

**MINUTES OF THE 494TH MEETING OF
THE OHIO TURNPIKE COMMISSION**

August 18, 2003

Pursuant to the bylaws, the Ohio Turnpike Commission met for a meeting at the Commission's Administration Building at 10:00 a.m. on August 18, 2003, with members of the staff: Dan Castrigano, Chief Engineer, James Steiner, CFO/Comptroller; Noelle Tsevdos, General Counsel; Anne Fornshell, Director of Human Resources; W. R. Fleischman, Asst. Chief Engineer; Sharon Isaac, Director of Toll Operations; Kathy Weiss, Director of Contracts Administration; Dave Miller, Chief Auditor; William Keaton, Telecommunications Manager; Richard Lash, Director of Safety Services; Lauren Hakos-Dehrmann, Manager, Public Affairs; Heidi Jedel, Crickett Jones, Tracy Cowley and Diane Pring.

The Chairman called the meeting to order and requested the Asst. Secretary-Treasurer to call the roll.

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

Ayes: Mr. Wilkins, Mr. Noe, Mr. Balog, Mr. Dixon,
Mr. Campbell, Rep. Buehrer, Senator Schuring (*arrived at
10:25 a.m.*)

Absent: None

Chairman Wilkins stated that The Ohio Department of Transportation's Director, Gordon Proctor, is not here today but Deputy Director Robert Campbell is here and authorized to vote for him.

The Chairman said we have a number of guests here today and I'd like everyone to introduce themselves:

Richard Stillman, Fifth Third Securities; Bobby Everhart, Mike Burgess, URS; Tony Yacobucci, HNTB; Frank Lamb, Huntington Bank; Jeff Freese, McDonald Investments; G. Alan Plain (retired); Allan V. Johnson (retired); Richard Boylan, Boylan & Associates; John Petty, Nat City Investments;

Capt. Robert Ferguson, OSHP, Howard O'Malley, B & T Express; Bob Martell, Hardee's Food Systems; Steve Mayor, Operating Engineers (Cleveland); Floyd Jeffries, Operating Engineers (Akron); Tom Travis, HMS Host; Ken Redden, Gladieux; Chambers Weikel, Dick Corporation.

Chairman Wilkins said this is the 494th 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 for its regular meeting.

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 Wilkins said I'd like to entertain a motion to adopt the Minutes of our July 21, 2003 meeting which were previously sent to the Members. Mr. Dixon moves and Mr. Noe seconds. Mr. Dixon said he had one note on the minutes – on the first page it has me listed as being absent and then it doesn't correct it until it notes I arrived at 10:08 a.m. I think just as a matter of form we might list that earlier next to the person's name in case someone isn't diligent enough to read through the entire report, OK? (just as a matter of form.) Diane said thank you and the minutes will be revised to reflect that request.) OK, roll please?

Roll: Mr. Dixon-yes; Mr. Noe-yes; Mr. Wilkins-yes; Mr. Balog-yes; Mr. Campbell-yes. OK, minutes are approved.

Chairman Wilkins said in November 2002, the Commission confirmed that Dave Miller, our Chief Auditor, should report directly to the Commission on all auditing matters and established a standing Audit Subcommittee. I would like to appoint Mr. Noe and Mr. Balog to serve on that committee if they would agree to accept this appointment? I think it's an important role. A draft resolution is included in your packet and would General Counsel please read the Resolved confirming that Mr. Thomas Noe and Mr. Joseph Balog are appointed and have agreed to serve on the Audit Subcommittee.

General Counsel read:

“RESOLVED that Commission Members, **Thomas W. Noe** and **Joseph A. Balog** are appointed and have agreed to serve on the **Audit Subcommittee**; and

FURTHER RESOLVED that the **Audit Subcommittee** shall meet and confer in accordance with all applicable public meeting laws; and

FURTHER RESOLVED that the above-mentioned action is confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws and the assistant secretary-treasurer is directed to enter this resolution in the journal of the Commission as a record thereof."

Can we have a motion? Mr. Dixon moved and Mr. Campbell seconded. Any questions or discussion? Mr. Dixon said I think it's very good that you let the "new guys" know how important their work was going to be. That was great, thanks. Roll, please?

