

MINUTES OF THE 394th MEETING OF THE OHIO TURNPIKE COMMISSION

January 10, 1994

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street, Berea, Ohio at 10:17 a.m., on January 10, 1994, with members of the staff, Allan V. Johnson, Executive Director; Alan Plain, Deputy Executive Director-Chief Engineer; James C. McGrath, General Counsel; Robert P. Barnett, Director of Information and Research; and James H. Brennan, Development Coordinator; three members of the media, David Patch, The (Toledo) Blade, and Bill Sammon and Molly Kavanaugh, The (Cleveland) Plain Dealer; and others in attendance.

Present: Ronald V. Gerberry, M. Ben Gaeth, Carmen E. Parise, Ruth Ann Leever, Edwin M. Bergsmark, Umberto P. Fedeli

Absent: Jerry Wray

A motion was made by Mr. Bergsmark, seconded by Mr. Parise, that the minutes of the meeting of December 10, 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. Bergsmark, Mr. Parise, Mrs. Leever, Mr. Fedeli

Nays: None

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

The Chairman said that before proceeding, he wanted to note that, as indicated at the last meeting of the Commission, the Commission had instituted a different procedure for giving notice, not only of the time, date and place of the meeting, but also of the specific items on which the Commission expected to take formal action by voting on resolutions. He said that, as a result, notice was given last week that, among other items, the Commission expected to act today on resolutions to designate interchanges at State Route 51 in Ottawa County and to ratify an earlier designation of an interchange with Baumhart Road in Lorain County. He said both of those interchanges had generated considerable interest and there were more people in the building that day to observe the meeting than could be accommodated in the Commission meeting room.

The Chairman said further that in an effort to allow the widest possible observation of the meeting, the Commission had set up a TV camera in the main meeting room and TV monitors in two of the other conference rooms in the building. He said that, furthermore, and even though the Commission had no statutory or legal obligation to do so, he expected to allow Jean Thomas, State Representative Kate Walsh and Steve Arndt to speak for not more than five minutes before the Commission voted on each of the two interchange matters. He said those persons, of course, would be allowed to make their presentations in the main meeting room and, if necessary, the Commission would have a brief recess to admit such spokespersons to the room at the appropriate time.

The Chairman said further that, finally, he wanted to advise that one other item for Commission action had been added to the agenda since it was distributed the week before the meeting and he expected to change the agenda order to take up the interchange matters sooner.

The Chairman said further that there were a number of guests at the meeting and he would ask everyone in the room to identify themselves. He said those who were not able to be accommodated in the room, but were there to observe on the TV monitors set up in other rooms, were asked to sign the attendance sheets.

The Chairman said further that Mr. Wray was unable to attend the day's meeting. He said he wanted to welcome State Representative Ron Gerberry, who was attending his first meeting since being appointed to the Commission by Speaker Vern Riffe.

The Chairman asked those in attendance to identify themselves as follows: Gordon Reis, Financial Advisor to the Commission; David Patch, The (Toledo) Blade; Jim Conroy, Porter, Wright, Morris and Arthur; Ed Presley, Society National Bank; Bill Sammon, The (Cleveland) Plain Dealer; Frank Lamb, Huntington Trust; Rob Fleischman, Greiner Engineering; John Peca, Climaco, Climaco, Seminare; Joe Rice, Rice Consultants; Molly Kanavaugh, The (Cleveland) Plain Dealer; Jean Thomas, Amherst resident; John Brandan, Elmore resident; Patrick Patton, Government Liaison Officer; Lou Disantis, Director of Administrative Services; Dan Rohr, Bank One Capital; Michael Anderton, Staff Counsel; Captain Hank Williams, Ohio State Highway Patrol; John Lee, Kemper Securities; Dick Fetzner, Society National Bank; Ken Butler, Crain, Langner and Company; Jim Graff, Star Bank; Steve Wood, Paine Webber; Bobby Everhart, URS Consultants; Carol Mueller, Paine Webber; Larry Coyne, representing the Lorain County Commissioners; Cleve Brooks, Brooks Securities; State Representative Kate Walsh, District 63; Sharon Isaac, Staff Counsel; Don Sharp, Director of Operations; Craig Rudolphy, Comptroller; Barbara Lesko, Executive Director's Secretary; Leah Fox, ODOT; Diane Pring, General Counsel's Secretary; and State Representative Diane Grendell, District 68.

The Chairman said also that the staff and committee reports would be received and the Commission would act on a number of resolutions, draft copies of which had been sent to the Members and were in the Members' folders. He said that if there were no questions the report of the Executive Director would be received.

The Executive Director said that, as the Chairman had indicated, the agenda was being taken slightly out of order from what was originally intended, where committee reports would have been accepted first. He said the first matter he expected to take up was the matter of the State Route 51 interchange. He said that, as the Chairman indicated, there were perhaps people in the building who were interested in that interchange. He said he didn't know if there were individuals in the meeting room or some that wanted to come in to speak.

The Chairman asked if there was anyone in the building from Elmore, either in the meeting room or in the other two rooms.

Mr. Brennan said there were several people in one other room from the Elmore area who were interested in that interchange. He said it would be proper to invite the President of the Ottawa County Board of Commissioners, Steve Arndt, to speak. He said he would go to the other room and get Mr. Arndt.

The Chairman said that he would take a moment to read a letter that was sent to Governor Voinovich which he thought was very nice. He said that the Commission had stayed with its strategic mission which was to have the Turnpike act as a catalyst for economic development and accessibility. He said that in the Commission's mission also was a plan which dealt with specific interchanges, the Maumee River Crossing and the Great Lakes/Mid-Atlantic Corridor.

The Chairman said the letter sent to the Governor was from Mike Cubbins, plant manager at the General Motors Lordstown Assembly Plant. He said he would read it as follows:

"On behalf of General Motors I want to express our appreciation for the new Turnpike interchange located near to our assembly and fabrication plant in Lordstown.

"As you know, these interchanges resulted from a positive working relationship between the Turnpike Commission, the staff and General Motors. The new interchanges benefit our operation by providing direct Turnpike access to our facility, improving our Just-in-Time manufacturing system, and reducing the commute time for many of our employees.

"The Lordstown interchanges are a prime example of how the public and private sections form a partnership which improves the quality of life for Ohio workers, while maintaining a competitive manufacturing base in Ohio.

"We are continuing our efforts with the Turnpike and other projects are being pursued at this same time partnership fashion. In cooperation with the Lordstown plant and the Turnpike Commission, General Motors' subsidiary, GM-Hughes Electronics, is testing the state-of-the-art electronic toll collection technology at the new Lordstown interchanges.

"Initially this technology will streamline toll collection efforts while reducing congestion at the plazas. Ultimately, this technology will be implemented statewide to form the backbone of electronic toll and traffic management systems. At that point, GM and other manufacturers will be able to access the Turnpike system to get up-to-date status of shipments as they travel through Ohio.

"The Turnpike is truly critical to our operations. We know that in all conditions, we can count on the Turnpike as the main supply line of goods and people. The Turnpike also connects us to the nation's highways so that we may ship finished vehicles throughout the United States in an efficient manner.

"As we define and work toward common goals, our relationship with the Turnpike Commission continues to improve. Please pass on our thanks for a job well done to Commission Executive Director Allan Johnson and his Deputy Director Alan Plain.

"Sincerely, Mike Cubbins, Plant Manager, GM Lordstown Assembly Operations."

The Chairman asked if there was someone in the room to speak on the State Route 51 interchange.

Mr. Brennan said Steve Arndt of Ottawa County and Janet Dorr, a Sandusky County Commissioner, were in the room. He said Mr. Arndt would speak as a proponent of the interchange.

