

# MINUTES OF THE 488th MEETING OF THE OHIO TURNPIKE COMMISSION

January 21, 2003

Pursuant to the bylaws, the Ohio Turnpike Commission met for a meeting at the Commission's Administration Building at 10:37 a.m. on January 21, 2003, with members of the staff: Daniel Castrigano, Deputy Executive Director/Chief Engineer, James Steiner, CFO/Comptroller; Jerry Pursley, Acting Legislative Liaison, Tim Ujvari, Maintenance Engineer; Kathy Dolbin, Manager, Human Relations; Rob Fleischman, Asst. Chief Engineer, Sharon D. Isaac, Director of Toll Operations; Dick Morgan, Manager, Information Systems; Dave Miller, Chief Auditor; Kerry Ferrier, Traffic Engineer; William Keaton, Telecommunications Manager; Tim Escola, Asst. Director of Safety Services; Lauren Hakos-Dehrmann, Manager, Public Affairs, Heidi Jedel, Tracy Cowley and Diane Pring.

The Chairman then called the meeting to order and requested the Executive Director to call the roll.

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

Ayes: Chairman Greenwood, Director Proctor, Mr. Wilkins,

Absent: Mr. Strnisha, Mr. Dixon, Senator Armbruster and  
Rep. Buehrer

The Executive Director stated that he was not sure if Senator Armbruster or Representative Buehrer were re-appointed to the Commission.

Chairman Greenwood stated that The Ohio Department of Transportation's Director, Gordon Proctor, is here today along with Deputy Director Mo Darwish. We have a number of guests here today, so I'd like everyone to introduce themselves as we customarily do:

John Peca, Climaco, Lefkowitz; Eric Erickson, Fifth Third Securities; Mo Darwish, ODOT District #4; Brett Bailey, Key Bank; Bobby Everhart, Mike Burgess,URS; Tony Yacobucci, HNTB; Frank Lamb, Huntington Bank; Rich Exner, The Plain Dealer; Howard O'Malley, B & T Express; Larry Woolum, Ohio Trucking Assoc.; Dick Boylan, Boylan & Assoc.; G. Alan Plain (retired); Gil Brindley, Dan Sokol, Dick Corp.; Floyd Jeffries, Operating Eng. Local 18; Chuck Redden, Gladieux Corp.; Mike Farley, Oh/Kentucky Concrete Construction Assoc.; John Petty, Nat City Investments; Jim Flower, former Turnpike employee; Capt. Bob Ferguson, OSHP; Stefan Holmes, First Merit Bank; Tom Amato; Debbie Klooz and Crickett Jones.

This is the 488th meeting of the Ohio Turnpike Commission, and we are meeting here in the Commission's headquarters as provided for in the Commission's Code of Bylaws.

The Chairman stated that various reports will be received, and we will act on several resolutions draft copies of which have been previously sent to Members and updated drafts are also in the members' folders. The resolutions will be explained during the appropriate reports.

Chairman Greenwood, can I have a motion to adopt the Minutes of Commission Meetings of November 12, November 21 and December 9, 2002? Mr. Wilkins moved and Director Proctor seconds. Please call the roll for the adoption of the minutes.

Roll: Chairman Greenwood-yes; Director Proctor-yes; Mr. Wilkins-yes. The Minutes are adopted.

Chairman Greenwood said I apologize for those of you in the audience but we do need to go into executive session to discuss some personnel matters. Before I entertain a motion, let me explain that we will probably not be in executive session very long but we do need to discuss some things. So I would entertain a motion that we move into executive session to discuss some personnel and legal matters. Mr. Wilkins moved and Director Proctor seconds. Please call the roll.

Roll: Mr. Wilkins-yes; Director Proctor-yes; Chairman Greenwood-yes.  
(time: 10:41 a.m.) Chairman Greenwood said as I said, we will not be very long.

(Time: 10:53 a.m. – return from executive session.) Chairman Greenwood said the first topic to take up is it is my understanding that Tom Amato, the Commission’s chief legal counsel, has tendered his resignation and in my opinion it is necessary to have someone on board to step in his shoes so I’ll entertain a motion with regards to chief legal counsel.

Director Proctor said, Mr. Chairman, I would move that Noelle T. Tsevdos be appointed as the Ohio Turnpike Commission’s chief legal counsel commencing effective this morning.

Chairman Greenwood said Director Proctor moves and Mr. Wilkins seconds. Any discussion? If not, please call the roll.

Roll: Chairman Greenwood-yes; Director Proctor-yes and Mr. Wilkins-yes.

The Executive Director extended his congratulations to Noelle. Noelle is now our legal counsel and if you would like to come forward and take a place at the Commission table.

The Executive Director said you might want to pronounce her name for us again since we are all massacring it. (Noelle said, it’s “*SEVDIS*”.)

