

## MINUTES OF THE 412th MEETING OF THE OHIO TURNPIKE COMMISSION

September 11, 1995

Pursuant to the bylaws, the Ohio Turnpike met in regular session in the Administration Building at 682 Prospect Street, Berea, Ohio at 10:22 a.m., on September 11, 1995, with Members of the staff: Allan V. Johnson, Executive Director; Gino Zomparelli, General Counsel; G. Alan Plain, Deputy Executive Director; Robert P. Barnett, Director of Information and Research; Craig Rudolphy, Comptroller; Donald M. Sharp, Director of Operations; David H. Ransbury, Chief Engineer; Alice Linn, Director of Patron Services; James H. Brennan, Development Coordinator; and others in attendance.

Present: Richard A. Hodges, M. Ben Gaeth, Jerry Wray,  
Earl W. Williams, Marilyn R. Baker, Ruth Ann Leever,  
Umberto P. Fedeli

Absent: None

A motion was made by Mrs. Leever, seconded by Mr. Williams that the minutes of the meeting of August 14, 1995, which had been examined by the Members, be approved without reading.

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

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

Nays: None

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

The Chairman said there were a number of guests at the meeting and he would ask them to identify themselves as follows: Mike Kurey, Advanced Restaurant Concepts; Tim Gladioux, Advanced Restaurant Concepts; David Patch, The (Toledo) Blade; Mark Tylicki, taxpayer; Paul Ash, Ohio State Highway Patrol; Todd Lezon, S.E. Johnson Companies; John Mitchell, United Parcel Service; Gary Cawley, Superintendent of Toll Collections; Douglas Fear, Kemper Securities; Joseph Disantis, Right-of-Way Coordinator; Anthony Palombo, Staff Counsel; Dan Castrigano, Maintenance Engineer; Thelma Gaeth, Senator Gaeth's wife; Ed Presley, Society Bank; Rob Fleischman, Greiner Engineering; Gillett Cobb, OCDC; Dan Becker, OCDC; Jim Conroy, Porter, Wright, Morris and Arthur; Gordon Reis, Seasongood and Mayer; Diane Pring, General Counsel's Secretary; Leah Fox, ODOT; Sharon Isaac, Assistant General

Counsel; Andy Benson, The (Cleveland) Plain Dealer; Gary Joseph, ODOT; Alan Hirth, Climaco, Seminatore; Frank Lamb, Huntington Trust; Joe Rice, Rice Consultants; John Lavelle, Key Corp and Eric Carmichael, Pryor, McClendon, Counts and Co.

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

Mrs. Baker said that the following listed items had been sent to the Members since the last regularly scheduled meeting of the Commission, August 14, 1995:

1. Weekly Traffic Statistics
2. Investment Transactions which occurred during August 1995
3. Draft of the Commission Meeting Minutes of August 14, 1995
4. Traffic and Revenue Reports through August 1995
5. Financial Statement August 1995
6. Independent Auditor's Six-Month Report
7. Independent Auditor's Management letter
8. OCDC Report September 1995

Mrs. Baker said further that she had the opportunity to meet last month with Mr. Reis, Mr. Rudolph and Carol Muller to discuss the on-going impact of the Commission's capital expenditures on its budget. She said that she found the information to be very interesting and important.

Mrs. Baker said further that she requested that at the Commission's next scheduled meeting the Commission be given a status report of how the capital expenditures were impacting the Commission's budget.

The Chairman said he thought a status report on capital expenditures was possible. He said that perhaps Mr. Reis would be prepared to comment on that at the day's meeting. He said that, if not, the Commission could wait until the next meeting. He said he thought it was very crucial that the Commission looked long term.

Mr. Reis said that he had mentioned the issue to the Chairman before the meeting. He said the Commission needed to borrow some money because it was running out of money.

Mr. Reis said further that the Commission didn't have reserves at that time to pay for capital expenditures beyond next spring. He said that either the Commission stop awarding contracts or get funds to continue the process through borrowing.

The Chairman said that it was time for the Commission to look to the bond market. He said he thought the Commission would start moving in that direction.

Mrs. Baker said she thought the Commission should have a complete presentation on the subject.

The Chairman said he would ask Mr. Reis and Mr. Rudolphy to coordinate with the appropriate people so that the Members could have a status report on capital expenditures.

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

Mrs. Baker said the preliminary budget for 1996 was being prepared by the staff and would be presented to the Commission for action in November.

The Chairman said that since he had been Chairman he had gone over the preliminary budget line by line. He said he asked each Department Head to make a presentation and asked why they were spending certain dollars. He said that typically at least two days were required to do that.

The Chairman said further that he would welcome some of the other Members to participate in that review if it would not be a violation of the sunshine law. He said that perhaps Mrs. Baker should participate in the review.

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

Senator Gaeth said that he was glad that the Commission planned to have the service plazas buildings renovated or replaced because they were in bad condition. He said at the service plaza he stopped at that morning a couple of faucets in the bathroom were leaking and several partitions between the urinals were ready to fall off the wall. He said that, however, the restroom was clean.

Mr. Johnson said that he would like to add that a consultant would be hired to assist the staff in the bidding and evaluation process for awarding new contracts to operate the service plaza restaurants. He said he hoped to have someone selected within the next two or three weeks.

