



NEWS

WINTER 2003

Volume 2, Issue 1

Winter 2003

Scenic Ohio update 2002 - 2003

To continue to inform a wider audience across the state, this year, Scenic Ohio has added approximately 4,000 new contacts to our mailing list.

We believe the best work is done at home. It is your responsibility to let your community decision makers know that protecting and enhancing the visual quality and scenic character of your town and countryside is important. Scenic Ohio through its affiliation with Scenic America has videos, resource information and programs to help you. All this information is available because of the support of our members whose names are listed in this newsletter.

Scenic Ohio is the only all-volunteer non profit organization “watch dog” of the Ohio Department of Transportation. We have focused this issue of our newsletter on ODOT’s questionable plans for a highway that will destroy bucolic Parkman Township. We mention the bridge over the Little Miami National Wild and Scenic River as another example of their insensitive planning.

It will be your legislators who can reverse these decisions and it will be up to you to let them know how you feel.

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From Paul F. Staley, Ohio Department of Transportation...

2002 was another successful year for the scenic byway program. Ohio now has three nationally designated scenic byways: Ohio River Scenic Byway, Canal Way, and Amish Country Scenic Byway, which received designation this year. The Historic National Road was recently awarded All-American Scenic Byway designation by the Federal Highway Administration, the highest award a scenic byway can receive. Ohio has a total of 14 designated scenic byways and at least three other areas in Ohio have applied to ODOT for scenic byway designation.

Several positive articles were written about Ohio's byways including the Cleveland Plain Dealer Sunday travel section, Ohio Contractors Association trade magazine and other local newspapers. Today 44 counties in Ohio have a scenic byway and more than 1,000 miles of roads are designated a scenic byway. I am pleased with the cooperation and support from local communities, non - profit organizations and grassroots organizations who really contribute to the success of this program. I wish everyone a prosperous and safe holiday season and look forward to another banner byway year.

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The Scenic Ohio News is published twice a year by Scenic Ohio, Christine Freitag, Director. cdfreitag@aol.com

Scenic Ohio thanks Maggi Anderson for her assistance in editing our newsletters.

Parkman Township fights to save scenic heritage

Bucolic Parkman Township, in Geauga County has been faced with two recent issues concerning the scenic heritage of the community. One is the controversial plan to widen a 1.6-mile section of Route 422. The other is their effort to get a massive, double billboard torn down.

Regarding Route 422, ODOT officials said the plan was to improve safety and meet new standards. The locals rejected it, arguing that it would ruin the rural character of the township. Specifically, the plan calls for tearing out the grass median, widening each of the four lanes from 9 to 12 feet, and adding a 10-foot berm. The objective is also to relieve traffic congestion and, by adding the berms, to create lanes for Amish buggies. Trustee Kevin O'Reilly argues that it is not necessary to create lanes for Amish buggies since that the Amish in the area rarely use Rt. 422, instead preferring to use roads with less traffic.

Finally, widening Rt. 422 would allow better access to Cleveland and would encourage development in Geauga's eastern townships. In fact, when Rt. 422 was expanded in townships in western Geauga, a boom in housing developments followed.

Construction on the project, which will cost 6 to 8 million dollars, will not start until 2005. However, there have already been efforts to try to stop the 'monster' from being constructed. One meeting was held in June. Another, at Parkman Community House, will take place on January 8 to discuss the matter further. Parkman residents and officials will be able to participate. The objective is to come up with alternative plans that will later be presented to the public at a meeting in late spring. Residents would like to have the existing lanes repaved and widened, but not turned into a highway. They also object to the fact that residents' yards would be affected and one woman's house torn down.

The second issue that Parkman has had to contend with involves the regulation of billboards. Early this year, Parkman Township contested a double billboard that was erected. The township took the billboard company, Genesis, to court to get it torn down because it violated the township's ban on billboards. Unfortunately, the court ruled in favor of Genesis because it found Parkman's ban on billboards to be unconstitutional. That is, it conflicted with a section in the Ohio Revised Code that allows outdoor advertising in districts zoned for industry, business, and trade, as well as agricultural areas.