The Chairman said I believe the Executive Director wants to discuss the Deputy Executive Director position and a possible motion.

The Executive Director said as the new Executive Director you always like to surround yourself with people that you have known for some time and I also want to re-structure the organization and really have a “business” function and a “road” function so I’m going to ask the Commission to appoint Jerry Pursley who worked with me for a number of years in the Dept. of Commerce as the Deputy Executive Director. I will talk to the section heads later on but basically the business functions will report to Jerry Pursley.

Chairman Greenwood asked if there is a motion to appoint Mr. Pursley, Deputy Executive Director? Mr. Wilkins moves and Director Proctor seconds. Any discussion? If not, please call the roll.

Roll: Chairman Greenwood-yes; Director Proctor-yes; Mr. Wilkins-yes.

Chairman Greenwood said the motion carries, congratulations Mr. Pursley.

The Executive Director asked Mr. Pursley to come forward and take one of the available seats at the Commission table.

Chairman Greenwood said the last item is some kind of wrap-up measures with regard to the Executive Director's salary and the terms and conditions of employment. Mr. Director, why don't you explain the context and the circumstances?

Executive Director Suhadolnik stated that through negotiations and conversations my salary was set at \$115,000 a year. In addition, I was given a \$6,000 car allowance. These are terms very similar to what I had as a cabinet director. In Columbus, cabinet directors serve at the pleasure of the Governor and do whatever it takes to get the job done. So I come to this position with 22 years of service in state government but I have never been in a position where I accrued sick leave or vacation or anything else so therefore, if I were normally to assume the position I would have no leave, no vacation, whatever so in addition to the salary and the car allowance, there are provisions in the agreement that exempt me from the vacation leave and sick leave provisions of the Employee Manual so I can take leave as I find it necessary.

Chairman Greenwood said with that having been said, I would entertain a motion to adopt the resolution confirming that the Executive Director's salary be established at the rate of \$115,000 a year and a car allowance in the amount of \$6,000 per year payable in 12 monthly installments. Director Proctor moves and Mr. Wilkins seconds. Any discussion? Please call the roll.

Roll: Chairman Greenwood-yes; Director Proctor-yes; Mr. Wilkins-yes.  
The resolution is adopted.

Chairman Greenwood said the next item is do we have a report from the Secretary-Treasurer? Mr. Wilkins responded that he will give that report. Good.

Since Mr. Strnisha is not here today, Mr. Wilkins has agreed and is fully briefed to give that report.

The following items have been sent to the members since the last regularly scheduled meeting of the Commission on December 9, 2002:

1. Traffic & Revenue Report, December, 2002 \*
2. Total Revenue by Month & Year, December, 2002 \*
3. Investment Report, December, 2002 \*
4. OTC Financial Statements, November 30, 2002
5. Various News Releases

*\* in Commission Members' folders*

Director Suhadolnik reminded me that I forgot a procedural matter – when we came back out of executive session, we didn't formally re-convene so I would – obviously we are here so I would guess the best way is the Chair moves that we re-convene as a formal board and that all activities since we came back about 10 minutes ago and motions are effective. Please call the roll. (Time: 10:59 a.m.)

Roll: Chairman Greenwood-yes; Director Proctor-yes; Mr. Wilkins-yes.

The Chairman said I think we covered that with my motion to ratify – it's simply a timing thing. The Executive Director's Report?

Director Suhadolnik said first of all I want to thank the Commission Members for this wonderful opportunity to be Executive Director. As we know from the operations of the road we have had a lot of snow and some tough weather and I have been home every night to clean the driveway for my wife and so she thanks you for this opportunity as well. Although Mr. Dixon is not here today, I do want to tell the Commission Members that we have added some language to our construction contracts that will require some reporting of our efforts in both and MBE and Female Business Enterprise.

In some personal activities, I have tried to get out and around and spend one day a week getting out of the Administration Building. Of course I have toured the building and met many wonderful people. I have been to a toll plaza, service plaza, maintenance building. I'm learning a lot about the operations of the road. I am also working to develop better relations with the media. We have visited two editorial boards and we have several more scheduled. We had a successful blood drive last week and I'm proud to say there were no blue-bloods here, everyone had red blood.

The Auditor of State's report, Jim Petro's office, was released – the performance audit. There are a number of recommendations. We are going to focus on Human Relations and Audit policies and also some suggestions that we change some of the provisions in our Bylaws. I have established a committee, assignments have been made and we are working to address those issues.

I have had an opportunity to meet with our Union President as well as a number of our key consultants.

At the request of the Governor, I attended a final cabinet meeting on January 8<sup>th</sup> and also the inaugural activities. Overall, I am enjoying the job, I'm happy to be here and I have met many wonderful, dedicated people. Everyone has been most cooperative. That ends my report.

