

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

November 27, 2007

1. A Meeting of the Board of Directors of the Buckhead Community Improvement District was held on November 27, 2007 pursuant to legal notice in the Regent Partners Conference Room located on the 15th Floor of Tower Place 100 Building, 3340 Peachtree Road, Atlanta, Georgia. Chairman David Allman called the meeting to order at 3:35pm.
- 2) The Board Secretary checked off attendance and reported there was a quorum present. Members in attendance in addition to Mr. Allman were: John Lundeen, Vice Chairman, Joe Piccolo, Howard Shook, Earl Shell, Charles Ackerman and Mark Alexander. Scotty Greene, Executive Director, Brian McHugh, Project Manager, Jo-Anne Carlson, Board Secretary, Denise Starling, BATMA Executive Director and Lynn Rainey, Board Attorney were also present. Guests present included Eric Cox of American Coach Lines, Bill Murray of Harry Norman, Steve Cadranel of Ben Carter Properties and Michelle Kleinhans of Samaritan House – Clean Street Team.
- 3) A draft of the Minutes from the October 30, 2007 Board meeting were reviewed. The Board agreed to revise a phrase. Mr. Shell made a motion to approve the Minutes as revised of the October 30, 2007 Board meeting; seconded by Mr. Alexander. The motion passed unanimously.
- 4) Treasurer's Report: Mr. Greene noted the inclusion of the standard monthly reports and payables in the board packets.
 - a) There were no non-budget items for the Shuttle or non-Shuttle payables.
 - b) Regarding the \$25,444 change order from URS for the Peachtree Boulevard Phase II design, Mr. Greene said that URS sent a letter explaining the reasons for the change order, basically due to the retaining wall design. The letter is included in the Board packet. A motion was put forward by Mr. Shell to approve the change order for \$25,444 from URS; seconded by Mr. Alexander. The motion passed unanimously.
 - c) Regarding the Traffic Officer budget included in the packet, Mr. Greene noted that it was under budget and there is a cushion. When asked why it was under budget by Mr. Allman, Mr. Greene said that Sgt. Culberson plans for peak times, saves money and moves officers around as needed for efficiency.
- 5) Streets of Buckhead: Mr. Greene introduced Steve Cadranel of Ben Carter Properties who gave a presentation on the progress of Carter's Streets of Buckhead development in the Buckhead Village. Mr. Cadranel referred to his handout. The development will encompass 14 acres. Mr. Cadranel noted that over the past 12 months 47 tax parcels have been acquired from 18 landowners, and 24 leases have been terminated. Demolition is almost complete. Most titles have been acquired, and they will close on the acquisition of a part of Bolling Way in the next few weeks. Retail, restaurant, hotel, multi-family, and office space is planned, targeting the elite niche of those markets.. Mr. Allman thanked Mr. Cadranel for his presentation.
- 6) Shuttle Report: Ms. Starling noted that ridership has dropped by 11% and has yet to

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stabilize. Possible reason could be that people are tired of the changes. She noted, however, ridership is typically lower at this time of year, and that the trend will be watched. Regarding vehicle depreciation issues, Ms. Starling stated that GRTA's attempts to meet with the FTA were not successful. The FTA does not want to meet with GRTA as they do not think there is a precedent to change the life of the vehicles from 10 years to 5 years. Suggestion - place the vehicles elsewhere. Ms. Starling is currently speaking with Emory, and exploring jointly procuring an operator. Mr. Allman stated that efforts should be continued. Mr. Allman asked about the timetable for looking at alternative systems. Ms. Starling responded within 6 months, during which time ridership will be watched, and the FTA status will be checked.

7) Executive Director's Report:

a. Peachtree Boulevard Project Update:

- 1) Construction Update- Mr. McHugh noted that 73% of the contract has been paid out (refer to Board packet). By year end, Mr. McHugh thinks that minor items will be completed. Major items still have issues to be resolved, however.
- 2) Phase II: Mr. Greene stated that we are still working with Simon Properties on obtaining an agreement for right of way. Other owners are waiting on Simon to make its decision prior to agreeing to contribute right of way. Closings need to be done by March 15, 2008 to get construction started in June 2008. Currently working on construction coordination. Mr. Shell requested a let schedule. Mr. Greene stated that he is working with a bond underwriter, Mr. Layton, to get numbers to see what it would look like to issue bonds against future income, starting in the summer of 2008. The Buckhead CID would be the issuer of the bonds. Lynn Rainey noted that the Buckhead CID would be obligated to continue to assess taxes until the debt was paid.

b. CID Expansion: Mr. Greene reported that we have been steadily working on the expansion list southward into Brookwood, and that a meeting is being held on November 28, 2007 to review the documents, and work on surveys to be sent out to interested parties.

c. Piedmont Corridor Study: Ms. Starling reported that the last round of public meetings will be held on November 28, 2007. Both the Northside Neighbor and the Buckhead Reporter will be doing articles. The final report would be ready in January 2008. Ms. Starling does not anticipate any major issues at these meetings. Bike paths are still an issue for some neighborhoods, however.

d. Concourse Bridge update: Mr. Greene noted that SRTA will be briefing the Governor on December 4, 2007. He anticipates an approval of \$1.9 million by the SRTA Board at their meeting on December 11, 2007.

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- 8) New Business:
- a) Office Lease Renewal: Mr. Greene noted the inclusion of the lease renewal documents in the Board packet. Rates are going up, but are still reasonable. Mr. Allman wants to review the rates to see if he can get better numbers, if possible. Motion is put before the Board by Mr. Shell to approve the lease renewal for 5 years as submitted, with an option to terminate without penalty if BCID is dissolved. Seconded by Mr. Alexander. Unanimously approved by the Board.
 - b) BATMA \$150,000 approval for 2008: Mr. Greene noted that the amount is the same as last year's. Motion was put before the Board by Mr. Lundeen to approve the \$150,000 for BATMA in 2008, seconded by Mr. Ackerman. Unanimously approved by the Board.
 - c) RFP for Janitorial / Landscaping: Mr. McHugh refers to the handout. He met with Midtown and Downtown CIDs to get information on how they handle their landscaping/janitorial issues. Both entities recommended utilizing a sweep vac. ABM is the recommended choice for janitorial services. Brickman is the lead for landscaping services. Motion put forward by Mr. Lundeen for approval to negotiate with ABM for annual janitorial services in an amount not to exceed \$25,285.00, and then with Clean Street Team should negotiations be unsuccessful, and also with Brickman for annual landscaping services in an amount not to exceed \$80,668.00, and to lease a sweep vac at an annual cost not to exceed \$19,000.00. Seconded by Mr. Alexander. Unanimously approved by the Board.
- 9) Miscellaneous: Mr. Greene noted that Mr. Petty was in the hospital and would receive a pacemaker on November 28, 2007.
- 10) Mr. Shell moved to recess into Executive Session to discuss and deliberate upon compensation and periodic evaluation of employees, seconded by Mr. Alexander, and unanimously approved. The meeting went into Executive Session at 5:12 pm. Following the Executive Session, Mr. Lundeen moved to return to the open business meeting, seconded by Mr. Alexander, and unanimously approved. The open meeting reconvened at 5:28 pm. Mr. Lundeen made a motion to increase the 2007 personnel budget and set salaries for 2008, seconded by Mr. Shell, and approved 6-0, with Mr. Shook abstaining.
- 11) The meeting adjourned at 5:30 pm. The next regularly scheduled Board meeting will be in the same location on December 18 at 3:30 pm.

APPROVED BY THE BOARD, this _____ day of _____, 2007.

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Secretary