Parkman appealed the decision, arguing that they can still get that billboard torn down under the township's sign ordinance, which limits the maximum size of signs to 32 square feet. According to Trustee Dave Fuhry, this double billboard violates that regulation. The case is scheduled for trial on January 7, 2003.

Scenic Ohio disagrees with any proposal that impacts the integrity of Ohio's historic and scenic character. ODOT's plan for 422 and their Eastern Corridor plan for Cincinnati that includes a bridge over the Little Miami National Scenic River are bad. Context sensitive planning for any road should not be overlooked. (Kentucky's DOT proves good planning receives national recognition, see page 5) We recommend ODOT read two books, one by their own Federal Highway Administration, *Flexibility in Highway Design* and the other, *Aesthetics, Community Character and the Law* by Duerksen and Goebel. Both are available from Scenic Ohio and Scenic America.

Scenic Ohio's Akron U. intern, Emily Aronson, researched the above story about Ohio's Department of Transportation and the rural township of Parkman.

Locating wireless telecommunication towers; they can not be banned...but they can be regulated.

The Federal Telecom Act requires 5 basic conditions an ordinance must meet:

1. Must not unreasonably discriminate among competing providers.
2. Must not prohibit or have the effect of prohibiting wireless service.
3. Must act on the permit application within a reasonable time.
4. Permit denials must be in writing and based on substantial evidence.
5. No permit denials based on emissions (as long as they meet FCC standards).

Some things you **can** do:

Moratorium: Generally a period of 60 – 180 days to include public hearings, analysis, meetings with providers and a bona fide attempt to craft a permanent ordinance.

Intent of Ordinance: State the purpose of your ordinance. This is usually to balance the growth of and demand for wireless service with the need to protect the natural beauty and community appearance. You might encourage the use of existing structures, joint use of new towers and design with minimum adverse visual impacts

Land-use: Your ordinance should distinguish clearly in which districts wireless facilities are permitted “by right” versus districts requiring a special use permit such as a residential areas, historic and downtown districts. No tower should be permitted in areas of identified environmental or scenic sensitivity.

Tower height: This is critical. Your ordinance should specify maximum height across the jurisdiction or by zoning district. Height limits should be proportional to the predominant building heights and scale of topography. If the tree line is 40 – 50 foot, adopt a limit of 60 – 70 feet.

Future removal: Your ordinance should require the tower come down when no longer in use. The State of Ohio requires a \$10,000 bond for removal when the tower is no longer in use.

We hope this information is helpful. Please call if we can provide you with more information. 330-865-9715, cdfreitag@aol.com Christine Freitag, Director, Scenic Ohio. Scenic America has an excellent publication, “Taming Wireless Telecommunication Towers”. \$8:00, www.scenic.org.

Fake tree may hide new cellular tower

KALIHI, HI -- A nationwide trend of disguising cellular phone antennas will result in the state's first "stealth pine tree" at Kalihi Elementary School.

VoiceStream Wireless, also known as T-Mobile, has filed an environmental assessment for the \$95,000 project with the state to erect an 80-foot metal and nylon tree in the northeast corner of the school's campus. The Kalihi Valley Neighborhood Board voted unanimously to support the project last year saying it works for both the community and the school, according to chairwoman Maryrose McClelland. "Their company has done this at schools on the Mainland with stealth trees," McClelland said. "We thought it would be a good solution here. They can share space with other cellular companies and the

Scenic Nevada Billboard Alert!

Friends:

Christmas came early and what a great beautiful present to Scenic Nevada with the Nevada Supreme Court ruling which supported our Billboard Ballot question R-1 which was approved by 32,765 voters in November of 2000:

Reno billboard ban upheld by Nevada Supreme Court

CARSON CITY, NV--The Nevada Supreme Court decided Tuesday to reject an outdoor advertising company's bid to invalidate a November 2000 vote in Reno that banned new, off-premise billboards.

A three-justice panel ruled against Eller Media Co., whose lawyers had argued that decisions on billboards were an administrative matter for city officials and couldn't be handled by an initiative petition.