Chairman Greenwood, thanks – report from the CFO, Mr. Steiner.

Mr. Steiner said Good Morning Mr. Chairman, Commission Members - I am very happy to be able to report that 2002 was another record year for traffic on the Ohio Turnpike. Both passenger car and total traffic volumes set new all time records for the month of December, the fourth quarter of the year and the entire calendar year.

Passenger car traffic during the month of December 2002 totaled 3,048,000 vehicles surpassing the prior record set in 2001 by 97,000 cars or 3.3%.

Commercial traffic for December totaled 648,000 vehicles exceeding the prior year's total by 32,000 vehicles or 5.2% and total traffic during the month of December totaled 3,696,000 vehicles surpassing the previous record set in 2001 by 130,000 vehicles or 3.6%.

Passenger car traffic during the fourth quarter of the year totaled 9, 298,000 vehicles surpassing the prior record established in 2001 by 243,000 cars or 2.7%.

Commercial traffic during the fourth quarter totaled 2,178,000 vehicles exceeding the prior year's total by 84,000 vehicles or 4.0% and total traffic during the fourth quarter of the year totaled 11,476,000 vehicles surpassing the prior record set in 2001 by 328,000 vehicles or 2.9%.

Passenger car traffic for the entire calendar year of 2002 totaled 38,614,000 vehicles surpassing the prior record established in the previous year by 1,578,000 cars or 4.3%.

Commercial traffic during the year totaled 9,093,000 vehicles exceeding the total from the previous year by 229,000 vehicles or 2.6%. Finally, total traffic for 2002 totaled 47,707,000 vehicles surpassing the previous record set in 2001 by 1,807,000 vehicles or 3.9%. This is the 5<sup>th</sup> consecutive year during which we have a new, all-time record for total traffic on the Ohio Turnpike.

As a result of the increased traffic, and also our increased concession sales, our general fund revenues for the year were \$4.7-M or 2.4% more than the amounts budgeted. Our operating maintenance and administrative expenses for the year were \$1-M or 1.1% less than the amounts budgeted.

Our auditors from Deloitte & Touche are currently reviewing our year-end financial records. They will be assisted by our chief auditor, Dave Miller.

The Governmental Accounting Standards Board has issued some new pronouncements that are effective for 2002. These pronouncements will have a significant impact on the financial statements that are issued by state and local government entities. We have early-implemented many of the most significant changes over the last few years and the major remaining change to our Comprehensive Annual Financial Report involves the inclusion of a narrative section called "Management Discussion Analysis" that immediately precedes the financial statements. In order to avoid duplication, this will require us to restructure the usual transmittal letters from the Chairman, Executive Director and myself that are typically included in our Comprehensive Annual Financial Report, but I am very confident that we will be able to complete the report by the statutorily

required date of April 1<sup>st</sup>. Mr. Chairman, that completes my report and I'll be happy to respond to any questions.

Chairman Greenwood inquired if there were any questions from the Commission Members. Thanks, Jim.

Report from the Chief Engineer, Dan Castrigano –

Mr. Castrigano thanked the Chairman and Commission Members and said he had a very brief construction update. Work is continuing on the Cuyahoga River Bridge as the weather permits. Since our last Commission meeting the Toll Operations Dept. has taken possession of the utility buildings at Exits 118 and 152. Work is progressing on those two projects.

I have also included in the Members' folders, two documents – the first is a strip map of the Ohio Turnpike showing where our proposed 2003 construction projects are this year. These are the projects that we did discuss at the last meeting in our Capital Budget. The second is a tentative 2003 bidding schedule showing the tentative bid opening dates for these projects. Myself, along with the Asst. Chief Engineer, and the Executive Director will be attending Ohio Contractors Association Work Forecast Nights this Thursday night (January 23) is the Akron-Canton Chapter and January 30<sup>th</sup> is the Cleveland Chapter where I will be giving a presentation to the OCA and AASHE on our tentative 2003 bidding schedule. That completes my report, Mr. Chairman.

Chairman Greenwood asked if there any questions from the Commission Members? Thank you, Dan. Any report from our consulting engineer? Mr. Yacobucci said, no report, Mr. Chairman. What about our trustee, Mr. Lamb?

Mr. Lamb said no report.

Chairman Greenwood asked if OSHP had a report.

Capt. Ferguson said he had a few brief comments about the year 2002 for the OSHP on the Ohio Turnpike. We felt we had a tremendously successful year in 2002. From the Patrol's standpoint, we are successful when we are very active out there in enforcement. I can tell you without going into great detail that almost across the board in every enforcement category that we



track we had tremendous increases. The net result of that was a 23% decrease in fatalities on the Ohio Turnpike in 2002. For fatal accidents, we had a 29% decrease in the number of deaths. We are successful when we are busy out there and we try to gear that enforcement towards the crash-causing violations.