Mr. Arndt said he was President of the Ottawa County Board of Commissioners. He said another board member, Commissioner Chris Redfern, was in the other room.

Mr. Arndt said further, that the interchange for Elmore was not just for Elmore and that was why the Board of Commissioners, as well as all the other communities in the area had adopted resolutions supporting a Turnpike interchange on State Route 51.

Mr. Arndt said further that the reason why State Route 51 was a very important location was because it could serve a number of communities such as Elmore, Woodville, Gibsonburg, Genoa, Lindsey, Rocky Ridge and Oak Harbor.

Mr. Arndt said the area was about 30 minutes southeast of Toledo and the interchange would be a great benefit for those who commuted to work back and forth, to either the east or west, as well as offering economic development.

Mr. Arndt said further that water and sewer lines were in the area and all the communities had enough ability to expand the infrastructure. He said that land-use planning or zoning regulations meant very little if the proper infrastructure was not available. He said highways played a very important role in economic development and the interchange would give the area the access to those highway corridors that northwest Ohio dearly needed.

Mr. Arndt said that the nearest current Turnpike interchange was about 15 to 20 miles away from the area so residents really didn't have access to the toll road. He said that was why it was important for those communities to have an interchange which was closer and an interchange at State Route 51 met that need.

Mr. Arndt said further that he mentioned that all the communities had adopted resolutions supporting the interchange. He said there had been only one dissenting vote in one community among the elected officials. He said that in the other room were a number of elected officials who were very much concerned about what was going to happen to their communities in the future.

Mr. Arndt said further that the additional access to the Turnpike, which connected to some of the other major highway arteries, would truly be the east-west highway that Northwest Ohio needed. He said he urged the Commission to deliberate on the issue very carefully and he hoped in a positive vote for the communities in Ottawa and Sandusky Counties.

The Chairman thanked Mr. Arndt for his comments and asked Mr. Brennan if there was anybody else who would like to speak.

Mr. Brennan said there were a lot of people that could be brought in to the room, but they all basically would echo Mr. Arndt's sentiments. He said he had a significant collection of resolutions supporting the interchange. He said he should also mention that Mr. Arndt was chairman of the Toledo Metropolitan Area Council of Government (TMACOG), which was the municipal planning organization for northwest Ohio. He said Mr. Arndt also spoke with that authority.

The Chairman said there had been some people at other Commission meetings who referred to themselves as friends or concerned citizens of Elmore. He asked if any of those individuals were on hand who would like to speak against the interchange.

Mr. Brennan said there was no one there to speak against the interchange.

Mr. Johnson said he wanted to give some background on the proposed State Route 51 interchange before the Members acted on the resolution before them.

Mr. Johnson said further that the proposed site had been under study and consideration by the Commission since 1979 and was included as a part of the comprehensive engineering and environmental studies done between 1979 and 1983 by the Commission.

Mr. Johnson said further that those studies were done in cooperation with the Ohio Department of Transportation and the Federal Highway Administration. He said State Route 51 was one of 27 potential sites studied at that time. He said that during that study process, it was ranked near the top of the interchanges included in the process and was included until the very end when it was dropped from the final report. He said that it was not dropped because of any local opposition, but largely because there was, at that time, a lack of local support.

Mr. Johnson said further that in January 1992, after the future of the Turnpike as a toll road had been decided by the Ohio General Assembly, the Commission then proceeded with implementing its interchange program. He said the Commission had been asked by a number of local officials from Ottawa, Sandusky, Erie and Huron Counties to consider new Turnpike interchanges in that area, including the one at State Route 51.

Mr. Johnson said that, as a result of that request, the Commission had its consultant, URS Consultants, prepare alternate configurations for a toll interchange at State Route 51, and those alternative configurations for a toll interchange at State Route 51 were presented at a public meeting held on January 14, 1993, in Woodville, Ohio. He said that meeting and subsequent discussions revealed considerable concern about two configurations that were presented, so the staff began looking at alternative sites. He said that since then the staff had studied potential interchange sites at State Route 105, which is about a mile and a half west of S.R. 51, and also at State Route 590, which was about four miles east of S.R. 51.

Mr. Johnson said further that at the same time the staff continued to study another configuration at S.R. 51 that had been suggested by local officials and residents. He said it was apparent that the third site and configuration could best provide the desirable, additional access point which was nearer the midpoint of the almost 21-mile stretch between existing Stony Ridge-Toledo (No. 5) and Fremont-Port Clinton (No. 6) Interchanges on the Turnpike, one of the longest stretches without an interchange.

Mr. Johnson said further that the interchange at S.R. 51 had been approved by the Director of the Ohio Department of Transportation as a site, which was a requirement of the Turnpike Act. He said he would introduce the resolution, but before he did so, he would ask Mr. Brennan to relate some of his efforts on the project during the past year, if there was anything to add to what he had already said.

Mr. Brennan said most of what he would have to say would be redundant. He said it appeared the Commission was ready to proceed with the project.

Mr. Johnson said the Members had before them a resolution approving the location, design and acquisition of right-of-way for an interchange with State Route 51 and the Ohio Turnpike in the vicinity of milepost 80.9 in Ottawa County, Ohio.

Mr. Johnson said further that he would not read the Whereases, but he would read the Resolveds. He said he suggested that the final Resolved be deleted because it was not necessary anymore. He said it got in from an earlier resolution when that paragraph applied. He said he also suggested that in the second Resolved that the words "Chairman and" be deleted so that the Resolveds would read:

"RESOLVED that, pursuant to Section 5537.04 (A) (9) of the Ohio Revised Code, this Commission does hereby formally designate a connection of State Route 51 as a point of ingress to and egress from the Ohio Turnpike in Ottawa County, Ohio; and

"FURTHER RESOLVED that the Executive Director is authorized and directed to engage the services of such consulting firm or firms as he deems capable and appropriate to accomplish the expeditious study and design of a toll interchange between State Route 51 and the Ohio Turnpike and to confer with the Ohio Department of Transportation so as to coordinate such design with any other projects contemplated for this area that would affect the proposed interchange; and

"FURTHER RESOLVED that the Commission determines hereby that the costs and expenses for the study, design, right-of-way acquisition and construction of the toll-interchange project shall be paid by the Commission."

Mr. Johnson said he recommended that the resolution be adopted.

A resolution approving the location design and acquisition of right-of-way for an interchange with State Route 51 and the Ohio Turnpike in the vicinity of milepost 80.9 in Ottawa County, Ohio was moved for adoption by Mr. Bergsmark, seconded by Mrs. Leever as follows:

RESOLUTION NO. 1-1993

"WHEREAS, Revised Code of Ohio, Section 5537.04(A)(9) provides that this Commission may designate the locations, and establish, limit, and control such points of ingress to and egress from the Ohio Turnpike as are necessary or desirable in the judgment of the Commission and of the Director of Transportation to insure the proper operation and maintenance of the Ohio Turnpike;

"WHEREAS, there has been a long-standing interest expressed by local officials, agencies and the general public for the construction of an interchange between the Turnpike and State Route 51;

"WHEREAS, the Commission recognizes the need and desirability to connect these roadways so as to facilitate vehicular traffic in the area and to promote the agricultural, commercial, recreational, tourism and industrial development in accordance with Section 5537.03 of the Revised Code;

"WHEREAS, the Director of Transportation has concurred in the designation of State Route 51 as a point of ingress to and egress from the Turnpike;

"WHEREAS, the Commission will perform and fund the design, right-of-way acquisition and construction of the interchange between the Turnpike and State Route 51 with its own financial resources;

"NOW, THEREFORE, BE IT

"RESOLVED that, pursuant to Section 5537.04(A)(9) of the Ohio Revised Code, this Commission does hereby formally designate a connection of State Route 51 as a point of ingress to and egress from the Ohio Turnpike in Ottawa and Sandusky Counties, Ohio; and

"FURTHER RESOLVED that the Executive Director is authorized and directed to engage the services of such consulting firm or firms as he deems capable and appropriate to accomplish the expeditious study and design of a toll interchange between State Route 51 and the Ohio Turnpike and to confer with the Ohio Department of Transportation so as to coordinate such design with any other projects contemplated for this area that would affect the proposed interchange; and

"FURTHER RESOLVED that the Commission determines hereby that the costs and expenses for the study, design, right-of-way acquisition and construction of the toll-interchange project shall be paid by the Commission."

