

# **BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)**

## **Minutes**

**January 29, 2008**

1. A Meeting of the Board of Directors of the Buckhead Community Improvement District was held on January 29, 2008 pursuant to legal notice in the Regent Partners Conference Room located on the 15<sup>th</sup> 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, Howard Shook, Earl Shell, Claude Petty, Robin Loudermilk, Joe Piccolo 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.
- 3) A draft of the Minutes from the December 18, 2007 Board meeting were reviewed. Mr. Lundeen made a motion to approve the Minutes; 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) Right of Way budget update: Mr. Greene reminded the Board that when the right of way budget for Phase 2 was first prepared, it was estimated to be \$369,000, with an internal budget of \$380,000. Three months later, the title attorney revised the estimate to say that work would probably surpass the estimate by around \$59,000 because of newly discovered complications in the title work. The Board did not amend the budget at that time since contemporaneous invoices were still within the original estimate. Now, however, we are over our internal budget by at least \$2,000 and we will reach an excess of around \$60,000 soon. Mr. Greene suggested to the Board to either increase the estimate incrementally, or all at once. Mr. Allman stated that he would prefer to do it all once, and if exceeded, to come back again to the Board. Mr. Lundeen put forth a motion to revise the right of way budget for Phase 2 for an additional \$60,000, and any changes afterward will be brought to Board. This was seconded by Mr. Alexander. The motion passed unanimously.
  - b) Mr. Greene stated that all payables are now within budget because of the previously approved motion. There were no other non-budget items for the non-Shuttle payables.
  - c) Regarding the Shuttle payables, Ms. Starling, stated that there was nothing unusual except for the taxes and tags for the "buc" and the "buc" driver bonuses.
- 5) Shuttle Report: Ms. Starling noted that ridership continues to drop. She also stated that since it has been 90 days, as previously mentioned to the Board she will begin an analysis of the system and its options. Ms. Starling stated that Emory is still being pursued by GRTA as a potential transferee of the buses, but that option may not be realistic at this point. As there is a new general manager at MARTA, Ms. Starling will

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begin discussions regarding the “buc” with said manager. Ms. Starling will give more options and strategies regarding the “buc” at the next Board meeting.

6) Executive Director’s Report:

a. Peachtree Boulevard Project Update:

- 1) Mr. Yamin: Mr. Greene noted that Mr. Yamin’s case settled, and he will be paid \$1.5 million. Mr. Yamin will use the money to retrofit the back of his building as an entrance, and he was able to get it quantified as business losses. We should be able to put \$2 million back toward Phase 2. Mr. Greene mentioned that in planning for Phase 1, project costs for construction was \$10.5 million – an allocation of \$11.5 million with a \$1 million contingency. He states that we may have freed up between \$500,000 and \$1 million toward Phase 2. Mr. Greene believes we are at or under budget for Phase 1. Mr. Lundeen would like a breakdown of costs, etc. for Phase 1’s budget in order to understand how the money was used. Mr. Alexander asks Mr. McHugh when the final numbers will be available for the utilities. Mr. McHugh says perhaps in two months.
- 2) Construction Update- Mr. McHugh noted that 29 items were delivered to the contractor last week, and that the schedules on the punch list remain the same as last month’s. Mr. McHugh mentioned maintenance has been going well with ABM. Phipps Mall stores the sweeper for the Buckhead CID at no cost. The sweeper is taken out in good weather to go down Peachtree to the Buckhead Triangle. Mr. Allman asked when the decision on spring planting will be made. Mr. McHugh said around March. Mr. Allman liked the idea of color and asks for a proposal and numbers at the next Board meeting. In response to a question concerning landscape watering, Mr. McHugh stated there is a ban right now. The Board asked Mr. McHugh to check on options to water and types of plants for the next board meeting.
- 3) Phase II: Mr. Greene stated that we have closed on around \$800,000 in right of way monies. The Church has closed, and we have also purchased in front of the Westin. The Ritz Carlton should close any day now. Close to settling the Dante case. We are 20% over what was originally asked. Continue to work with Simon Properties internally on obtaining an agreement for right of way. Other owners continue to wait on Simon to make its decision prior to agreeing to contribute right of way.