Unfortunately, we had our first fatal crash on the Ohio Turnpike in 2003. That occurred this past Sunday (January 19<sup>th</sup>) in Fulton County at MP 23.3 (westbound). Three young college girls from Michigan were returning from a Peace Rally in Washington, D.C. to their college in southern Michigan.

The crash was somewhat weather-related. They lost control on slippery surface and traveled off the highway and hit the end of a guardrail. It ended up severely injuring the right-rear passenger in that vehicle and she succumbed and died yesterday. That is the first fatality of this year.

OSHP has had two significant changes in our hierarchy in the last couple weeks. Col. Ken Morckel retired from being Superintendent of the OSHP and is now the Director of Public Safety. Col. Paul McClelland has been appointed as a new superintendent and will be directing operations of the Highway Patrol. That concludes my report.

Chairman Greenwood said just a quick question – when I came over from Toledo this morning there was a semi on the south side that jack-knifed. Do you know anything about that? Capt. Ferguson said he didn't have any information on that one yet. I saw something that had gone off and it was in the ditch and they were going to leave it there until daylight hours so they could form a zone and remove it. That's what we normally do.

Chairman Greenwood said I was just concerned to learn if anyone was hurt. Have we had any problems – I know we have some minimal construction but I was worried about people working on the highway.

Capt. Ferguson said recently with the winter weather that we have had it has limited some of the construction but that's always a concern throughout the year is protecting the people working in the construction zones. We try but it's difficult to do enforcement right in the zone because there are no berms but we try and work both ends of it to try and prevent things from happening.

Chairman Greenwood said do you think, in your opinion, and I don't mean to put you on the spot, but I will – I'm sure you have thought about this – several years ago there was a law passed that increased the fines for violating the speed limits in construction zones. Do you think that has had any impact at least on the Turnpike?

Capt. Ferguson said I think it does. The law itself is a good deterrent in that if you have an ongoing construction zone and you are caught in violation in that construction zone, the penalties are doubled for that. What has to go along with that is the posting of the signs so the public is aware first of all of the construction zone and the penalties that are involved. Again, as I said, it is difficult for us to work the zone itself because there is no place to stop in the zone. So what we have to do is work the end of it. Sometimes, we can use our aircraft enforcement and monitor from the air not only speed but any violations that are observed. Then as they come out that zone, we can take that enforcement.

Chairman Greenwood said we have been pretty good about putting up the signs on the Turnpike.

Capt. Ferguson said yes you have and in the last couple years has been the "move over" signs where traffic needs to move-over for emergency vehicles stopped with traffic and the Turnpike Commission has erected those signs in the last year. It has been a real help to us.

Chairman Greenwood asked the members if they had any more questions of Capt. Ferguson. Thanks very much.

Chairman Greenwood said one item under new business, I don't know exactly who to address this question to, I think, as a matter of procedure the Commission needs to appoint an Asst. Secretary-Treasurer. Is that someone who is on the Commission or is that someone who is on staff?

Diane Pring responded that in the past it has been the Executive Director. Chairman Greenwood said OK now I remember so that correspondence or legal documents can be signed instead of the Secretary-Treasurer. And correct me if I'm wrong, from a historical prospective for the other Commission Members, it's coming back to me now. There is a need to appoint an Asst. Secretary-Treasurer which Diane has pointed out that historically has been the Executive Director. So that certain documents can

be signed in the absence of the Secretary-Treasurer. I would entertain a motion that we appoint Mr. Suhadolnik as the Asst. Secretary-Treasurer. Director Proctor, do you agree? Sure and Mr. Wilkins seconds.

Chairman Greenwood asked for any discussion or questions on that? Please call the roll.

Roll: Chairman Greenwood-yes; Director Proctor-yes; Mr. Wilkins-yes.

Chairman Greenwood asked if there was any other new business? He said I just have one comment I want to make, on behalf of the other Commissioners, I want to welcome Jerry and Noelle on board. I wish you all the best.

I would make just one personal comment that I know that the Executive Director has given a lot of thought and addressed a number of issues and has a way of doing it, and I know that I did have an opportunity during my stint work with the outgoing chief legal counsel, Tom Amato. Some of you who are non-lawyers may say, “well there goes the lawyer brotherhood again”, but I have the greatest respect for Tom. He is a fine man and a fine lawyer and I wish him well, too on whatever endeavors he may pursue from this day forward.

Chairman Greenwood asked if there were any other comments or new business from the Commission Members. If not, the meeting stands adjourned at 11:16 a.m. We need a motion to adjourn.

Mr. Wilkins moved and Director Proctor seconds. Please call the roll.

Roll: Chairman Greenwood-yes, Director Proctor-yes; Mr. Wilkins-yes.

/dsp