Roll: Mr. Dixon-yes; Mr. Campbell-yes; Mr. Balog-yes; Mr. Noe-yes; Mr. Wilkins-yes.

Chairman Wilkins said we'll proceed with the report of the Secretary-Treasurer, Mr. Dixon:

The following items have been sent to the members since the last regularly scheduled meeting of the Commission on July 21, 2003:

1. Minutes of the July 21, 2003 Commission Meeting
2. Traffic & Revenue Report, July 2003
3. Total Revenue by Month & Year, July, 2003
4. Investment Report, July, 2003
5. OTC Financial Statements, July 31, 2003
6. Various News Releases

Chairman Wilkins asked for the Executive Director's report.

Mr. Suhadolnik reported that I'm not happy to report that the power was out across northern Ohio but I'm happy to report that while that power was out the Turnpike came through that very well. We had auxiliary power sources at all our interchanges, service plazas. The Turnpike was able to operate and in fact, we understand, that radio stations were telling folks to get on the Turnpike and get gasoline when they couldn't purchase fuel anywhere else. Not only did the Turnpike operate but we were a service to other folks.

We did have two minor problems – one was that we were so successful in fueling that one pair of our service plazas (Middle Ridge/Vermilion Valley)

actually ran out of fuel but they were quickly replenished with fuel. Plus one of our service plazas, Great Lakes and Towpath, was without water because they are at very high ground so the Cleveland Water Dept. stopped pumping water for a period because of the power loss. It took some time for that water to be replenished, but they were on auxiliary power and they had some Porta-Johns were placed there so there was an acceptable level of service for our customers.

I also want to report that Dan Castrigano has been nominated to the Board of IBTTA (International Bridge Tunnel & Turnpike Association.) We expect his approval later on this year. That's the governing board for turnpike, toll roads and bridges that charge tolls.

We had a successful meeting with the Oversight Committee in Toledo on July 29 and I'm also glad to report that the federal grant has been approved so we are appropriating \$200,000 to do a study of traffic to see if there are various methods or incentives that can be used to attract traffic from parallel state routes onto the Turnpike.

With that I have one resolution that I would like to present. I would like your authority, Board Members, to have an appropriate memorial for both Highway Patrol personnel and Turnpike employees who lost their lives in the performance of their duties. The thought is we would have some samples I can pass around if you care to look at them, but the thought is we might establish a memorial wall in our lobby to remember individuals who lost their lives in service to the Turnpike. I will read the resolution:

“WHEREAS, the Commission deems it fitting and appropriate to establish a memorial in memory of those Ohio Turnpike Commission employees who lost their lives in the performance of their job duties; and

WHEREAS, the Commission also deems it fitting and appropriate to establish a memorial in memory of those Ohio State Highway Patrol Officers who gave their lives in the line of duty;

NOW, THEREFORE, BE IT

RESOLVED that an Ohio Turnpike Commission memorial and an Ohio State Highway Patrol memorial will be erected to pay tribute to and to honor Ohio Turnpike Commission employees and Ohio State Highway Patrol officers who lost their lives in the performance of their job duties; and

FURTHER RESOLVED that the assistant secretary-treasurer be, and hereby he is, directed to send a certified copy of this resolution to the Governor and the Director of Public Safety. “

Chairman Wilkins asked for a motion? Mr. Noe moved and Mr. Balog seconds. Ok any questions? Call the roll, please.

Roll: Mr. Noe-yes; Mr. Balog-yes; Mr. Campbell-yes; Mr. Dixon-yes; Mr. Wilkins-yes. (OK, the resolution is adopted.)

Chairman Wilkins said any questions of the Executive Director before we move on?

The Executive Director said I have one more resolution to present. Perhaps, Mr. Noe would like to read the Brennan resolution?

Mr. Noe said I'd be glad to read the condolence resolution.