The Chairman asked Mr. Johnson if the current contracts, which expired at the end of November, would have to be extended.

Mr. Williams asked if the RFP's for a restaurant consultant had gone out?

Mr. Johnson said they had not, but they would go out within the next day or so.

Mr. Fedeli asked if the Commission would have to approve an extension of the current restaurant contracts?

Mr. Johnson said that the Commission would have to approve the extensions.

Mr. Williams asked if a decision had been made about the length of the extensions?

Mr. Johnson said that, in his opinion, the extensions should be for one year. He said they would have to have been extended even if the Commission had already awarded the contracts. He said at least a year was going to be necessary in order for the Commission to have enough time to award new contracts and get new or renovated buildings in place. He said that would be his recommendation at the time the extensions were requested.

The Chairman said that the Commission's game plan also would be to start construction of new facilities while still operating the current facilities so that there was no disruption in business.

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

Mr. Johnson said that Mr. Disantis was not at the meeting, but he wanted to mention that the staff had met with its outside labor counsel to get ready for the possibility of negotiations on a collective bargaining agreement. He said the current collective bargaining agreement with the full-time toll collectors and maintenance employees expired at the end of the year. He said that the staff was coming up to the period where it would have to get a new collective bargaining agreement in place.

The Chairman said the report on Employee Relations was accepted as offered. He said he would ask Representative Hodges if he had any comments.

Representative Hodges said he had a complaint from a constituent. He said the constituent's son was sick or injured and had to be transported from Bryan to St. Luke's Hospital in Maumee via the Turnpike. He said the constituent told him that the ambulance was running with lights and sirens, but still had to stop and pay the toll. He said he just wondered whether that was a policy the Commission should rethink.

Representative Hodges said he guessed there was an option for the emergency vehicles to go through and come back later to pay the toll. He said that perhaps the Commission should look at expediting that situation to relieve the ambulance operator of stopping to pay the toll.

The Chairman said he had no problem with opening up the gate and letting the vehicle through. He said they could return later to pay the toll.

Mr. Johnson said he would like to discuss the situation with Representative Hodges after the meeting.

Representative Hodges said he also would like to know if he could get the agenda and information packet on a Thursday before a Commission meeting as opposed to a Saturday. He said that would give him an extra business day to make calls or ask questions.

Mr. Johnson said that ordinarily that would be done. He said he apologized for that because there had some delays in getting the information mailed out for that particular meeting. He said that he thought the Members would see in the future that they would have the information much earlier.

The Chairman said that perhaps the information would be made available to the Members the Wednesday before Commission meetings.

Mr. Johnson said that would be done. He said that he was glad that Representative Hodges got his informational packet on Saturday because he thought some of the other Members did not. He said it was the first time in his memory that the information was mailed on a Friday.

The Chairman said the report of the trustee would be received.

Mr. Lamb said that in conjunction with the semi-annual debt service payments on the bonds, the last of which was made on August 15th, the Commission accumulated investment income earned in the bond fund and reserve fund for the proceeding six months. He said the investment income enabled the Commission to take a credit against its next monthly installment. He said the credit for investment income for the past six months was approximately \$311,000.

The Chairman said the report of the trustee was accepted as offered. He said the report of Captain Ash would be received.

Captain Ash said that Trooper Braun, who was struck August 23rd on the Turnpike by a sleepy driver, was home and recovering. He said Trooper Braun would receive 90 days of therapy and then his injured hip would be re-examined to see if he required surgery.

Captain Ash said that troopers in the Toledo area of the Turnpike intercepted 324 pounds of marijuana the previous weekend. He said the drug was on its way to Toledo. He said the street value of the marijuana was several hundred thousand dollars.

Mr. Brennan asked if Ork, the drug-sniffing dog, was involved in the seizure?

Captain Ash said the Patrol's drug-sniffing dog, Bear, from Swanton aided in the seizure.

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

Mr. Zomparelli said the Members had three resolutions in front of them regarding appropriation of property. He said two of the draft resolutions dealt with appropriation necessary for the construction of the sanitary sewer line serving Oak Openings and Fallen Timbers Service Plazas.

Mr. Zomparelli said further that he would read the Resolveds of the resolution affecting the property owned by Daniel Boltz, as follows:

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the construction of a sanitary sewer line serving the Oak Openings and Fallen Timbers Service Plazas in the vicinity of Milepost 49.0 in Lucas County, Ohio;

"BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the necessary easement on the following described property from the owner and persons having an interest therein, to-wit: Daniel Boltz.

"FURTHER RESOLVED that the general counsel be, and he hereby is instructed to do or cause to be done all things that may be necessary in the premises in order that proceedings for the appropriation of the property described above may be commenced."

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

A resolution declaring the necessity of appropriating property and directing that proceedings to effect such appropriations be begun and prosecuted was moved for adoption by Mrs. Baker, seconded by Mrs. Leever as follows:

#### **RESOLUTION NO. 43-1995**

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the construction of a sanitary sewer line serving the Oak Openings and Fallen Timbers Service Plazas in the vicinity of Milepost 49.0 in Lucas County, Ohio;

"BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the necessary easement on the following described property from the owner and persons having an interest therein, to-wit:

Owners

Place of Residence

Daniel Boltz

2231 S. Fulton-Lucas County Road  
Swanton, Ohio 43558

Larry Kaczala  
Lucas County Auditor

One Government Center  
Toledo, Ohio 43604

Ray Kest  
Lucas County Treasurer

One Government Center  
Toledo, Ohio 43604

"The aforementioned property to be appropriated is described as follows:

**Parcel No. 40E-8A Permanent Sanitary Sewer Line Easement**

Legal description is attached as Exhibit "A".