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

Ayes: Mr. Bergsmark, Mrs. Leever, Mr. Parise,
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. 1-1994.

Mr. Johnson said the second matter he had to deal with was the Baumhart Road interchange. He said that, as the Members knew, the Commission designated Baumhart Road in Lorain County as a Turnpike access point at its June 14, 1993, meeting.

Mr. Johnson said further that, from an historical perspective, Baumhart Road was added to those sites he mentioned earlier that were in the engineering and environmental studies done in the 1980's. He said the site was added in 1988 to the potential sites being studied. He said, again, it was added as a result of requests by local officials in the area.

Mr. Johnson said further that the studies essentially were put on hold while the issue of the Turnpike tolls was under debate in the General Assembly. He said that, of course, was finally decided in 1991. He said that as a result of the Commission implementing its interchange program, two public meetings were held in January of 1993 to review and receive comments on Baumhart Road and other sites in the Lorain area. He said those meetings were held first on January 21 in Amherst and then the second meeting was held one week later on January 28 in Vermilion.

Mr. Johnson said further that there was considerable public interest expressed and he could say that all that public interest and public input was considered before the recommendation was made to act and approve Baumhart Road as a point of access on the Ohio Turnpike.

Mr. Johnson said further that the current issue, as the Members were aware, on Baumhart Road was that the Commission added the resolution designating it as a new interchange site so late to the meeting agenda at the June 14 Commission meeting that many of the interested parties were not aware that it was going to be acted on that day. He said that, therefore, those interested parties were not at the meeting. He said that, as a result, and in discussion, the Commission had agreed to review the site at the current meeting. He said he believed the Chairman had indicated that he would allow comments on the Baumhart Road at the meeting.

The Chairman said State Representative Kate Walsh would like to comment on Baumhart Road.

Representative Walsh said she represented the area in which Baumhart Road was located. She said she would like to thank the Commission for reconsidering the potential interchange site and for allowing her to address the Commission at the meeting.

Representative Walsh said further she would like to give the Members a little bit of the history of the site. She said that in 1980 there was a fairly substantial study done by the Commission that included proposed new interchanges. She said that

in that study the proposed additional interchange for Lorain County was to be State Route 58.

Representative Walsh said further that when she joined the legislature in January 1989, the major discussion concerning the Turnpike had to do with whether or not the legislature would continue the tolls and the existence of the Commission itself. She said that at that time she spoke with the Commission Members and particularly Mr. Johnson. She said Mr. Johnson then told her that the Commission had been requested to study another potential interchange site in Lorain County and that was Baumhart Road. She said the Baumhart Road site was in addition to the proposed interchange with State Route 58.

Representative Walsh said further that shortly after speaking with Mr. Johnson she went to a county association meeting in which she announced that the Commission was very seriously considering adding another interchange at Baumhart Road and not having the S.R. 58 interchange. She said the reaction from the officials present at the meeting and from citizens whom she heard from after the meeting was immediate and very negative. She said she was told by all the constituents who called her that a Baumhart Road interchange would completely destroy the rural nature of the nearby community.

Representative Walsh said that, in addition, at the same time, the officials who were most affected by the State Route 58 interchange were also extremely agitated that the S.R. 58 interchange was being deleted from the proposed sites of interchanges.

Representative Walsh said further that given that both the Baumhart Road and the S.R. 58 sites were located in her district she then contacted the Commission through Mr. Johnson and Mr. Patton to tell them what the input had been to her as the State Representative. She said she had been assured by Mr. Johnson and Mr. Patton that those concerns would be very seriously considered. She said that, at the same time, citizen petitions were drawn up and the township association passed a resolution in early 1990 to support S.R. 58 and oppose Baumhart Road. She said that resolution was re-passed and re-submitted to the Commission, she thought in 1992, before the decision was made.

Representative Walsh said she attended the public meeting in Amherst at which only one person spoke in favor of the Baumhart Road interchange. She said there were over 350 people at that meeting. She said she was not able to attend the Vermilion meeting, but her husband attended. She said her husband said that at that meeting one person spoke in favor of the Baumhart Road interchange. She said that all other input from the public meetings to the Commission on the Baumhart Road interchange had been negative.

Representative Walsh said further that people believed very firmly that a Baumhart Road interchange would promote economic development in the area. She said they also believed that the Ford Motor Company would be benefited by an interchange at Baumhart Road. She said she wanted to tell the Commission a little bit about the geography of the area of which she was speaking.

Representative Walsh said further that an interchange at Baumhart Road would be fully 4.9 miles from the Ford plant. She said an interchange at S.R. 58 would be 6 miles from the plant, less than 1.1 miles further away. She said that, granted, the S.R. 58 site was to the east, while Baumhart Road was to the west, provided the idea was to put trucks on the Turnpike going west to Detroit. She said the morning of the meeting she followed a truck from the Ford Motor plant to the Lorain-Elyria (No. 8) Interchange and found the distance to be 7.2 miles.

Representative Walsh said further that an interchange at S.R. 58 would be 4 miles from the existing interchange at S.R. 57. She said that to the west the next interchange was 22.5 miles away. She said that within Lorain County there would be four interchanges within less than 10 miles. She said that going west the next interchange would be over 20 miles away.

Representative Walsh said further that for the residents it did not make much sense to put an additional interchange that was only 4 miles to the west of another interchange and in an area in which the citizens were violently organizing against the interchange.

Representative Walsh said further that she thought that even though there were many special interests and community leaders in Lorain County who had expressed an interest in the Baumhart Road interchange she believed governmental officials should begin to listen to what the citizens said.

Representative Walsh said further that if the Baumhart Road interchange was the only additional interchange in Lorain County it would be possible that her attitude might be different. She said that it was not the only additional interchange. She said the S.R. 58 interchange was overwhelmingly supported by not only the community leaders, but by the citizens of Amherst Township, who lived in and around the interchange.

Representative Walsh said further that those interests and voices must be heard by governmental ears. She said governmental officials could not continue in a democracy to ignore what the people want. She said what she would like the Commission to do at the meeting was not only to reconsider its decision on the Baumhart Road interchange, but to delay its vote so that they could come back to the community to look at the geography, travel the distances and hear the voices of the citizens of Lorain County who would be impacted most by the addition of the interchange.

Representative Walsh said further that she thanked the Commission very much for its time and interest. She said she sincerely hoped that the Commission would do what was best for the community.

The Chairman thanked Representative Walsh. He said there was another person who was a resident in that area, Jean Thomas, whom he had met with the Friday before the meeting. He said he also had met with Representative Grendell and a group of people from Baumhart Road.

Ms. Thomas said she did not live in Brownhelm Township where the interchange would be built. She said she lived in Amherst Township and she wanted to give a little history of the area. She said her group was a grass roots movement. She said the group from day one asked for the purpose of a Turnpike interchange on Baumhart Road and how could they stop it.