“WHEREAS, the Commission has learned of the death of James H. Brennan, Sr., former Chairman of the Ohio Turnpike Commission;

WHEREAS, the death of James H. Brennan, Sr. on August 11, 2003 has saddened his many friends, co-workers, business associates and acquaintances at the Commission;

WHEREAS, James H. Brennan, Sr. was appointed as a member of the Ohio Turnpike Commission on August 12, 1991 by Governor George V. Voinovich and Mr. Brennan was elected Chairman of the Commission on November 7, 1991 and served in that capacity until his resignation on December 14, 1992;

WHEREAS, during his sixteen-month term and under his guidance as Chairman, the Commission moved forward in many vital areas including the opening of Interchange 52 (*f/k/a 3-A* (S.R. 2 in Lucas County) and Interchange 64 (*f/k/a 4-A*) (I-75 in Wood County) which spearheaded the Commission's long-range plans to reconstruct and renovate its original interchanges;

WHEREAS, the late James H. Brennan, Sr. was highly respected by the Commission's members, its staff, his colleagues and all those with whom he was associated during his tenure with the Commission;

WHEREAS, the members of the Commission and the Commission's staff wish to give formal and public recognition for the honorable and exceptionally dedicated and effective service of the late James H. Brennan, Sr., as a respected Commission Member and member of its staff;

WHEREAS, Mr. Brennan was devoted to other matters of civic importance and established himself as a successful businessman in the trucking industry and exhibited exceptional talent to varied governmental and civic projects were not only an indication of the scope of his interest and of his concern and zeal for the well-being of others, but also were highly effective in advancing the purposes to which they were directed;

NOW, THEREFORE, BE IT

RESOLVED that the Ohio Turnpike Commission, by the adoption of this resolution, hereby expresses its sorrow upon the death of James H. Brennan, Sr., who contributed much to the establishment and objectives of the Commission and hereby tenders to his family its most sincere sympathy; and

FURTHER RESOLVED that the assistant secretary-treasurer be, and he hereby is, instructed to transmit a certified copy of this resolution to The Brennan Family.”

Mr. Noe moved for adoption, seconded by Mr. Balog. Chairman Wilkins asked the Asst. Secretary-Treasurer to call the roll:

Roll: Mr. Noe-yes; Mr. Balog-yes; Mr. Wilkins-yes; Mr. Dixon-yes; Mr. Campbell-yes. (The resolution is adopted.)

Mr. Suhadolnik said that concludes my report, Mr. Chairman.

Chairman Wilkins asked for a report on financial and budgetary matters, Mr. Steiner?

Mr. Steiner reported that our passenger car traffic is continuing at record levels. In fact, our passenger car traffic has set a new all-time record in 23 of the last 26 months dating back to June of 2001. The only three months during this period in which our passenger car traffic failed to set a new record were during the harsh winter months. Despite that bad weather our passenger car traffic for the first seven months of the year totaled over 22-M cars exceeding the previous record set last year by 0.9%.

While our commercial traffic is continuing to lag, somewhat behind last year's levels, there are some encouraging signs. Our commercial traffic fell short of the volumes reached last year by 4.2% in May, 2.5% in June and just 0.6% in July. We are hoping that trend will continue and total commercial traffic for the first seven months of the year totaled 5.2-M vehicles which is only 1% short of the levels reached last year. That's all I have to report this morning and I'd be happy to answer any questions.

Representative Buehrer in terms of those decreases that we're seeing on the commercial side is that indicative of what ODOT and other authorities are reporting? Mr. Steiner replied that the traffic seems to be down really across the board at the other Turnpikes throughout the state. Our commercial traffic is very much tied to the national economy and as we are slowing seeing the economy pick up we can see our commercial traffic coming back.

Chairman Wilkins said thanks, any other questions? Our Chief Engineer, Dan Castrigano?

Mr. Castrigano said I have one resolution for your consideration this morning. You may recall that we are currently under the process of design of the Blue Heron and Wyandot Service Plazas in Sandusky County. That contract is tentatively scheduled for award later this year with construction to begin in March 2004. As part of this process the Commission has determined it necessary to engage the services of a construction manager to assist us with the reconstruction process for these two service plazas.

On July 7, 2003, we issued a Request for Proposals (RFP) to three companies that have expressed an interest in performing construction management services with us. On July 28, the responses were received and were evaluated – technical evaluations by a team of Commission's engineering staff. Based on those evaluations and in accordance with the RFP requirements, I made a recommendation to the Executive Director and Director of Contracts Administration that the Commission enter into an agreement with Dick Corporation of Brecksville, Ohio to perform these services. The services are staged in two-phase plan. The initial phase is not to exceed \$69,300.00 – that's for the pre-construction phase of the contract. The construction phase of the contract will be typically handled as a time and material basis. If General Counsel would read the Resolved, please:

“RESOLVED that the Commission hereby selects **Dick Corporation**, to provide construction management services to the Commission for the reconstruction of the Blue Heron and Wyandot Service Plazas, and authorizes the Executive Director and Director of Contracts Administration to enter into an agreement with Dick Corporation to furnish said services.”