"FURTHER RESOLVED that the general counsel be, and he hereby is instructed to do or cause to be done all things that may be necessary in the premises in order that proceedings for the appropriation of the property described above may be commenced."

Parcel No. 40E-8A

Situated in the Township of Swanton, County of Lucas and State of Ohio, and known as being part of Original Swanton Township Section No. 6 Town 7 North - Range 9 East, and being all that part of the lands described in the Deed to Maurice Howard Boltz and Emma May Boltz, recorded in Volume 1298, Page 44, of Lucas County Deed Records, lying within a strip of land 50 feet wide and being bounded by lines drawn parallel to and distant 25 feet on either side of, measured on a line normal to, the following described centerline:

Beginning at a point on the centerline of Fulton Lucas Road, distant 858 feet Southerly of the intersection of said centerline with the centerline of Ohio Turnpike Project No. 1 as the same is shown by plat recorded in Volume 48, Page 102, of Lucas County Map Records; thence in a northeasterly direction on a straight line having an angle of  $57^{\circ} 01'$  with the aforesaid centerline of Fulton Lucas Road to the intersection of said line with a line drawn parallel to and distant 150 feet Southerly of, measured on a line normal to, said turnpike centerline; thence Easterly along said parallel line to the Easterly line of the land described in the aforesaid deed.

Exhibit "A"



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

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

Nays: None

The Chairman declared the resolutions stood adopted with all Members voting in the affirmative. The resolution was identified as No. 43-1995.

Mr. Zomparelli said further that there was a second resolution involving the same service plazas and the Resolveds read the same. He said the only difference was the owner of the property, who was Aletha G. Schmidt. He said he recommended the resolution be adopted.

A resolution declaring the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted was moved for adoption by Mr. Williams, seconded by Mrs. Baker as follows:

#### **RESOLUTION NO. 44-1995**

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the construction of a sanitary sewer line serving the Oak Openings and Fallen Timbers Service Plazas in the vicinity of Milepost 49.0 in Lucas County, Ohio;

"BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the necessary easements on the following described property from the owner and persons having an interest therein, to-wit:

<u>Owners</u>	<u>Place of Residence</u>
Aletha G. Schmidt, et al.	2291 S. Fulton-Lucas County Road Swanton, Ohio 43558
Larry Kaczala Lucas County Auditor	One Government Center Toledo, Ohio 43604
Ray Kest Lucas County Treasurer	One Government Center Toledo, Ohio 43604

"The aforementioned property to be appropriated is described as follows:

**Parcel No. 40C-5A Permanent Sanitary Sewer Line Easement**  
**Parcel No. 40D-6A Permanent Sanitary Sewer Line Easement**

Legal descriptions are attached as Exhibits "A" and "B".

"FURTHER RESOLVED that the general counsel be, and he hereby is instructed to do or cause to be done all things that may be necessary in the premises in order that proceedings for the appropriation of the property described above may be commenced."

Parcel No. 40C-5A

Situated in the Township of Swanton, County of Lucas and State of Ohio, and known as being part of Original Swanton Township Section No. 6, Township 7 North, Range 9 East, and being all that part of the lands described in the deed to Paul M. Schmidt and Robert Schmidt, dated January 16, 1948, and recorded in Volume 1289, Page 533 of Lucas County Deed Records, lying within a strip of land 20 feet wide between parallel lines, the Northerly line of said strip being parallel to and distant 140 feet Southerly of, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 48, Page 102 of Lucas County Map Records, and the Southerly line of said strip being parallel to and distant 160 feet Southerly of, measured on a line normal to, said center line.

Exhibit "A"

Parcel No. 40D-6A

Situated in the Township of Swanton, County of Lucas and State of Ohio, and known as being part of Original Swanton Township Section No. 6, Town 7 North-Range 9 East, and being all that part of the lands described in the deed to George H. Bryan and Anna Bessie Bryan, recorded in Volume 1168, Page 26 of Lucas County Deed Records, lying within a strip of land 30 feet wide between parallel lines, the Northerly line of said strip being parallel to and distant 130 feet Southerly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 48, Page 102 of Lucas County Map Records, and the Southerly line of said strip being parallel to and distant, 160 feet Southerly, measured on a line normal to said center line.

Exhibit "B"

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

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

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 44-1995.

Mr. Zomparelli said the final resolution was really an amendment of the resolution adopted at the last Commission meeting titled Resolution No. 35-1995. He said that there had been revisions to the construction and engineering plans involving the Turnpike interchange at State Route 51. He said that because of the change in the construction engineering plans it was now necessary to acquire less property owned by John J. Ansted.