But Justices said the billboard initiative was legislative in nature, rather than administrative. They added the billboard initiative didn't involve a specific project and instead "enacts a citywide change in policy towards off-premise advertising."

"As a result, we concluded that the billboard petition was legislative in character and a proper subject for an initiative petition, justices said.

Profile of Scenic Ohio board member, Sandra Smith

If you read our newsletter, you are aware of Sandra Smith's interest in Jacksonville Florida and that city's fight to remove billboards. Sandra was born in Jacksonville, graduated from Miss Hall's School and Mt. Holyoke College in Massachusetts and has made Akron her home since 1963.

A dedicated volunteer, Sandra has shared her time and talent with the Akron Community Foundation, United Way, the Akron Art Museum, Ohio Citizen for the Arts, Children's Hospital, Old Trail School, Stan Hywet Hall and Gardens, Keep Akron Beautiful, Friends of Metro Parks, Planned Parenthood, St. Paul's Episcopal Church, Junior League of Akron and The Akron Garden Club. Sandra currently serves as the Public Relations Chairman of The Garden Club of America and is secretary of Scenic Ohio.



Both United Way and St. Paul's have acknowledged her dedication with Service Awards. She has received several awards from The Akron Garden Club. Her experience and community "know how" have made her a valuable leader in the Akron community.

Does it "pay to play" in Florida?...

[In the summer 2002 newsletter we reported on the removal of amortization in Florida requiring local governments to compensate billboard companies for billboard removal. The following is from the St. Petersburg Times.]

TALLAHASSEE, FL -- One week before Gov. Jeb Bush signed a controversial bill in April that made it harder for local communities to remove billboards, the founder of one of Florida's biggest billboard companies gave \$25,000 to the Republican Party of Florida.

The money came in two personal checks from Karl Eller of Phoenix, a longtime contributor to Republican candidates and the founder of Eller Media. Eller sold the company and its vast billboard inventory to Clear Channel Communications for \$1.2-billion in 1997, and served as chairman and CEO of the company's outdoor advertising unit until last year.

Eller's gifts of \$20,000 to the state GOP and \$5,000 to the party's federal account are both listed by the party as having been received March 28. That date fell midway between a two-week period after the Legislature passed the bill and before Bush signed it.

To one leading critic of the billboard industry, it doesn't look like a coincidence. "A major player in the outdoor advertising industry was taking a distinct interest in Florida politics," said Bill Brinton, a Jacksonville lawyer and chairman of Citizens for a Scenic Florida, which has been

...It does in Ohio!

[The Columbus Dispatch published a series of articles "PAVED WITH PROBLEMS", an investigation of the Ohio Department of Transportation]

Analyzing campaign contributions over 8 years from the 10 most active construction contractors and engineering companies, *The Dispatch* examined only contributions made to PACs, political parties, and state and federal candidates that are reported to Ohio secretary of state's office and the Federal Election Commission.

Decisions made by governors, members of Congress and state legislators affect the bottom lines of highway contractors and engineers.

During the past eight years, the Ohio Department of Transportation [ODOT] awarded \$3.7 billion in contracts to the 10 construction contractors reviewed by *The Dispatch* and \$274.5 million to the 10 engineering companies.

Scenic Ohio believes that the citizens of Ohio deserve better. ODOT, an organization with a focus primarily on engineering and construction with only two landscape architects ignores the aesthetics of our roadways. On a drive down I-71 your view will be billboards and a monoculture of pine trees. A drive down most highways offers sound walls with no landscaping. Our administration seems to be unaware of the economic benefits of a beautiful Ohio.

Amish Country Byway tree planting

By Ken Baldwin, *Ohio Byway Links*

“I think that I shall never see
A billboard lovely as a tree.
Perhaps, unless the billboards fall,
I’ll never see a tree at all.”

Ogden Nash wrote this in 1933, and it is certainly no less true now than it was nearly 70 years ago. Though Nash’s poem was probably not their direct inspiration, a grassroots organization in Millersburg (Holmes County) led by activist Sue Banbury is planning a “Patriot Garden” that will commemorate both September 11 and Ohio’s Bicentennial in 2003.