Can I have a motion? Mr. Dixon moved and Mr. Balog seconds.

Chairman Wilkins asked if there were any questions? Roll, please.

Roll: Mr. Dixon-yes; Mr. Balog-yes, Mr. Campbell-yes; Mr. Wilkins-yes; Mr. Noe-yes. (The resolution is adopted.)

Mr. Castrigano said the only other issue I have is the construction update. I have included that document in your package. I won't go through the entire document. It's basically an update from last month's. However, some of the highlights include: the third-lane project that is going on just outside our window here they will begin paving the third lane within the next two weeks. So we are still on schedule for a November opening.

Our largest project, the Cuyahoga River Bridge in Summit County. I am happy to report that the deck on the new westbound structure is complete. They are now working on the parapets for that structure. We are still ahead of schedule and hopefully by the next Commission Meeting that new westbound bridge will be open.

As I stated earlier work is continuing with the design of the new service plazas for Blue Heron and Wyandot in Sandusky County and we are still on schedule for a tentative contract award in December of this year. That completes my report, Mr. Chairman.

Chairman Wilkins said thank you – any questions of Dan before we move on?

Mr. Balog inquired when do you anticipate taking down the old structure? Mr. Castrigano said we're expecting that later this year. Mike Burgess, URS – do you have an update on that when they will take the old structure down? It should be in November. Mr. Castrigano said I think it will be a pretty spectacular event. They will bring that entire super structure down with one explosive charge. We'll make sure we get the word out and hopefully you can come out and watch it happen.

The Chairman asked if there was a report from our financial advisor?

Mr. Stillman said no report.

Chairman Wilkins said our general consultant?

Mr. Yacobucci stated the bridges, culverts and roadway inspection, field notes were submitted to the Turnpike at the end of last month. The facilities

inspection report will be submitted to the Turnpike at the end of this month and the annual inspection report will be submitted to the Turnpike at the end of September. There is nothing critical to report but we will have a list of some bridges that will require some painting as well as some bridge decks to the Commission by the end of September.

Chairman Wilkins said thank you, our trustee, Mr. Lamb?

Mr. Lamb said no report.

Chairman Wilkins asked if OSHP had a report.

Captain Ferguson said first of all I'd like to thank the Commission for approving the resolution to honor our fallen troopers who worked on the Ohio Turnpike and lost their lives. It's very important to us and it's very important since the Highway Patrol has had a long rich history with the Ohio Turnpike Commission working the public safety programs on this roadway. We very much appreciate that and I'm sure their families will as well.

I have just a short report. We have had no major events of significance to report on since the last meeting. We're a little more than ½ way through the year. Our traffic crashes are up 14%, however, fatal crashes and fatalities have remained the same as they were last year. I won't go into the exact details because every time I do that I get jinxed and something happens. We are having a very successful year in that regard.

One of the areas that we work out here in our job responsibilities is "criminal patrol" particularly with regard to recovery of stolen vehicles, the apprehension of people that steal those and working drug interdiction. So far this year we have had 62% increase in criminal patrol apprehensions out here. We have recovered 23 stolen cars so far this year off the Ohio Turnpike. We had some very significant drug seizures particularly out in the west area around the Toledo/Swanton area. We have recovered and confiscated almost \$31-M worth of marijuana, almost \$16-M worth of cocaine, over \$80,000 in heroin, significant seizures in LSD, over \$500,000 in cash seizures in several other drug categories.

We have been training and pushing our troopers to be more successful in this area and it seems to be paying off for us. That concludes my report and I'll answer any question.

Mr. Noe asked the 14% increase is that due to construction? What's the reason for that? Captain replied that most of that increase came during the early winter months with the inclement weather we experienced. Mr. Noe said you don't see a sizeable increase because of construction times? Captain said no.