Mr. Zomparelli said further that he would read the Resolveds as follows:

"RESOLVED that the General Counsel be, and he hereby is, instructed to do or cause to be done all things that may be necessary in the premises in order that the proceedings already commenced in the Common Pleas Court of Ottawa County in connection with Parcel No. 5A-4WL and Parcel No. 5A-4T, as described in Resolution No. 35-1995 (adopted August 14, 1995), to provide for the appropriation of those parcels:

"FURTHER RESOLVED that the general counsel be, and he hereby is instructed to do or cause to be done all things that may be necessary in the premises in order that proceedings for the appropriation of the property described above as Parcel No. 5A-4WI-1 may be commenced."

Mr. Zomparelli said further that the property was in Sandusky County.

Mrs. Baker asked if the property in question was designated an Agricultural District.

Mr. Zomparelli said that it was so designated. He said the Commission would be taking less property than described in the resolution adopted at the last Commission meeting. He said that Mr. Ansted's property straddled the Ottawa-Sandusky County line. He said the portion of the property in Sandusky County was in an Agricultural District, but the portion in Ottawa County was not.

Mr. Zomparelli said further that the resolution at the meeting called for reducing the amount of property in Sandusky County the Commission wished to appropriate. He

said the amount of property to be appropriated in Ottawa County remained the same. He said he recommended the resolution be adopted.

A resolution amending resolution No. 35-1995 regarding the description of property to be appropriated was moved for adoption by Mr. Wray, seconded by Mrs. Leever as follows:

**RESOLUTION NO. 45-1995**

"WHEREAS, it has come to the attention of the Commission that under the detailed construction/engineering plans for the construction of an interchange with State Route 51 and the Ohio Turnpike, it is not necessary to acquire as much of the land owned by John J. Ansted as was described in Resolution No. 35-1995; and

"WHEREAS, the Commission has been unable to agree with the owners of said property as to the compensation to be paid for said property, either as described in rescinded Resolution No. 35-1995, or as hereinafter described and amended.

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement and has complied with the provisions of sections 163.04 and 929.05 of the Revised Code; and said property is necessary for the construction of an interchange with State Route 51 and the Ohio Turnpike in the vicinity of Milepost 80.9 in Ottawa and Sandusky Counties, Ohio;

"RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the fee title and necessary easements on Parcel No. 5A-4WL-1 from the owner and persons having an interest therein, to-wit:

<u>Owners</u>	<u>Place of Residence</u>
John J. Ansted	3925 State Route 51 Elmore, OH 43416
James Snider Ottawa County Auditor	315 Madison Street Port Clinton, OH 43452
Jacqueline Chapman Ottawa County Treasurer	315 Madison Street Port Clinton, OH 43452
William Farrell Sandusky County Auditor	100 N. Park Avenue Fremont, OH 43420

Virgil Swartzlander  
Sandusky County Treasurer

100 N. Park Avenue  
Fremont, OH 43420

"The aforementioned property to be appropriated is described as follows:

**Parcel No. 5A-4WL-1 - Fee Simple**

Legal description is attached as Exhibit "A";

"RESOLVED that the General Counsel be, and he hereby is, instructed to do or cause to be done all things that may be necessary in the premises in order that the proceedings already commenced in the Common Pleas Court of Ottawa County in connection with Parcel No. 5A-4WL and Parcel No. 5A-4T, as described in Resolution No. 35-1995 (adopted August 14, 1995), to provide for the appropriation of those parcels;

"FURTHER RESOLVED that the general counsel be, and he hereby is instructed to do or cause to be done all things that may be necessary in the premises in order that proceedings for the appropriation of the property described above as Parcel No. 5A-4WL-1 may be commenced."

Parcel No. 5A-4WL-1

All that part of the Northwest 1/4 of Section 30, Washington Township, Town 6 North, Range 14 East, Sandusky County, Ohio, bounded and described as follows:

Commencing at a railroad spike found at the North 1/4 corner of said Section 30, said railroad spike being Station 29+38.63, thence proceeding along the North line of the Northwest 1/4 on a bearing of South 89° 32' 06" West a distance of 1469.21 feet to a point on the grantor's East property line and being 253.44 feet left of Station 15+ 72.68;

Thence along said property line on a bearing of South 00° 08' 14" East a distance of 149.32 feet to a point, said point being 110.00 feet left of Station 15+31.19, and being the true point of beginning;

Thence continuing along said East property line on a bearing of South 00° 08' 14" East a distance of 317.50 feet to a point, said point being 195.00 feet right of Station 14+42.99;

Thence South 73° 43' 58" West a distance of 142.99 feet to a point, said point being 195.00 feet right of Station 13+00.00;

Thence North 46° 43' 58" West a distance of 98.62 feet to a point, said point being 110.00 feet right of Station 12+50.00;

Thence South 74° 28' 11" West a distance of 388.83 feet to a point, said point being 105.00 feet right of Station 8+61.20;

Thence on a curve to the right non-tangent to the last line having a central angle of 16° 13' 45", a radius of 1250.92 feet, arc distance of 354.32 feet, a chord distance of 353.14 feet and a chord bearing of South 81° 50' 51" West to a point, said point being 105.00 feet right of Station 5+36.62;

Thence South 89° 57' 43" West a distance of 336.62 feet to a point, said point being 105.00 feet right of Station 2+00.00;

Thence South 73° 42' 06" West a distance of 125.00 feet to a point, said point being 140.00 feet right of Station 0+80.00 (Connector Road), and 80.00 feet right of Station 113+79.10 (State Route 51);