Banbury and others of this informal group will plant 40 hardwood trees this spring in a strip of land that was created when part of State Route 39/62 was straightened just inside the eastern city limits of Millersburg. The trees, while honoring patriots, will also vastly improve the viewshed along the highway. The money for this project came from community donations given at Rohde’s IGA SuperCenter in Millersburg for “trees and remembering 9-11.” A matching grant was provided by IGA as part of the corporate “Hometown Green” program that encourages and supports community involvement with beautification efforts.

The area for the tree plantings is along the Amish Country Byway, one of Ohio’s four National Scenic Byways. Sharon Strouse, OSU Extension Agent for Holmes County and president of the *Ohio Byway Links* organization said, “Grassroots groups are the key to having such projects appear along Ohio’s byways. Monies for such projects are readily available, and we need to encourage more groups to seek that kind of help.”

From the Vermont Country Store...

By Lyman Orton

WESTON, VT -- As a Vermont businessman I appreciate just how good for business our state law banning billboards is. Here, you can see our scenery without the visual impediment and jarring ugliness of billboards. All businesses are on equal ground; no highway signs for anyone except small State-administered directional ones. Vermont and its businesses, many of which depend on tourism, are more desirable and more prosperous without billboards. This is a secret that the Billboard Industry, like the Tobacco Industry, dominated by a handful of very rich companies which engage in ruthless legal threats to get their way, does not want other states to hear about.

Their current strategy is to challenge every single local billboard and sign ordinance in small towns across America, winning one by one over towns that simply cannot afford to defend the multiple lawsuits brought by the industry. Once they get enough “wins” they use the resulting horde of case law to get Federal law to prohibit any town or state in America from regulating billboards.

If this happens in your town, you can contact Scenic America, on whose Board I serve, for help at www.scenic.org. They have experts in billboard law, and many states have Scenic America Affiliates [Scenic Ohio]. Scenic America can also use your help if this issue – and others concerning keeping our America landscape beautiful – is pressing to you as it is to me.

All you have to do is drive around Vermont and feel the serenity of the scenery untarnished by billboards and you’ll realize how important it is to stop building any new ones nationally, a goal that is part of Scenic America’s mission. I believe billboards are not a right, but scenery is. 2002 was another successful year for the scenic byway program.

John F. Seiberling wins award

The National Trust for Historic Preservation presented its highest award, the Louise du Pont Crowninshield Award, to The Honorable John F. Seiberling, October 10, 2002 at their annual meeting in Cleveland, Ohio. The award read: “For a distinguished career of service to the cause of historic preservation in the U.S. Congress, demonstrating visionary leadership in providing the legislative tools that enable Americans to enrich the nation’s future by saving the best of the past.” [Scenic Ohio is fortunate to have Mr. Seiberling serve on our board as an advisor]

At the same awards program, Kentucky’s Department of Transportation received the John H. Chafee Trustees’ Award for Outstanding Achievement in Public Policy. That award read: “For the effective partnership that has preserved the unique character of Kentucky through smart transportation planning.”

Mike Hancock, one of the recipients of the award, representing the Kentucky Transportation Cabinet, told Scenic Ohio their transportation department has gone through an internal cultural change and now coordinates their planning with the state’s Historic Preservation Office. They have used their enhancement program to fund programs that protect their history.

Stephen Ambrose leaves bicentennial legacy of Lewis and Clark

October 14, 2002 - Stephen Ambrose who died of lung cancer at age 66 on Sunday, wrote splendidly of veterans of World War II he watched come home from war when he was a child. But there were other soldier and explorer heroes in his life.

“With his epic “Undaunted Courage,” no single individual has done more to create interest in the story of the Lewis and Clark Expedition than Steve Ambrose,” said Larry Epstein, president of the national Lewis and Clark Trail Heritage Foundation, Inc.