- b. CID Expansion: Mr. Greene reported that surveys were sent out at the end of December and there was a 14% response. Many respondents noted an interest in streetscapes and intersection improvements, to name a few areas. Councilperson Howard Shook stated that he attended a recent Brookwood meeting, and that some of the attendees are presently concerned about Buckhead CID Expansion. Mr. Greene stated that he will speak with Mr. Wright. Mr. Greene mentioned that he is putting together a meeting of owners about what the Buckhead CID intends to do

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in the area, how it will affect them (streetscape improvements and such), and what might be expected of them in terms of taxes, etc.

- c. Piedmont Corridor Study: Ms. Starling stated that we are in the final stages of getting the document prepared for the Piedmont project. There is a release of information in the Atlanta Business Chronicle, and a pitch piece will be released at the Coalition luncheon tomorrow. Final meetings will be held in February with stakeholders to get the document released. Ms. Starling will be meeting with the Atlanta Bicycle Campaign to discuss issues. She met with some members of the Board on January 10th to discuss the Piedmont project (see Board packet). Ms. Starling also mentioned that there are quality of life bonds available from the City in the amount of \$1.5 million. She is working with Councilperson Howard Shook to move forward and figure out rules on how the money can be spent. Mr. Allman asked about preparing a work plan, focusing on priorities, and a budget, in order to have something on which to perform Board action. Ms. Starling stated she will have something for the next Board Meeting. Mr. Allman is also interested in impact fee analysis – what is generated from new development in Lindbergh area. Mr. Petty suggested looking at Buckhead CID expansion into I-85/ Buford Hwy corridor.
- d. Concourse Bridge update: Mr. Greene stated that he will be on a conference call tomorrow morning with Mr. McHugh and MARTA. MARTA has \$1 million in their perform, but it is not finalized. We are proceeding with project planning, working on MOUs and coordinating with private owners. Mr. Greene hopes to have an MOU from MARTA in the next two weeks. MARTA is saying that construction may not start until October 2009.

### 7) New Business:

- a) SRTA Intergovernmental Agreement: Ms. Starling stated that the agreement allows the “buc” access to a site near Georgia Tech, if parking were needed during the day. There is no cost. A motion to approve the SRTA Intergovernmental Agreement was put forth by Mr. Shell; seconded by Mr. Alexander. Motion passed unanimously by the Board.
- b) Interactive Elements Contract Renewal 2008: Ms. Starling stated that the agreement is standard and the rates are the same, and that there is an option to terminate the contract. Mr. Petty points out that the contract shows 13 months instead of 12 months. Ms. Starling says that she will have it changed to 12 months. Mr. Petty put forth a motion to approve the Interactive Elements Contract Renewal for 2008 with the modification from 13 months to 12 months; seconded by Mr. Shell. Motion passed unanimously by the Board.
- c) ABM Contract Amendment: Mr. McHugh stated that currently the contract includes work for 20 hours a week. If we expand services to include Peachtree and Lenox, Phipps, we could cover a larger area. This would cover core areas of the district, and we could retain one person for 40 hours a week and make more use of the sweeper. Mr. Lundeen asked if there is a need to cut back in the future, would it be possible. Mr. McHugh said yes. Mr. McHugh said that it will be about

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\$19,000 to add 20 hours a week to ABM's contract. Mr. Lundeen put forth a motion to amend ABM's contract to expand from 20 hours a week to 40 hours a week for approximately \$19,000 additional per year; seconded by Mr. Alexander. Motion passed unanimously by the Board.

- 8) Miscellaneous: Mr. Rainey discussed new legislation – Senate Bill 362 – which expands purposes of CIDs to add performing art facilities, and puts limits on police officer activity. He mentioned that some other CIDs have drafted resolutions opposing it. Pursuant to instructions from the Board, Mr. Rainey will draft a resolution regarding the Buckhead CID's opposition to this legislation and have it reviewed by Mr. Allman.
- 9) Upon a motion by Mr. Lundeen, second by Mr. Piccolo, the Board unanimously approved entering into Executive Session to discuss compensation and periodic evaluation of employees. Upon the conclusion of the Executive Session, upon motion by Mr. Lundeen, second by Mr. Alexander, the Board voted unanimously to reconvene the public meeting. Upon motion of Mr. Alexander, second by Mr. Lundeen, the Board voted 7-0, with Mr. Shook abstaining, to an increase in the compensation budget and for the Chairman to communicate the action.
- 10) The meeting adjourned at 5:20 pm. The next regularly scheduled Board meeting will be in the same location on February 26 at 3:30 pm.

APPROVED BY THE BOARD, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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Secretary