Ms. Thomas said further that the interchange was opposed by all 18 townships in the Lorain County Association of Townships Trustees and Clerks by letter of January 21, 1993. She said Brownhelm Township Trustees expressed their opposition by letter as early as September 8, 1990. She said that over 600 letters were mailed by local residents opposing it. She said the Commission said, in newspaper articles, they wouldn't jam the interchange down anyone's throat that didn't want it. She said that, despite the obvious public opposition, the Commission placed the Baumhart Road interchange vote on their agenda at the last minute and, thereby, prevented those concerned about the issue from attending the meeting.

Ms. Thomas said further that at that meeting the Members approved the Baumhart Road interchange on June 14, 1993. She said people were continuing to question the purpose of the interchange. She said that was when the grass roots movement began. She said it started in Brownhelm Township and spread throughout Lorain County, and, presently, throughout the State of Ohio.

Ms. Thomas said further that the residents wanted their children and grandchildren to be able to enjoy the quality of life they had. She said that destroying that quality of life was not a positive step forward in growth.

Ms. Thomas said further that after much research her group was blessed with an article in the newspaper identifying members of the Legislative Oversight Committee. She said they contacted Representative Diane Grendell, a member of the Oversight Committee, and she had been of tremendous help. She said the group had sent large information packs to several people seeking help, including Governor George Voinovich. She said she understood that was part of the reason why she was speaking at the day's meeting.

Ms. Thomas said further that the group would have sent one of the information packs to each of the Commission Members, but they could not get the home addresses and they wanted to make sure the packs went directly to each Member.

Ms. Thomas said further that the group had in its possession extensive research information and studies that supported their question and they were still asking the same question. She said that question was what was the purpose of the interchange and why was it being put in against the wishes of the 18 townships in Lorain County, and in particular, against the wishes of the people who lived in the area where it would be built. She said that to her knowledge, no information, no studies, no facts had been given or presented to the people in the 18 townships and, in particular, to the people of Brownhelm Township where the interchange was to be placed.

Ms. Thomas said further that it was Mr. Fedeli, who just read a letter from Lordstown appreciating the interchange there. She said the Baumhart Road interchange fell in the same category because of the accessibility. She said State Route 2, a limited access highway, was a divided, four-lane highway and was somewhere within one to two miles of the Lorain Ford plant. She said there were no tolls on that road. She said the group had talked to truck drivers and they said that, instead of paying tolls, they would take a road that was free because of the high fees that they paid, which she was not aware of before.

Ms. Thomas said further that she was at the meeting to request and plead with the Members to postpone any ratification of the Baumhart Road interchange until all of the facts and information had been thoroughly investigated. She said she didn't feel the Commission had been presented all the facts, the information and studies because all of that supported the question about why the interchange was being built and what was the purpose.

The Chairman thanked Ms. Thomas and said there was another speaker who was a representative of the Lorain County Commissioners. He said he wanted to also indicate that the Mayor of Lorain had been very strongly for the Baumhart Road interchange, as well as State Senator Alan Zaleski and State Representative Joe Koziura. He said he had a letter from Representative Koziura and he would read the letter as follows:

"Dear Chairman Fedeli:

"I am writing to express my strong support for the proposed Baumhart Road interchange. Although I realize a number of Brownhelm Township residents have expressed opposition to this proposal, I firmly believe it to be an ideal and vital location.

"The potential for future development of industry and manufacturing far exceed those of any outlying sights along the Turnpike.

"I ask that every possible consideration be given the Baumhart Road interchange as it would be invaluable to economic growth and development.

"If I may answer any questions or be of any assistance, please do not hesitate to contact me."

The Chairman said Larry Coyne would speak.

Mr. Coyne said he was the Economic Development Director for Lorain County. He said he was representing the Lorain County Commissioners. He said they had asked that he appear on their behalf because they were attending an organizational meeting that morning. He said they were in support of the Baumhart Road interchange. He said they had supported the project since it was initiated.

The Chairman asked Mr. Johnson if he had anything else to add on the Baumhart Road interchange.

Mr. Johnson said the purpose of the interchange was to provide an additional access point to the Turnpike in the stretch where there was a long distance between interchanges, even with the new interchange at State Route 58, which would be four miles away from the Baumhart Road site.

Mr. Johnson said further that the Baumhart Road interchange was not put in the program solely by the Commission. He said it was done at the request of local officials. He said that, while there might be 18 townships in Lorain County that had indicated or expressed opposition to the interchange, the Commission received a number of letters in support of the interchange from citizens and public officials.

Mr. Johnson said further that the Members had before them a draft of a resolution to ratify the earlier designation of the interchange. He said that, if nothing was done, the resolution on the record, Resolution No. 21-1993, adopted on June 14, 1993, would stand on the books. He said he had a letter from the Mayor of the City of Lorain, Alex Oleikos, dated April 8, 1993, which he would read as follows:

"Dear Mr. Johnson:

"As Mayor of the City of Lorain, let this letter serve as my personal support for an additional interchange at Baumhart Road in Lorain County.

"The reason for this choice is that it would be a great economic advantage for Lorain County and the City of Lorain, as it is located very close to a major industrially zoned area. Ford Motor Company, located near this site, is the largest employer in Lorain County and the State of Ohio and it was requested by this company that the Ohio Turnpike Commission give the Baumhart Road site its fullest consideration.

"Lorain is the largest city in Lorain County, with a population of almost 75,000, and the progress that can be gained now is most important, at a time when our unemployment is at a crucially high rate.

"It is hoped that the Ohio Turnpike Commission reconsider the Baumhart Road site and I thank you for your time and consideration."

The Chairman said the Commission had a location that it felt originally stayed with its mission to act as a catalyst for both economic development and accessibility. He said that on the other hand there also were a number of residents in that area and some of the people from the township that were against it. He said that, obviously, when making decisions some people are happy and some aren't. He said the Commission tried to be as sensitive as possible to the people. He said he spent two and a half hours at a meeting Friday and those in attendance brought up a lot of very interesting points.

Mr. Johnson said that Mr. Williams, a trustee for Russia Township, who had met with the Chairman on Friday before the Commission meeting, had written a letter on behalf of the Township Trustees and Clerks Association. He said that in that letter, although it was basically asking for a decision to cancel the Baumhart Road interchange, has an "or" in it. He said the letter said that, if the interchange were not canceled, the Commission would "take the initiative or other necessary measures to make Baumhart Road a state highway from U.S. 511 north to U.S. 6. This will relieve Lorain County residents, especially township residents, the burden of paying for Baumhart Road improvements that will be required."

Mr. Johnson said further that the issue was raised about what would have to be done to Baumhart Road in order to accommodate an interchange. He said that, although the traffic forecasts indicate that by the year 2010, which was the traffic forecast year, something would have to be done to Baumhart Road north of the Turnpike to widen it, but he didn't think that would be necessary at the very beginning.

Mr. Johnson said further that he didn't think it was fair to say that the burden would go onto the townships to do something to Baumhart Road. He said it was a county road and there were funds available for county improvements. He said the Commission,

in its legislative mandate, had more opportunity to work with local communities on developing the interchanges on the Turnpike into the total transportation network.

Mr. Johnson said further that it would be the Commission's intention to work closely with the county engineer on the project. He said the county commissioners, obviously, had jurisdiction over Baumhart Road since it was a county road. He said that eventually ODOT could get involved in the project. He said it was his understanding that Baumhart Road, which was already four lanes from State Route 2 north and for a short distance south as it merged into the existing two lanes, was on the federal-aid highway system and that federal funds were used on improving its northern stretch. He said it was not out of reason to expect that there would be a number of sources of funding available to do what was necessary.

Mr. Johnson said further that in attendance was Bobby Everhart, who was with URS Consultants, which was the Commission's consultant for many years on the interchange studies. He said URS had developed the Baumhart Road information. He said URS also completed the environmental studies done for the wetlands and hazardous waste requirements for the interchange.