Author and historian Dayton Duncan was a close friend of Ambrose’s. He said, “What defined Steve Ambrose was his unbridled passion for American history. It was apparent to everyone who knew him - and infectious to anyone who read his books or heard him speak. What was also clear was that, while World War II was his specialty, the story of Lewis and Clark held a special place in his heart. He inspired millions of Americans to follow in the explorers' footsteps on their own. I can't think of any historian who's had a greater impact on this nation.”

Ambrose contributed money from the sale of “Undaunted Courage” to assist the Lewis and Clark Trail Heritage Foundation with stewardship projects and the pursuit of scholarship in its quarterly magazine, “We Proceeded On.” He also contributed to local Lewis and Clark projects in many places along the 3,700-mile trail and he gave generously to the National Council of the Lewis and Clark Bicentennial in preparation for the 2003-06 commemoration of the Lewis and Clark Expedition.

As the most visible figure in preparations for the Lewis and Clark Bicentennial, Ambrose will be sorely missed at the first “Signature Event” during the week of Jan. 18 at Thomas Jefferson’s Monticello. “What a damn shame that he won't be present for the Bicentennial,” Epstein said. “Actually, his daughter Stephanie is right, he will be watching from the front row, seated with a group of his heroes, buckskin shirt, drink, and all.”

A press release from:

The National Lewis and Clark Trail Heritage Foundation, Inc., a non-profit corporation, 501(c)(3)

For More Information Contact:

Carol Bronson, Executive Director

The National Lewis and Clark Trail Heritage Foundation, Inc.

PO Box 3434 Great Falls, MT 59403

888-701-3434

www.lewisandclark.org

Scenic Ohio

...our mission is to preserve and enhance the scenic character of Ohio's communities and countryside.

- Promote Scenic Byways
- Protect open space
- Support highway beautification
- Encourage billboard control

Join us and help us protect your scenery

-
- ___ \$20 Senior /Student
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 - ___ \$50 Family/Organization
 - ___ \$100 Sponsor
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Scenic Ohio is a not for profit 501 C(3)

Stray dogs used as mobile billboards in Russian city

PENZA, RUSSIA - Stray dogs are being used as mobile billboards by rival shops in a Russian city. Shopworkers grab the dogs in the city of Penza after luring them with cutlets or sausages. They then spray-paint their shop logo on the animal, reports the Molodoy Leninet newspaper. Logos include not only the name of the shop but also the goods they stock.

**SCENIC OHIO THANKS YOU FOR YOUR CONTINUED SUPPORT.
THE FOLLOWING IS A LIST OF SUPPORTERS AS OF DECEMBER 20, 2002**

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The Akron Garden Club
Mr. and Mrs. Ronald Allan
Ms. Janet M. Austin
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Do deer whistles really work?

According to Peter Scheifele, an animal bioacoustics and audiology researcher, the frequency that deer whistles produce are not in the hearing range of deer. He tested six whistles that made a signal at frequencies of 3 to 12 kilohertz. Scheifele said the 12 Kilohertz sound fell outside the hearing range of deer which is between 2 and 6 kilohertz. The lower sound, 3 kilohertz is too close to the frequency of traffic and becomes buried by the noise of the car.

A spokesman for Living Products which make deer whistles disputes these findings and says their testing found them to be 92 percent effective. Maine State Police have removed them from their cruisers and there has not been a noticeable change. Perhaps the best suggestion is be careful

Cows become billboards in Switzerland

Cows have been turned into walking advertisements in Switzerland. Company logos and slogans are being painted on cow's bodies As part of a brand name marketing campaign, Frank Baumann, who is head of the Cow Placard Company, says he hopes the idea will "help boost the rural economy". The company is offering advertisers the chance to have a logo or slogan painted onto a cow's side using car paints. The cost of a cow placard depends on the size and duration of the ad, but it tends to be around £250.

Non-profit
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**Scenic Ohio invites you to join
the Ohio Environmental Council's
Annual Lobby Day
and Luncheon with Legislators,
April 15, 2003
8:30 – 5:00
in Columbus.**

**Meet your legislators and discuss issues.
For more information call Scenic Ohio or
OEC at 614/487-7506.**