Thence South 10° 41' 58" West a distance of 80.51 feet to a point, said point being 65.00 feet right of Station 113+00.00;

Thence South 00° 02' 17" East a distance of 100.00 feet to a point, said point being 65.00 feet right of Station 112+00.00;

Thence South 05° 40' 21" West a distance of 251.25 feet to a point, said point being on the existing East right of way of State Route 51, and being 40.00 feet right of Station 109+50.00;

Thence along said right of way on a bearing of South 00° 02' 17" East a distance of 155.37 feet to a point, said point being 40.00 feet right of Station 107+94.63;

Thence South 89° 57' 43" West a distance of 40.00 feet to a point, said point being on the centerline of State Route 51, and being Station 107+94.63;



Parcel No. 5A-4WL-1 (cont.)

Thence along the centerline of State Route 51 on a bearing of North 00° 02' 17" West a distance of 1201.37 feet to a point, said point being the Northwest corner of said Section 30, and being Station 119+96.00;

Thence along the North line of the Northwest 1/4 of said Section 30 on a bearing of North 89° 32' 06" East a distance of 87.67 feet to a point, said point being 87.67 feet right of Station 119+96.65;

Thence South 04° 28' 15" East a distance of 353.61 feet to a point, said point being 115.00 feet right of Station 116+44.10 (State Route 51), and 125.00 feet left of Station 1+15.00 (Connector Road);

Thence South 88° 00' 02" East a distance of 421.88 feet to a point, said point being 110.00 feet left of Station 5+36.62;

Thence along a curve to the left non-tangent to the last line having a central angle of 16° 13' 45", a radius of 1035.92 feet, arc distance of 293.42 feet, a chord distance of 292.44 feet, and a chord bearing of North 81° 50' 51" East, to a point, said point being 110.00 feet left of Station 8+61.20;

Thence North 73° 43' 58" East a distance of 669.99 feet to the true point of beginning.

Containing 9.569 acres, more or less, of which the present right of way contains 1.103 acres, for a net take of 8.466 acres, more or less.

EXHIBIT "A"

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

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

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 45-1995.

The Chairman said the report of General Counsel was accepted as offered. He ascertained there would be no reports from the consulting engineers of the Director or the Ohio Department of Transportation. He said the report of the Development Coordinator would be received.

Mr. Brennan said that beginning at the west the Commission had been advised by the Corps of Engineers that they would be issuing their permit shortly to allow the construction of the Turnpike interchange with State Route 66 in Fulton County. He said that information had been confirmed by Senator DeWine's staff.

Mr. Brennan said further that the Commission had decided to build the interchange with State Route 109 in Fulton County north of the Turnpike. He said design engineering on the project continued.

Mr. Brennan said further that the Commission's historical consultants completed their review for the State Route 58 interchange in Lorain County. He said the report had been submitted to the Ohio Historical Society in Columbus in preparation for the September 15th meeting. He said the Commission's Chief Engineer, Mr. Ransbury, would attend that meeting.

Mr. Brennan said further that the access justification study for the interchange with Interstate Route 77 in Summit and Cuyahoga Counties continued through ODOT.

Mr. Brennan said further that work on the access point study for the interchange with State Route 11 in Mahoning County continued. He said that, based on the current unanimous opposition to the project, he recommended that the Commission abandon the project after the study was complete.

Mr. Brennan said further that the task force for the Maumee River Crossing in Toledo met on September 7th for the first time since May 4th. He said that work on all aspects of the Environmental Impact Study continued. He said that funding possibilities were still the major concern.

Mr. Brennan said further that Tasks 1, 2, 3, and 4 had been completed by OCDC for the Great Lakes/Mid-Atlantic Corridor (I-73/I-74) project. He said that in August Tasks 6, 7, and 8 were completed.

Mr. Brennan said further that Task 5, the Communications Plan Assistance, which he reported as being 98 percent complete at the end of July, had been modified and expanded to continue through the end of the year. He said the current study was 40 percent complete at the end of August 31.

Mr. Brennan said further that the status of the remaining tasks assigned to OCDC were as follows: No. 9, which is defining and adherence to federal and state environmental processing requirements, was 35 percent complete and Task 11, major investment study on the Delaware bypass, was 25 percent complete.

Mr. Brennan said further that the feasibility report, which was released on August 1st, had generated interest and reaction around the state. He said that, however, sales at \$30 each for the report had been slow. He said the Commission's financial commitment as of August 31st was approximately \$5,300,000, which increased about \$200,000 during last month.

Mr. Brennan said further that the Ohio GL/MAC group met in Columbus on August 9th. He said that attendance was light and there was no information presented except the Commission's feasibility study.

Mr. Brennan said further that the six-state group met in Bennettsville, South Carolina on August 24 and 25. He said Mr. Patton represented the Commission at the meeting and was prepared to report on that meeting, if the Chairman wanted him to do so.

Mrs. Baker asked if she could have a copy of Mr. Brennan's report?

The Chairman said that Mr. Brennan gave him a report once a month and he would see that Mrs. Baker got a copy of that report.

Senator Gaeth asked Mr. Brennan if the surrounding property owners were satisfied the new interchange with State Route 109 were pleased that the toll plaza was being built north of the Turnpike.

