00 p.m. session and about 250 at the 7:00 p.m. session. He said the meetings demonstrated that a great deal of further thought had to be given to the project, particularly as it regarded the geographical scope of the review. He said he would continue to follow the project.

Mr. Brennan said also that the proposed interchange at State Route 66 or County Road 24 in Fulton County, which was approved by the Commission on March 8, was being held up because a private group had retained an engineering firm to conduct a study for a Lima, Ohio to Lansing, Michigan corridor. He said that study was being done by West, Carroll, Bergman Associates of Toledo. He said they began their study on April 1 and their work was scheduled to be done by August 15. He said he thought it was unfortunate the Commission's plans had to be delayed, but, considering the circumstances, he thought it was probably best to continue to hold up on that particular interchange.

Mr. Brennan said also that discussions with various interests continued on the proposed interchange with State Route 51 in Ottawa County. He said he had to admit that progress was rather slow and at that point he was not ready to recommend any action regarding that particular location.

Mr. Brennan said also that, regarding a possible interchange at Baumhart Road, such an interchange at that location had been under consideration for a number of years. He said that since the Commission had approved an interchange at State Route 58 on March 8, interest had heightened regarding the Baumhart Road possibility. He said he had discussed the matter with Phil Harwood, the ODOT Deputy Director at District 3 in Ashland. He said Mr. Harwood would review the site with other ODOT personnel.

He said ODOT would have to approve the site before the Commission could move ahead.

The Chairman said the report of the Development Coordinator was accepted as offered.

The Executive Director said he thought it would be appropriate to review the status of the Turnpike's construction projects. He said there were three mainline resurfacing projects in progress. He said the first was from the Indiana line to five miles into Ohio. He said the second was between the Fremont (No. 6) Interchange and Sandusky (No. 7) Interchange. He said the third was between the Strongsville-Cleveland (No. 10) and the Cleveland (No. 11) Interchanges in Cuyahoga County. He said all three projects were on schedule and, with the recent good weather, they should be done by the end of June.

Mr. Wray asked if the projects were simple resurfacing or was some upgrading involved.

The Executive Director said the projects called for milling the existing asphalt to the original concrete pavement, repairing any of the concrete pavement that needed to be done and then asphalt replacement.

Mr. Plain said that on one of the projects, the one in Cuyahoga County, the contractor had been working seven days a week and long hours to complete the work on time.

The Executive Director said that project was extremely difficult because it was eleven miles long and included some three-lane sections out of the Rocky River valley. He said the work was being done in two zones. He said it was a lot of work to do in a short time period, but he was confident it would be done.

Mr. Plain said the contractor was working in a situation where there was one lane going up a steep grade for a couple of miles, which was the worst section of the project. He said that beyond that section there should be few problems with traffic.

Mr. Wray asked if there was a crossover being used in the project.

Mr. Plain said a crossover separated by a concrete barrier was being used. He said there was one lane in each direction and, at that time, the bi-directional zone was set up in the westbound lanes.

The Executive Director said the zone was almost seven miles in length. He said that if there was even a slow-down, a backup in traffic could occur. He said that so far there had been few problems.

Mr. Plain said the new message boards have helped in cutting down on delays.

Mr. Brennan said he had heard a lot of favorable comments on the boards.

The Executive Director said that based on some problems encountered on the Turnpike last year special efforts were made this year to improve communications between the Commission's staff and the Highway Patrol regarding traffic control. He said that toward that end a number of changeable message signs were purchased. He said the signs could be controlled remotely to change the messages to advise about any traffic backups or, if necessary, offer alternate routes. He said the signs could be changed by personnel in the Berea radio room.

Mr. Wray asked if the signs were owned by the Commission or the contractors.

The Executive Director said they were purchased by the Commission under the contracts.

Mr. Plain said that when the contracts ended the signs would be turned over to the Commission.

The Executive Director said the staff also was in the process of installing changeable message sign boards at all the service plazas. He said they were being placed first in those service plazas on each side of the current construction areas. He said the intent was to have them at all the service plazas. He said they not only would have maps on them, but also other information such as hotel/motel guides. He said they would have the remote-controlled, changeable message board to provide updates on construction zones. He said the boards would be in place all year long and will offer weather information.