Mr. Everhart said he wanted to add something about the traffic flow projected for the interchange. He said most of the discussion had been about traffic volume to and from the north on Baumhart Road. He said that, in fact, the traffic was going to split equally going to the north and to the south. He said he thought that was the significant thing from a safety standpoint. He said the traffic to and from the south would go to State Route 113. He said that S.R. 113 was the alternate to the use of the Turnpike. He said that if the Turnpike interchange were not built the traffic would continue on S.R. 113, which was a lot less safe than travel on the Turnpike. He said that traffic that was diverted from S.R. 113 parallel to the Turnpike was probably even a more significant benefit to the construction of the interchange.

Mr. Johnson said that there was some mention made in the room that State Route 2 was a parallel free road that some truckers might use to avoid the Turnpike because of the tolls. He said that he didn't believe that was always the case. He said that particular area of the Turnpike happened to be the busiest stretch. He said it had the Turnpike's highest volume and, at times, was nearing capacity. He said he didn't think people were avoiding the Turnpike through that area because of the tolls.

Mr. Johnson said further that building an interchange in that area just gave that much more opportunity and option to the community and its residents to use the Turnpike. He said that if the residents could not get to the Turnpike, they couldn't use it.

Ms. Thomas said that if an interchange at Baumhart Road was so great why hadn't the information and studies been presented to the people in the 18 townships in that area. She said her group had kept searching and going in circles looking for information.

The Chairman said he didn't think there was anyone who could prove how an interchange became a catalyst for economic development. He said that, as Mr. Johnson mentioned on the previous Friday, when Mr. Johnson had worked at ODOT there had been heated debate about putting an exit at Interstate Route 77 at Rockside Road. He said it had been said that it would be bad for that area, it would ruin that area, and it was not needed. He said that had not been the case and there had been great business development in the area. He said he didn't have a concrete answer regarding economic development in the area, only what was thought would happen.

The Chairman said further that the Ford Motor plant was the largest employer in Lorain and was very comparable to how important General Motors was to the Lordstown area. He said that when General Motors was consolidating plants, Lordstown was not one of them. He said General Motors was spending \$40 million in 1994 to build the J car at Lordstown. He said the Commission got positive praise from management at Lordstown, as well as from the United Auto Workers Union. He said he felt Ford was to Lorain County what General Motors was to Warren, Trumbull and Mahoning Counties.

The Chairman said that, as had been mentioned the previous Friday, the Commission was either a good guy or a bad guy. He said it was the Commission's job to serve the people and there were some people against the interchange.

The Chairman asked Ms. Thomas how many people lived in the 18 townships in the area.

Ms. Thomas said that by the 1990 census there were 71,000 people in the City of Lorain and 77,000 in the 18 townships.

The Chairman said the County of Lorain had about 250,000 residents, which were represented by the county commissioners and the county commissioners had asked the Commission to build the interchange. He said business and legislative leaders also had asked the Commission to build the interchange. He said there had been only two representatives, Kate Walsh and Diane Grendell from Geauga County, who had asked the Commission not to build the interchange.

Ms. Thomas said that an individual called her, which she didn't feel she was at liberty to give her name at that time, but she was in the government. She said that from what she understood, that individual had access in some way to Governor Voinovich and she called Ms. Thomas on Saturday to set up a

meeting with state senators, the Mayor of Lorain and the county commissioners because there was a very strong feeling that there was opposition to the interchange. She said the county commissioners were saying one thing and they were leaning the direct opposite from the people. She said her group didn't have all the information it needed such as what the Lorain Chamber of Commerce envisioned would happen to the area if an interchange were built.

Ms. Thomas said further that her group was asking the Commission to please postpone its ratification until after each side had been understood. She said no one had called anyone a good guy or bad guy.

The Chairman asked Ms. Thomas if the individual she had been referring to was Claire Rosacco from the Governor's office.

The Chairman said he had met Claire several times. He said she also was the same person who had been working with the people wanting to build a railway in the vicinity of the new Turnpike interchange with State Route 58. He said she was in charge of economic development in that region. He said she was a very nice lady and did a very nice job.

The Chairman said further that during the past summer the Commission had postponed the Baumhart Road interchange for several months to try to work out the differences. He said that it was concluded after several months that the people who wanted the interchange still wanted it and those who didn't still didn't. He said neither group changed their minds. He said that sooner or later the Commission had to make a decision and that's why it was on the meeting agenda.

Ms. Thomas said she was never contacted about the interchange during the summer months. She said she was only told of the two meetings and it was only like a week's notice.

The Chairman said that, no disrespect, the Commission didn't pick up the phone and call every resident in every area and contact them. He said the Commission put out a notice and the people who attend, attended. He said those who didn't attend, didn't. He said it was impossible to contact every resident of every township in every area.

Mr. Johnson said he would read the entire resolution as follows:

"WHEREAS, by Resolution 26-1993 adopted at the Commission meeting of June 14, 1993, the Commission pursuant to Section 5537.04 (A) (9) of the Revised Code formally designated Baumhart Road as a point of ingress to and egress from the Ohio Turnpike in Lorain County, Ohio. Such resolution further authorized the Chairman and Executive Director to take all necessary steps to proceed with the establishment of such interchange including, but

not limiting to, contract for the services of consulting engineering firm, to confer with the Ohio Department of Transportation to coordinate the interchange design with other projects in the area and such resolution further directed that the cost and expense of the study, design, right-of-way acquisition and construction of the interchange shall be paid by the Commission;

"WHEREAS, certain residents and officials from Lorain County have expressed concern that they were not informed the Commission would act on the Baumhart Road matter at the June 14, 1993, meeting and, therefore, did not attend and have requested the Commission to review its decision announced in Resolution 26-1993;

"WHEREAS, Commission has reviewed the information which it considered prior to adopting Resolution 26-1993 including reports from the Commission's Executive Director concerning the public meetings held in 1993, at which time opportunity was given to the Lorain County residents to express their opinions concerning the interchange at Baumhart Road; a report from the Commission's Development Coordinator relative to input obtained from Lorain County residents and public officials concerning the interchange at Baumhart Road; engineer reports concerning such interchange;

"WHEREAS, the Commission has reviewed the correspondence for both pro and con concerning this interchange and has heard from a representative of the Lorain County area speaking in opposition to the establishment of the interchange at Baumhart Road;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby ratifies and confirms Resolution 26-1993 wherein it formally designated a connection of Baumhart Road as a point of ingress to and egress from Lorain County, Ohio."

Mr. Johnson said he recommended that the resolution be adopted. He asked Mr. Brennan if he had anything to add.

Mr. Brennan said the Commission did receive a substantial number of letters, which were basically form letters on both sides of the issue. He said there were 323 letters in support of the interchange, of which 266 were form letters. He said that meant there were 57 handwritten or typewritten individual letters. He said there were 616 letters from opponents, of which 594 were form letters. He said that left 22 individual letters. He said that if the form letter-writing campaigns were disregarded there was a 3-to-1 edge in favor of the interchange. He said that, plus, as had been pointed out several times, all of the elected officials in the area, with the exception of Mrs. Walsh, were strongly in favor of the interchange. He said that was what the Commission based its decision on last year.

Ms. Thomas said that, speaking of petitions, in her briefcase in the other room she had a pile of petitions. She said her group took signatures at the Lorain County Fair. She said they were getting over 450 signatures a day in opposition to the interchange until they were not allowed to use their booth at the fair.

Mr. Brennan said he could not comment on those petitions.

The Chairman told Ms. Thomas that there was no question that there were people that were for the interchange and those against it. He said this was an interchange that would not get 100 percent support.