Mr. Brennan said that one of the reasons the toll plaza was to be built north of the Turnpike was that the Isaac Walton League strongly objected to it being placed south of the Turnpike where they owned quite a bit of property.

Mr. Brennan said further that subsequent to the Commission's decision one of the major property owners and supporter of placing the interchange north of the Turnpike passed away. He said the man's name was Herb McQuillin.

Mr. Brennan said Mr. McQuillin had a fatal heart attack while driving his tractor. He said Mr. McQuillin's property would be significantly affected when the interchange was built north of the Turnpike. He said he didn't know if Mr. McQuillin's heirs would be enthusiastic about the location of the interchange. He asked Mr. Disantis if he had heard from the heirs?

Mr. Disantis said the heirs had not given the Commission any indication of their feelings as yet.

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

The Chairman said that a few months ago Senator Oelslager had asked the Commission, once again, to take a look at the Turnpike's announced toll increases. He said he asked Mr. Johnson and the staff to take a look at the increases. He said a couple of things appeared to be possibilities. He said one thing was additional discounts for heavy volume truck users and another was discounts for heavy commuter use, which would include the Toledo area, as well as the entire Turnpike area.

The Chairman said he got a very nice letter from a nun. He said he then personally called and she talked about the toll increase which caused her to have to seek additional funds to travel the Turnpike. He said she had some good ideas regarding commuter discounts for frequent Turnpike users.

The Chairman said the two discount proposals were areas that he would ask Mr. Johnson and Mr. Plain to study in more detail. He said they already had been studying them and perhaps within a month or two they could have a report for the Commission.

The Chairman said further that he wanted to remind everyone again that the Commission had only one increase in forty years, up until the last increase. He said the Ohio Turnpike was still currently the lowest toll facility in the country. He said that when all the increases went through the Ohio Turnpike would be among the middle. He said the Ohio Turnpike toll rates were currently cheaper than in Indiana and Pennsylvania.

The Chairman said further that the Commission's prime concern for the Turnpike was safety. He said that adding a third lane in each direction on the Turnpike would save lives.

The Chairman said further that the next concern was accessibility. He said he wanted to make sure the Turnpike was a very accessible highway.

The Chairman said further that the third concern was the part the Turnpike played in economic development. He said the Turnpike would continue to play that role anywhere it could be done.

The Chairman said he would open up the meeting for discussion of the two proposed toll rate discounts.

Mrs. Baker asked what was done on the Indiana Toll Road and Pennsylvania Turnpike for discounts to commuters?

Mr. Johnson said the Indiana Toll Road had a commuter-type program and he was trying to get the details of that program. He said he called there a couple of weeks ago and was promised some information, but hadn't received it yet. He said he would be following up on that. He said he was not aware of any discounts for commuter users on the Pennsylvania Turnpike.

Mr. Johnson said further that the Ohio Turnpike already had a discount program for high volume commercial users. He said a ten percent discount was given for commercial users who had charge accounts with the Commission and did more than \$2,000 a month worth of business.

The Chairman said that perhaps there could be a discount for smaller trucking firms who made fewer trips on the Turnpike. He said there also might be a bigger discount for those commercial users who did over \$5,000 and \$10,000 a month business.

Mr. Johnson said that the staff would be looking at maybe a graduated ceiling where higher discounts might kick in.

Mr. Williams said that he would be interested in Mr. Johnson's report to determine how the non-commercial, regular users might be determined. He said he also wondered how discounts might affect the Commission's projected total revenues.

Mr. Johnson said the commuter-discount programs were fairly difficult to administer. He said most of them were done with some sort of a prepayment option where a discounted coupon or token was sold to the commuters and they used them when they saw fit. He said the staff was having a problem in trying to figure out how the program might best be administered.

Mr. Wray asked if the system was difficult to administer because the technology was not in place.

Mr. Johnson said the Turnpike had a closed-ticket system where the patron got the ticket on entry and surrendered it on exit. He said the travel information was encoded on the ticket's magnetic stripe. He said that when the ticket was passed through a machine on exit the toll was calculated.

Mr. Johnson said it was hard to determine if the ticket came from a commuter. He said the tickets would have to be issued to regular users in advance.

Mr. Wray said that commuters would then have to pay a monthly fee for a card that would be a benefit to them if they used it on a regular basis.

Mr. Johnson said he thought that might be the way to do it. He said the Commission's current commercial discount program was tied to charge customers who were pre-issued a charge card. He said they were billed on a monthly basis. He said they got the ten percent discount when their tolls exceeded \$2,000.

Senator Gaeth said he wanted to make his thoughts on the commuter discount known at that time. He said the Commission would be opening up a real, big can of worms by instituting the discount. He said he thought the Commission should think back to how commuters got to work before they used the Turnpike.

Senator Gaeth said further that the Turnpike was a big plus to commuters. He said that trying to distinguish which Turnpike travellers were commuters would be very difficult and everybody would want the discount.

Mr. Johnson said that was why the Commission had to establish a program which involved prepaying for discount tolls. He said the discount would appeal to the person who used the Turnpike on a daily basis. He said the person who only used the Turnpike once a month was not going to go through the process of applying for the prepaid discount.