Representative Buehrer asked in terms of the increase drug and prosecution, is that because of the emphasis that you are putting on it or is there increased activity taking place? Captain Ferguson said I think it's both. I think there may be an increase in that activity. There is a lot more land transportation going on since the homeland security efforts at the airports. You see more drugs being transported by land. We also use criminal control teams from the Findlay and Massillon district to come up and work periodically on the Turnpike. So we have had more concentration of manpower in that area. I think that has paid off.

Representative said so we have had more resources put into that? Captain Ferguson said yes.

Mr. Dixon asked when we confiscate that cash, does that go into some type of state-wide pool and we get a share of that in the end? Captain Ferguson said no that goes back to the OSHP contraband fund. It can only be used to further that program through equipment. Mr. Dixon said it goes back into the Drug Program? Captain Ferguson said yes it has very strict limitations on it.

The Chairman said thank you, Captain. General Counsel – your report.

Noelle Tsevdos advised she had two resolutions for the Commission's consideration this morning. Both fall under our eminent domain authority under the statute. The first resolution that should be in your packet is to acquire property owned by Dale E. Busch and Jacquelyn J. Busch. These two individuals are employees of the Commission. As a result, I referred the negotiations of the acquisition of the property to one of our outside counsel to keep it more at arm's length. The outside counsel has reported that they have been unable to reach an agreement and have exhausted all reasonable efforts to try and reach an agreement with the property owners. Therefore, I recommend that the Commission adopt the resolution authorizing General

Counsel to file an action to acquire the property necessary for the Interchange 71 by eminent domain.

If permitted, I'd like to read the resolution:

“FURTHER RESOLVED that the general counsel be, and she is hereby 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.”

Chairman Wilkins said OK, do we have a motion? Mr. Balog moved and Mr. Noe seconds. Are there any questions?

Mr. Dixon said I'm always very careful and I take my time when we talk about taking people's property, but I have to say I am very satisfied with the work that we did on our part. The Executive Director and General Counsel spent time to explain both these resolutions for consideration and I am very comfortable with both of these procedures.

Chairman Wilkins said thank you, Roll, please.

Roll: Mr. Balog-yes; Mr. Noe-yes; Mr. Wilkins-yes; Mr. Dixon-yes; Mr. Campbell. (The resolution is adopted.)

General Counsel said the second resolution in your packet is to acquire by eminent domain the property owned by Martha J. Barker. The property to be acquired is necessary to complete the project at the Portage Service Plaza specifically to install a new drainage system because of the problems at the service plaza. The property is a small parcel. We anticipate that we will attempt to reach a resolution to acquire the property before we file suit, however, because of the timing of the project I am asking for your authority to file suit, if necessary, to acquire the property and make sure the project is completed on time. With that I'd like permission to read the resolution:

“FURTHER RESOLVED that the general counsel be, and she is hereby 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. Balog moved and Mr. Noe seconds. Roll, please.

Roll: Mr. Balog-yes; Mr. Noe-yes; Mr. Wilkins-yes; Mr. Dixon-yes; Mr. Campbell-yes. (The resolution is adopted.)

Chairman Wilkins asked if there was any new business to come before the Commission.

Mr. Dixon stated that last week Noelle Tsevdos and Kathy Weiss spent the better part of the afternoon with me at my office at the GCRTA. As you know I always have a lot of questions on MBE, DBE, Minority Small Business participation with the Turnpike. They really cleared the air for me to let me know what our limitations were and what the opportunities were. I really want to thank them for taking that extra effort to spend that time with me to help me understand better and hopefully we'll create an environment where we can do more business with these MBEs. Thank you both, I appreciate that.

Chairman Wilkins advised Mr. Dixon and the other Commission Members that he asked that a presentation be made to the entire Commission at our next meeting so that we all get a chance to hear that same information.

If there is no further business, I'll accept a motion to adjourn until September -- do we know the date of the next meeting. (Diane said I believe the 15th is fine.) OK, thank you. Mr. Dixon moved and Mr. Noe seconds.

Roll: Mr. Dixon-yes; Mr. Noe-yes; Mr. Wilkins-yes; Mr. Balog-yes; Mr. Campbell-yes.

Meeting adjourned at 10:28 a.m.

/dsp