A resolution ratifying the designation of an interchange with Baumhart Road and the Ohio Turnpike within the vicinity of milepost 136.2 in Lorain County, Ohio was moved for adoption by Mr. Bergsmark, seconded by Mr. Parise as follows:

RESOLUTION NO. 2-1994

"WHEREAS, by Resolution 26-1993 adopted at the Commission meeting of June 14, 1993, the Commission pursuant to Section 5537.04 (A)(9) of the Revised Code formally designated Baumhart Road as a point of ingress to and egress from the Ohio Turnpike in Lorain County, Ohio. Such resolution further authorized the Chairman and Executive Director to take all necessary steps to proceed with the establishment of such interchange including, but not limited to, contract for the services of consulting engineering firm, to confer with the Ohio Department of Transportation to coordinate the interchange design with other projects in the area and such resolution further directed that the cost and expense of the study, design, right-of-way acquisition and construction of the interchange shall be paid by the Commission;

"WHEREAS, certain residents and officials from Lorain County have expressed concern that they were not informed the Commission would act on the Baumhart Road matter at the June 14, 1993, meeting and, therefore, did not attend and have requested the Commission to review its decision announced in Resolution 26-1993;

"WHEREAS, the Commission has reviewed the information which it considered prior to adopting Resolution 26-1993 including reports from the Commission's Executive Director concerning the public meetings held in 1993, at which time opportunity was given to the Lorain County residents to express their opinions concerning the interchange at Baumhart Road; a report from the Commission's Development Coordinator relative to input obtained from Lorain County residents and public officials concerning the interchange at Baumhart Road; engineer reports concerning such interchange;

"WHEREAS, the Commission has reviewed the correspondence for both pro and con concerning this interchange and has heard from a representative of the Lorain County area speaking in opposition to the establishment of the interchange at Baumhart Road;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby ratifies and confirms Resolution 26-1993 wherein it formally designated a connection of Baumhart Road as a point of ingress to and egress from Lorain County, Ohio;

"FURTHER RESOLVED that the authorization given to the Chairman and Executive Director to proceed with the planning for and construction of an interchange on Baumhart Road in Lorain County is hereby ratified and confirmed."

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. Parise, 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. 2-1994.

Mr. Johnson said he had one final official matter and that was a resolution that was in the Members' folders concerning a bid received on a project to install call boxes along a stretch of the Turnpike from Milepost 91.7 to Milepost 142. He said the resolution was entitled resolution rejecting the bid for contract CIP 38-93-07. He said he wouldn't read the Whereases. He said the Members had in their folders a memorandum from the Deputy Executive Director-Chief Engineer and General Counsel advising that there was only one bid received on the contract, and in reviewing and analyzing it, it was recommended that the one bid be rejected and that the project be re-advertised as soon as possible.

Mr. Johnson said he would dispense with any further explanation and read the Resolved as follows:

"RESOLVED that the Jack B. Harper bid received in response to Contract CIP 38-93-07 be and hereby is rejected, and the executive director and general counsel are authorized and directed to notify the bidder of such rejection, and to return to said bidder its bid security; and

"FURTHER RESOLVED that the deputy executive director-chief engineer is directed to continue to study this invitation and to adjust the specifications, where necessary, preparatory to re-advertisement."

Mr. Johnson said he recommended that the resolution be adopted.

Mr. Bergsmark asked if the call boxes would be located on a certain portion of the Turnpike.

Mr. Johnson said they would be on a 51-mile stretch in the busiest mid-section of the Turnpike.

Mr. Bergsmark asked if there would be one every mile.

Mr. Johnson said they would be so located. He said the call boxes would be used by stranded motorists to receive assistance.

Mr. Bergsmark said he suggested that areas that also had the greatest length between interchanges, such as between the Fremont-Port Clinton (No. 6) and Sandusky-Norwalk (No. 7) Interchanges, might be looked at as sites for installation of call boxes.

Mr. Johnson said it was the staff's intentions to place the call boxes along the entire Turnpike. He said the resolution dealt with the pilot project in the program.

Mr. Parise asked if the bid was being rejected because the cost was thirteen or fourteen percent higher than estimated.

Mr. Johnson said that was one of the reasons. He said the bid was over the estimate, plus the fact that there was only one bidder.

Mr. Parise asked if the next contract would have new specifications.

Mr. Johnson said the contract would change a little bit. He said there were some items in the project that the Commission was going to be doing with its own work force. He said he thought it would be more appropriate to include that in the bid and that it might encourage other bidders to come forward.

Mr. Parise said he didn't want to get bogged down at a future date with the only guy that took the time to bid on the project if he should question any changes in bid specifications which were made after his bid was opened.

Mr. Johnson said the staff would look at the new bid specifications very carefully.

A resolution rejecting bid for contract CIP 38-93-07 was moved for adoption by Mrs. Leever, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 3-1994

"WHEREAS, the Commission opened bids on November 15, 1993, for the furnishing and installation of a motorist aid system on the Ohio Turnpike between Milepost 91.7 to Milepost 142.8 in Sandusky, Erie and Lorain Counties, which contract has been designated CIP 38-93-07;

"WHEREAS, only one bid was received in response to the invitation, said bid being submitted by Jack B. Harper Contractor, Inc. ("Harper") of Covington, Louisiana in the amount of \$1,135,840.00;

"WHEREAS, under the terms and conditions of the bidding documents for Contract CIP 38-93-07, the Commission has reserved the right to reject any and all proposals; and

"WHEREAS, it is the recommendation of the executive director, deputy executive director-chief engineer and general counsel that the bid received pursuant to CIP 38-93-07 be rejected and that additional studies be made of this project;

"NOW, THEREFORE, BE IT

"RESOLVED that the Harper bid received in response to Contract CIP 38-93-07 be and hereby is rejected, and the executive director and general counsel are authorized and directed to notify the bidder of such rejection, and to return to said bidder its bid security; and

"FURTHER RESOLVED that the deputy executive director-chief engineer is directed to continue to study this invitation and to adjust the specifications, where necessary, preparatory to re-advertisement."

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. Bergsmark, Mr. Parise,
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. 3-1994.

Mr. Johnson said he had one other item to mention. He said that, as the Members knew, the Commission had issued a Request for Proposals (RFP) for project management consultant services involving the Great Lakes/Mid Atlantic Corridor project. He said those proposals were due on January 28. He said a pre-proposal meeting was held the Friday before the Commission meeting. He said that more than 80 people attended and they represented a wide variety of firms obviously interested in the project. He said he was looking forward to January 28 when those proposals were received.

The Chairman said he had a letter addressed to Mr. Johnson from State Senator Alan Zaleski and he would read it as follows:

"This letter outlines my continuing concern regarding the fate of the Ohio Turnpike Oversight Committee in the General Assembly.

"As you know Representative Rocco Colonna placed within Senate Bill 82 a provision which will restore the committee indefinitely. Shortly after passage of the biennial budget in June, I was shocked and outraged to find that this committee was dismantled. Representative Colonna seemed equally dismayed when I informed him of this parliamentary maneuvering.

"The citizens of Ohio deserve appropriate checks and balances over the expenditure of quasi-governmental funds like turnpike revenue. I strongly support the continuation of a legislative committee to provide the oversight that the Commission lacks because they do not have budgetary review constraints.

"Therefore, due to the importance of this issue to me and my constituents who reside along Baumhart Road, I am cosponsoring legislation with Senator Anthony Sinagra to re-establish the existence of the committee.

"Should you wish to contact me regarding this matter, please keep in mind that I'm as near as your phone."

The Chairman said that he called Senator Zaleski and expressed his feelings on that matter. He said a provision to restore the committee was put in the DUI bill.

Senator Gaeth said the bill passed unanimously.