Mr. Wray asked if there were sixteen service plazas.

Mr. Plain said there were sixteen service plazas. He said the boards were being installed at the Great Lakes and Towpath Service Plazas, between Strongsville-Cleveland (No. 10) and Cleveland (No. 11) Interchanges.

Mr. Wray asked if commercial establishments would be able to advertise on the boards and, if so, would they have to pay the Commission to do so.

The Executive Director said that at that time only hotels/motels would be advertised and there would be some payment or fees charged.

Mr. Wray asked if county fairs, local events or Chambers of Commerce might advertise on the boards.

The Executive Director said the staff hadn't gotten into that yet, but eventually that might happen. He said things had to be worked out in some of the pamphlets that were distributed to see how and who will be allowed to be on the boards.

Mr. Wray asked if the primary message was Turnpike information and traffic information.

The Executive Director said Mr. Wray was correct.

Mr. Wray said ODOT had a pilot program of such boards. He said one was stationary at the state line on Interstate Route 70 and another at a rest area in the south central part of the state. He said there had been problems with them because local Chambers of Commerce tried to control them.

The Executive Director said that if the Commission didn't have control over the boards then they would be filled up with everybody's pet project. He said there also were two tourist information centers on the Turnpike. He said that they were not very plush, but they were being operated in conjunction with the Ohio Department of Development. He said one of the centers was at the Tiffin River Service Plaza, which was the first service plaza eastbound from the Indiana border. He said the other center was at the Portage Service Plaza, westbound from the Niles-Youngstown (No. 15) Interchange, where Interstate Route 80 comes on to the Turnpike. He said he thought the centers might be changed so that they were more appropriate to the plazas. He said the staff had to sit back on those centers until the Commission figured out whether or not it would remain in existence. He said he thought they were something that could be expanded.

The Executive Director said he had one final thing to bring up at the meeting. He said that at the Commission meeting in January a resolution was adopted in appreciation to Mr. Brennan. He said the resolution had been put into a little fancier form than normal and it had been framed. He said he knew the Chairman wanted to present it to Mr. Brennan.

The Chairman said he would like to present the framed resolution to Mr. Brennan. He said Mr. Brennan was kind of the leader of the new era of the Turnpike with regard to all the new activities, the new interchanges, the Maumee River crossing and the Mid-Atlantic Corridor. He said he thought it was through his leadership that those things got started. He said he didn't want Mr. Brennan to feel like a second class citizen because he was now employed by the Commission.

The Chairman said the report of General Counsel would be received.

General Counsel said he was starting to acquire property for the various interchanges.

The Chairman said the report of General Counsel was accepted as offered.

The Chairman said four or five dates had been discussed for opening the new Lordstown Interchange. He said Governor Voinovich had been invited to attend the opening. He said the Governor was the one who had told the Commission of his concern about the Lordstown Interchange and had a meeting with the chairman of General Motors about the matter. He said he wanted to make sure that the Commission continued to carry out the Governor's mission of economic development and accessibility, as well as have the Turnpike do its job to help with the infrastructure in the State of Ohio. He said he hoped to have some dates for the opening by the next Commission meeting.

Mr. Brennan said the opening should be held on the 15th of July which was the Governor's birthday.

The Chairman said the target date for opening the interchange originally was toward the end of June. He asked the Executive Director if it would be better to have the opening after July 4th.

The Executive Director said he thought it would be better to wait until right after the busy holiday weekend.

Mr. Plain said he thought July 4th was on a Sunday this year, so Monday would be the holiday for everyone and the holiday period would continue for a couple more days.

There being no further business to come before the Commission, a motion was made by Mrs. Leever, seconded by Mr. Wray, that the meeting adjourn until the next meeting on June 14 at 10:00 a.m.

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

Ayes: Mrs. Leever, Mr. Wray, Mr. Fedeli

Nays: None

The Chairman declared the meeting adjourned. The time of adjournment was 10:47 a.m.

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



Allan V. Johnson
Assistant Secretary-Treasurer