The Chairman said the program had to be done carefully. He said that establishing the program was coming from the pressure of Senator Oelslager. He said the Senator was putting significant pressure on the Commission to come up with some further relief from its original toll increases. He said that the Senator was chairman of the Highways and Transportation Committee and the Commission respected his position.

Mr. Wray said he supported the idea of a commuter discount. He said it had to be structured in such a way that the individual made the choice to make the investment ahead of time. He said that once they made the investment then they could use the Turnpike so many times during a set period of time.

Mr. Wray said he didn't think it would be up to the Commission to decide who to give the discount to, but that each individual decided whether or not they were willing to make the investment. He said that if the individual did not use the Turnpike on a frequent basis then advance payment for a discount would not be an advantage.

Mr. Plain said that the staff was not looking to open the entire Turnpike to commuter discount usage. He said commuters usually travelled between two or three interchanges every day. He said there would be a specific toll for a particular trip and maybe ten of those tickets would be sold for the price of eight. He said the tickets would have to be prepaid and the individual would be limited to a specific trip between

designated interchanges. He said the commuter couldn't use the entire Turnpike carte blanche to make other trips.

The Chairman said that the staff had been conducting studies on a discount program. He said the Commission had promised Senator Oelslager that it would do its best to look at a program and get back to him soon.

Representative Hodges asked if the discount program would be available to commuters up and down the Turnpike?

Mr. Johnson said it would be available Turnpike-wide.

The Chairman said the Commission would be looking at every option. He said the Commission might come back and say it didn't make sense. He said the Commission might decide it would lose too much income. He said about 50 percent of the Turnpike's business was out-of-state users, so the discount didn't affect them.

The Chairman said further that another significant part of the Turnpike's business was from out-of-state trucking companies.

The Chairman said further that another idea was for a seasonal toll. He said that perhaps during peak seasons, when there was more out-of-state traffic on the Turnpike, a higher toll would be charged and have lower tolls during normal periods.

The Chairman said further that, again, administering something like that seemed to be very, very difficult. He said that perhaps a seasonal toll might be charged at certain toll plazas which experienced high tourism traffic during the summer months.

The Chairman said further that the only thing he wanted Senator Oelslager to know was that the Commission was looking at toll discounts. He said that, on the other hand, when the Commission ultimately made a decision on toll discounts, it had to be concerned about safety, accessibility and economic development. He said that the other thing was that the Commission would not make everyone happy. He said that was impossible.

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

Mr. Johnson said that, for the record and as the Members knew, he appeared before the Senate Highways and Transportation Committee on August 16th. He said Senator Oelslager chaired that committee. He said the Senator had requested that he appear to discuss the Great Lakes/Mid-Atlantic Corridor project.

Mr. Johnson said further that there was some discussion following his formal statement, copies of which had been given to the Members, about the possible impact of toll increases on the project. He said he emphasized and said again that the toll

increases would be specifically used for major capital improvement projects that will be done over the next five-year period. He said the primary project was addition of a third lane in both directions from Toledo to Youngstown.

Mr. Johnson said the staff was moving ahead with that third lane project. He said that, as the Members knew, a Project Management Consultant had been retained. He said thirteen different consulting firms also had been retained to start the design for the work that would get under way next construction season. He said it was crucial that the Commission get the financing package in place because construction would begin next spring as early as the weather permitted.

Mr. Johnson said also that there was one other resolution in the Members' folders entitled resolution approving second supplemental trust agreement to the Master Trust Agreement dated February 15, 1994. He said he didn't purport to know the fine tuned details of the resolution, but he thought it was a housekeeping matter. He said it had been under consideration for some time. He said the Commission's bond counsel, financial advisors and trustee had all approved it. He said that Mr. Rudolphy or Mr. Lamb could explain it before it was offered for adoption.

Mr. Rudolphy said there were two changes being made. The first change was to the nature of the independent auditor's report. He said that when the Master Trust Agreement was written some wording was added to the tail end of the auditor's report saying that they needed to give the Commission an opinion on how its money was being applied under the terms of the trust agreement. He said the current guidelines issued by the American Institute of CPAs didn't allow them to give the Commission the precise wording the trust agreement said. He said the auditors would offer positive assurance, but that wasn't quite what the trust agreement required.

Mr. Rudolphy said it was a housekeeping matter suggested by the auditors. He said it was in compliance with current GAAP accounting. He said it just cleaned up the trust agreement a little bit.

The Chairman asked if it had any material affect on anything?

Mr. Rudolphy said that it had none whatsoever.

Mr. Rudolphy said further that the second issue dealt with the permitted investments that the trustee could make. He said the original trust agreement permitted the trustee to invest in money market mutual funds. He said the trustee brought to the staff's attention that all money market mutual funds invested in repurchase agreements backed by the U.S. Treasury and other agencies. He said that was not a clear interpretation of a permitted investment under the existing trust agreement. He said the new language in the resolution would permit the trustee to invest in money market mutual funds which held repurchase agreements backed by the U.S. Treasury.



Mr. Rudolphy said that the resolution had been reviewed with the trustee, the underwriter, bond counsel and rating agencies. He said they all were in agreement that it was a housekeeping matter and there was no impact upon either the Commission's credit rating or its securities.

The Chairman asked if there was a sense of urgency on adopting the resolution?

Mr. Rudolphy said there was no sense of urgency.