The Chairman said that what he told Representative Colonna and Senator Zaleski was that when they (the General Assembly) had voted to remove the committee, the Commission did not have a vote. He said that when they voted to reinstate it, the Commission still did not have a vote. He said he thought that the best way to have oversight on the Turnpike was by having someone from the House and someone from the Senate who attended every

Commission meeting and knew exactly what was going on. He said Senator Zaleski had asked him to read his letter at the meeting and, as a courtesy, he had done so.

The Chairman said the committee reports would be received. He said the report of the Secretary-Treasurer, Mr. Bergsmark, would be received.

Mr. Bergsmark said that the following listed items had been sent to the Members since the last regular meeting of the Commission, December 13, 1993:

- (1) Weekly Traffic Statistics
- (2) Investment Transactions which occurred during December 1993
- (3) Draft of the Commission Meeting Minutes of December 13, 1993
- (4) Copy of Certified Budget for 1994 and annual audit by auditor of state transmitted in accordance with ORC Section 5537.17(F)
- (5) News Release #19 - Chairman's Review of Commission accomplishments for 1993, future plans
News Release #20 - Free Coffee available for New Year's Eve

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. Bergsmark, said that although final, audited financial figures for 1993 would not be available for a few more days, preliminary numbers indicated the Commission had a successful year and was very close to the budget estimates for both revenue and expenditures.

Mr. Bergsmark said further that, for example, revenues were expected to be almost \$100 million, \$99,735,000 to be specific,, which exceeded the Commission's revenue estimate by \$975,000, or 1 percent.

Mr. Bergsmark said further that operating expenditures were just over \$60 million and while that amount would be about \$285,000 over budget, that was less than 1/2 percent and, as the Members recalled, the operating budget was lowered from the one originally adopted. He said that at any rate, the Commission could be pleased that its bottom line experience was positive and so close to projections.

Mr. Bergsmark said further that, finally, the committee was continuing to review 1994 financial projections and would probably have some adjustments to recommend at the time the Commission amends its accounts and financial statements to accommodate the proposed bond issue in March.

The Chairman said he wanted to let everyone know that when the budgets were prepared this year, as was done last year, the Members would sit down with each department head and go through line items to justify each item as to why it was proposed in their budgets. He said that approximately \$4.5 million was cut from last year's original budget.

The Chairman said further that the Members went over the 1994 budget the week before the meeting. He said that he asked Alan Plain why one item was over budget and why was that kind of money being spent. He said Mr. Plain said he should ask God about putting all the snow on the ground so that all that salt had to be bought. He said that, obviously, there were certain items over which the Commission had little control. He said the Commission had tried to operate the Turnpike as a business by making decisions that made sense.

Mr. Bergsmark said that there was one other item that was assigned to the Budget and Finance Committee and that was the selection of the trustee for the bonds. He said that since he happened to be in the financial services industry, in order to make sure that there would be no appearance of any conflict in the solicitations therefore, he requested that the staff do the selection process and recommendation for the bond trustee. He said he had no involvement in the selection process. He said he would ask Craig Rudolphy to give the committee report and recommendation.

Mr. Rudolphy said the Commission issued a request for proposals for trustee services on December 20 and responses were due back on January 3. He said responses were received from eight banks. He said of that eight, the committee selected five on January 5 to interview. He said those five banks were interviewed on January 7.

Mr. Rudolphy said further that, based on the review of the proposals submitted and the interviews held, it was his recommendation and concurred by the Assistant Comptroller, Deputy Executive Director-Chief Engineer, and General Counsel, who also reviewed the proposals and participated in the interview process, that a contract be awarded to the Huntington Trust Company for services as trustee on the upcoming bond issue.

Mr. Bergsmark asked Mr. Rudolphy what was the price for the services.

Mr. Rudolphy said the price that was agreed upon was at the rate of \$37.00 per million for bonds outstanding.

Mr. Bergsmark asked if that was the lowest amount.

Mr. Rudolphy said it was the lowest amount. He said the price would be \$4,625 on an annual basis, assuming that \$125 million were outstanding.

Mr. Rudolphy said proposals also were favorably considered from the Fifth-Third Bank and from National City Bank.

Mr. Johnson said he wanted the Chairman to know that, as Executive Director, he also reviewed those proposals, but was unable to participate in the interviews, so he didn't show up in the selection process. He said he did want the Members to know that, through his review and his discussions with the staff, that he did concur in the recommendation.

A resolution awarding a contract pursuant to a request for proposals for trustee services was moved for adoption by Mr. Parise, seconded by Mrs. Leever as follows:

RESOLUTION NO. 4-1994

"WHEREAS, on December 20, 1993, the Commission issued a Request for Proposals (RFP) to furnish Trustee Services required by the Commission's contemplated bond issue;

"WHEREAS, responses were received on January 3, 1994, from eight banks expressing an interest in serving as trustee on the Commission's contemplated bond issue and such responses were reviewed by the Commission's Executive Director, Deputy Executive Director, Comptroller, and General Counsel;

"WHEREAS, after reviewing the proposals submitted, five of the banks were selected to be interviewed, such interviews being held on January 7, 1994;

"WHEREAS, after analyzing the proposals received and completing the interviews aforesaid, the Commission's Comptroller recommended that the contract for Trustee Services be awarded to Huntington Trust Company; and the Commission's Executive Director, Deputy Executive Director, Comptroller, Assistant Comptroller and General Counsel, have concurred in such recommendation and the Commission has duly considered such recommendation;

"NOW THEREFORE, BE IT

"RESOLVED that the Commission hereby selects Huntington Trust Company as Trustee for the Commission's contemplated bond issue and authorizes and directs Executive Director and the General Counsel to enter into a contract with Huntington Trust Company 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: Mr. Parise, Mrs. Leever, Mr. Fedeli

Nays: None

Abstain: Mr. Bergsmark

The Chairman declared the resolution adopted with all Members present, except Mr. Bergsmark, voting in the affirmative. The resolution was identified as No. 4-1994.

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 on Service Plazas, Senator Gaeth, said he usually made a stop between Defiance and Berea at one of the Turnpike service plazas. He said the rest room facilities were functional, but he was glad that they were being scheduled for update because the fixtures were quite antiquated.

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

Mr. Rudolph said the Commission's accounting firm of Deloitte and Touche had started their audit of the Commission's records for the year ended December 31. He said they had conducted some preliminary work and would be arriving early the week after the meeting to go into the final phase. He said he expected the audit would be completed in early February, which would be sufficient time to include audit and financial statements in the Commission's official statements for the bond issue.

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

Mr. Disantis said the State Employment Relations Board had issued its ruling on the question of whether or not the part-time toll collectors fell within the definition of employees who could establish a unit for collective bargaining purposes. He said that while the board agreed with the Commission's position that the prior definition was far too broad, they still found that the part-time toll collectors were eligible for representation. He said the board would set up a conference call the Friday after the meeting with the union and the Commission's labor counsel to establish a date, time and place for a representation election which he expected to be sometime during the month of February.

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

Captain Williams said that 1993 was a relatively safe year on the Turnpike. He said there had been approximately a 30 percent reduction in fatal accidents. He said there were 1 fatal accidents and 12 fatalities. He said that December was probably the worst month of the year when there had been three fatal accidents and four people killed. He said two of the deaths were DUI related and the third one was a sleepy driver. He said that two people killed at Eastgate toll plaza had a blood alcohol level of .33 percent, which was better than three times the legal limits.

The Chairman said the report of the Committee on Safety was accepted as offered.

Mr. Johnson said that there was one other matter that was added to the agenda concerning the Commission's umbrella and excess liability insurance coverages. He said that matter was handled by Mr. Disantis so he thought he, along with Mr. McGrath, should introduce it to the Commission.