The Chairman said that he didn't know if all the Members had a chance to read the resolution.

Representative Hodges asked what was meant on page 3, subsection 8? He said that pages 1 through 7 made it look like a fairly conservative investment policy. He asked if subsection 8 meant that only vehicles outlined in 1 through 7 could be used at an institution rated in one of two highest categories or did it mean that any investment at one of those institutions could be used.

The Chairman said he didn't know the answer. He asked Mr. Reis if he had the answer.

Mr. Reis said he needed to look at it.

Mr. Rudolphy said subsection 8 dealt with investment agreements, which were guaranteed investment contracts.

Representative Hodges said the agreement did not, of course, permit investments in derivatives.

Mr. Rudolphy said it didn't specifically address derivatives, but the Commission had not participated in them.

Mr. Johnson said that the Commission also had a written investment policy.

Mr. Rudolphy said there was a written investment policy, but it didn't address derivatives. He said it was his intention in the near future to come back with a revision to that investment policy to clean up little things, make it a bit more readable, and specifically exclude investment in derivatives.

Mrs. Baker asked if there was an advisory committee to Mr. Rudolphy on the matter or was it just his professional judgement?

Mr. Johnson said he, General Counsel and outside counsel also were involved with Mr. Rudolphy in establishing the investment policy.

Mr. Rudolphy said Seasongood and Mayer also had been providing assistance.

Mr. Reis said the Commission had a very conservative investment policy.

Mr. Rudolphy said the Commission did not have any derivatives and he did not plan to have any.

Representative Hodges said that he would be interested in having a copy of the Commission's investment policy.

Mr. Rudolphy said he would give him one.

Mr. Reis said that it probably would be a wise idea to address the issue of investing in derivatives.

The Chairman said that he had not had a chance to read the resolution. He said he recommended that it be added to the next meeting's agenda in order to give every Member an opportunity to read it. He said that he thought it important that, as Commission Members, they were well informed on resolutions before voting on them.

Mrs. Baker said she wondered about a matter that she brought up in July. She said she asked about message boards at the toll plazas to warn motorists if there was a long delay ahead.

Mr. Plain said that more boards were being ordered. He said they were being placed in strategic locations in anticipation of some delays. He said the engineering staff, communications and the Patrol had been involved in trying to coordinate efforts to avoid some of the long delays and backups. He said it was a complicated process because in taking patrons off the Turnpike they sometimes encountered construction backups on detour routes. He said he didn't want to take somebody off the Turnpike and put them into another problem. He said that was particularly the case when they were from out-of-state and had no idea where they were.

Mr. Plain said further that maps were available at the toll plazas to aid people in detours. He said the staff was looking at the situation. He said he was working with the Operations Department to try to get the information out to the toll collectors so they could also let patrons know what to expect. He said it was an ongoing process.

Mrs. Baker asked if message boards were now available at every toll plaza?

Mr. Plain said there were not enough for every toll plaza, He said more message boards were ordered for each maintenance section. He said some were stationed at the toll plazas that were used so that people could turn around and go to the next plaza. He said it still took a lot of coordination.

Mr. Johnson said that Mrs. Baker's inquiry was brought up after there was a long traffic delay following an accident involving a vehicle carrying hazardous material.

Mr. Johnson said further that the message boards Mr. Plain had talked about were movable, changeable message signs. He said there were other message signs that were installed in the toll plaza booths with prefixed messages on them about delays ahead. He said he found out those signs were installed in some of the toll plazas on the day of the incident Mrs. Baker had talked about.

Mr. Johnson said further that the unfortunate thing about the signs was that they were fairly small. He said they were in the booths at that time because of construction for the fall season. He said the signs indicated that there was construction with some delays possible.

Mr. Johnson said further that when there was an actual delay those signs could be and were changed. He said that often by the time the signs were up the incident had been cleared up. He said the sign was somewhat meaningless at the time.

Mr. Johnson said further that the staff was constantly trying to improve its method of dispensing traffic information to toll collectors, who in turn gave it to the patrons.

Mr. Johnson said also that work had resumed after Labor Day on one mainline resurfacing project near the Sandusky-Norwalk (No. 7) Interchange. He said the construction of the new Baumhart Road interchange was on schedule.

The Chairman asked Mr. Plain to give the Members an update on construction since Bob Arlow, the Construction Coordinator, was not at the meeting.

Mr. Plain said that, as Mr. Johnson had said, construction of the Baumhart Road interchange was on schedule. He said the westbound steel was placed over the Turnpike the week before the meeting. He said the steel would be set over the eastbound lanes that week.

Mr. Plain said further that resurfacing project had resumed and it would probably be finished in October.

The Chairman said the report of the Executive Director was accepted as offered.

The Chairman said that the second Monday in October, October 9th, was Columbus Day and a holiday for Commission employees. He said that, therefore, the next meeting would be on October 2nd, the first Monday in the month. He said that the November meeting would be held on Wednesday, November 1st. He said that at that time there would be a little lunch and a little celebration of the Turnpike's 40th anniversary.

There being no further business to come before the Commission, a motion was made by Mr. Williams, seconded by Mrs. Baker that the meeting adjourn until the next meeting on October 2nd.

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

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

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 11:22 a.m.

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

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Marilyn R. Baker, Secretary-Treasurer