Mr. Disantis said that on November 1 the Commission issued a request for proposals for all the Commission's liability insurance including the general automobile, umbrella and excess coverages commencing February 1.

Mr. Disantis said the proposals were submitted on December 23, as required, and they have been reviewed, analyzed and evaluated by the Commission's insurance consultant, Crain, Langner and Company, and also at meetings with the consultant, General Counsel, Comptroller and him. He said all copies of the reviews at those meetings and recommendations were in the Members' folders.

Mr. Disantis said the Commission's consultant recommended that the contract be awarded to the Hylant-MacLean proposal. He said that proposal provided for general and automobile liability and the \$10 million of umbrella coverage to the Zurich-American Insurance Company. He said that, in addition, the consultant recommended that the excess liability coverage, which would increase the Commission's total coverage to \$32 million, be placed in accordance with the quote of Hylant-MacLean in the amount not to exceed \$60,000.

Mr. Disantis said the premium for the proposal for a three-year period, \$2 million general liability, \$1 million of automobile liability, and \$10 million of umbrella liability was \$871,437. He said he, the Comptroller and General Counsel concurred with the recommendation of the consultant. He said there were 9 spread sheets in the Members' folders showing the various programs presented.

The Chairman said Mr. Disantis did a good job and he saw that the insurance costs were down from last year.

Mr. Johnson said there was a resolution in the Members' folders to handle that matter. He said Mr. McGrath would comment.

Mr. McGrath said he would read the last resolved in the resolution, but first point out to the Commission that normally that was something not handled on the Commission level. He said in that particular case there was a three-year premium and that was why the matter was before the Commission. He said he would read the resolved as follows:

"RESOLVED that the Commission had duly considered the recommendations of the Commission's insurance consultant, Crain, Langner & Co. as well on the Commission's Director of Administrative Services, and hereby selects the Hylant-MacLean Agency/Zurich-American Insurance Group to provide its general automobile and umbrella liability coverage, as well as its excess liability coverage, as more fully described above, and authorizes and directs its Executive Director and General Counsel to enter into a contract with the Hylant-MacLean Agency/Zurich-American Insurance Group in accordance with the terms and conditions of the Commission's Request for Proposals."

Mr. McGrath said he attended the meeting with Mr. Disantis and Mr. Rudolphy with the representatives of Crain, Langner and he concurred in the resolution and concurred with the method of proceeding.

The Chairman said that he was in the insurance business so, consequently, he would be abstaining from voting on the resolution.

A resolution awarding a contract pursuant to a request for proposals for automobile liability and excess liability insurance was moved for adoption by Mr. Bergsmark, seconded by Mr. Parise as follows:

RESOLUTION NO. 5-1994

"WHEREAS, on November 1, 1993, the Commission issued a Request for Proposals (RFP) to obtain automobile liability, general liability, umbrella and excess liability coverage for the Commission for a period commencing February 1, 1994;

"WHEREAS, insurance proposals were received on December 23, 1993, from five insurance agencies expressing an interest in providing the Commission's insurance coverage;

"WHEREAS, all proposals have been reviewed, analyzed and evaluated by Crain, Langner & Co., the Commission's insurance consultant;

"WHEREAS, Crain, Langner & Co., in its recommendation dated January 5, 1994, has recommended that the best interests of the Ohio Turnpike Commission would be served by the selection of the proposal submitted by the Hylant-MacLean Agency/Zurich-American Insurance Group for General, Automobile and Umbrella Liability for a three-year prepaid premium of \$871,437, apportioned at \$290,479 per annual period; and that the excess liability coverage in the amount of \$20,000,000 should be placed by the Hylant-MacLean Agency at a cost not to exceed \$60,000;

"WHEREAS, after reviewing the Crain, Langner & Co. recommendation of January 5, 1994, the Commission's Director of Administrative Services concurs in such recommendation, a copy of the January 5, 1994, recommendation, together with Crain, Langner & Company's Proposal Comparison is now before the Commission for its review;

"NOW THEREFORE, BE IT

"RESOLVED that the Commission has duly considered such recommendations of the Commission's insurance consultant, Crain, Langner & Co., as well as the Commission's Director of Administrative Services, and hereby selects the Hylant-MacLean Agency/Zurich-American Insurance Group to provide its general, automobile and umbrella liability coverage, as well as its excess liability coverage, as more fully described above, and authorizes and directs its Executive Director and General Counsel to enter into a contract with the Hylant-MacLean Agency/Zurich-American Insurance Group 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: Mr. Bergsmark, Mr. Parise, Mrs. Leever

Nays: None

Abstain: Mr. Fedeli

The Chairman declared the resolution was adopted with all Members present, except Mr. Fedeli, voting in the affirmative. The resolution was identified as No. 5-1994.

The Chairman said the report of the Development Coordinator, Mr. Brennan, would be received.

Mr. Brennan said all the new interchanges approved by the Commission were progressing on schedule at State Route 66 in Fulton County, State Route 4 in Erie County, State Route 44 in Portage County and State Route 58 in Lorain County.

Mr. Brennan said further that the Executive Director had already mentioned the fact that a RFP for project management consultant services was released and was in circulation as early as December. He said that there were about 85 potential proposers that had asked for the requests. He said that, as Mr. Johnson mentioned, there was a meeting the Friday before the Commission meeting at which about 80 people attended and they represented about 50 different firms. He said there were some questions asked at the Friday meeting. He said answers would be given and circulated to those in attendance.

Mr. Brennan said further information was then available to seriously consider potential interchanges at State Route 11 and County Road 18 in Mahoning County. He said he was looking forward to working with the Commission's newest Member, Representative Ron Gerberry, and other interested parties on those interchanges. He said he expected he would have a recommendation for the Commission within a short amount of time.

Mr. Brennan said further that as far as the Maumee River Crossing was concerned the consulting engineers and others continued to work on the environmental impact study. He said the task force itself had not met since November 1993 and the project continued on schedule.

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

Mr. Johnson said he had one other comment. He said that on the Thursday before the meeting he, Mr. McGrath, and representatives of Paine Webber and the Commission's bond counsel had another preliminary meeting with the rating agencies in New York City to prepare for the Commission's bond issuance in February. He said the closing target date on those bonds was March 10. He said all the details on that issuance would be brought before the Commission at the next meeting for approval.

The Chairman said that, as he mentioned a few meetings ago, when representatives of the Commission went to New York to see Standard and Poor's, Moody's and Fitch, the one thing that he came back with was the feeling that all three rating services perceived the Commission to be well managed. He said that, as he told Mr. Rudolphy, they were complimented on the financial reports and they were very, very anxious to see the Commission go back into debt again.

The Chairman said further that he was not a believer in debt. He said that, however, long-term investments should be financed with long-term money. He said that if short-term money was used for long-term investments there would be a cash-flow problem.

Mr. Johnson said there would be another meeting with all three rating services in February. He said it would be the final meeting before the Commission asked for the official ratings.

There being no further business to come before the Commission, a motion was made by Mr. Parise, seconded by Mrs. Leever, that the meeting adjourn until the next meeting on February 14.

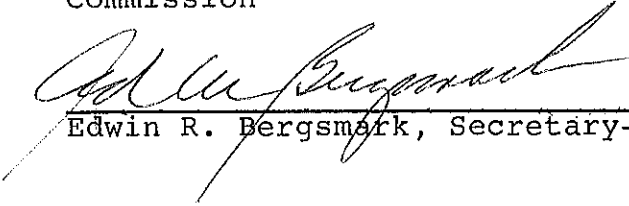
A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Mr. Parise, Mrs. Leever, Mr. Bergsmark,
Mr. Fedeli

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 11:40 a.m.

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


Edwin R. Bergsmark, Secretary-Treasurer