

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

April 29, 2008

1. A Meeting of the Board of Directors of the Buckhead Community Improvement District was held on April 29, 2008 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 3:40pm.
- 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, Charles Ackerman, Earl Shell, Claude Petty, and Robin Loudermilk. 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 and Garth Peters of the Buckhead Coalition.
- 3) A draft of the Minutes from the March 25, 2008 Board meeting were reviewed. Mr. Petty made a motion to approve the Minutes; seconded by Mr. Shell. 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) Mr. Greene stated that all non-shuttle payables were within budget.
 - b) Mr. Allman asked when the tax digest would be available. Mr. Rainey said it should be within the first 10 days of May. Mr. Rainey discussed the millage rate. He will be placing an advertisement in the Fulton Daily Report at least two weeks prior to the passage of the 2008 CID millage rate at our May Board meeting, and asked for direction from the Board of the rate to advertise. Consensus was to advertise 3 mills as before.
 - c) Mr. Greene was asked in the last meeting to check on interest rates in the money market. Mr. Petty asked about the money market account. Mr. Greene stated that he checked into other possible investments and found that there are no higher return options available without risking cash flow necessary for upcoming project expenses. The Buckhead Bank raised the Buckhead CID account by half a point. Mr. Petty requested an interest income report at least every quarter, starting at the next Board meeting.

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

April 29, 2008

- d) Regarding the Shuttle payables, Ms. Starling stated that there was nothing unusual for the shuttle payables and that everything was within budget.

- 5) Shuttle Report: Ms. Starling distributed a Memorandum dated April 28, 2008 presenting shut down and continuation financial options for the “buc”, a review of ridership and a survey. She mentioned that she has discussed these options with Jim Stevens and some Board members. One option is to shut the system down but it carries the liability to pay the federal government the remaining non-depreciated value of the buses over a full 10 year life. If the system is to be continued, Ms. Starling noted that the turnkey option with Saturday service is the preferred option for the “buc”. The point was made that the current economic climate with ever higher gas prices mitigates toward continuation of the system. The Board asked to review the documents over the next month for discussion at the next Board meeting. In passing, a board member asked about LEED certification and for information on mixed-use construction over a certain size and the requirements for expanding parking facilities. Mr. Greene stated he would look into both.

- 6) Executive Director’s Report:
 - a. Peachtree Boulevard Project Update:
 - 1) Phase I Construction Update- Mr. Greene stated that 99.99 % of the work has been completed, with a few minor items still being worked on. Mr. McHugh gave an update on landscaping. He stated that planting began last Saturday including perennials which should be drought resistant. Seasonal color will be placed in the tips of the medians and should go in within two weeks. Mr. Allman expressed concern over the lack of volume with the plantings. Mr. McHugh stated increasing the area planted with perennials and decreasing the area with seasonal color will be more drought resistant and save substantial expense over time. Watering restrictions are a real problem. Mr. McHugh said that the perennials will fill in and spread as they grow. Mr.Allman asked the Board to keep an eye on the planting to see if it looks good over time.
 - 2) Phase II: Mr. Greene stated that progress with Simon Properties is slow

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

April 29, 2008

and that there are still parcels waiting on Simon's decision. Other right of way and easement agreements are proceeding.

- 3) Mr. Greene mentioned that he will be meeting with Congressman Saxby on May 28th. Regarding the meeting with Congressman Lewis' staff, Mr. Greene was told that all earmarks have been submitted and that nothing will be considered until after the budgets have been put together, perhaps in the summer. The CID is looking for construction funds up to \$10 million. Mr. Greene stated that he is working with the ARC, GRTA and GDOT to make sure urban projects are prioritized. Mr. Allman said that he wants to get the message across that investment should be made in growth corridors, of which Buckhead is one, and that CIDs are well-equipped and should be an integral part of transportation funding plans. Mr. Greene mentioned that he, along with Mr. Allman and Ms. Starling, are going on the LINK trip to Denver, and hope to pursue some of these topics with officials on the trip.
- b. Habersham/Piedmont Turn Lane: Mr. McHugh showed a survey map completed by Kimley-Horn of the Habersham/Piedmont turn lane. Mr. Petty asked what trees will be affected, and how many. He also wanted to know what buildings will be affected by the turn lane. Mr. McHugh said he will get that information. The next steps include submission to GDOT for funding, perform environmental impact, and meet with property owners. Kimley-Horn is following the GDOT process.
- c. SPI-9: Ms. Starling referred Board members to the board packet. She noted the inclusion of the SPI-9 map and the released RFP. She stated that the SPI-9 boundaries will be decided by the chosen consultant. Responses to the RFP are due by May 5th. A decision on the ARC grant application will be made around the same time. Mr. Greene drew the board's attention to the TPB survey documents included in the packet for the Board to review at their leisure.
- d. Concourse Bridge update: Mr. Greene stated that meetings have been held, and that MARTA will be placing the MOUs on its June Board meeting agenda. MARTA has mentioned concerns about security costs, operational costs, media events, and the level of its responsibility. In passing, Mr. Greene mentioned that he will be out of town from May 11th to May 20th.

7) New Business:

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

April 29, 2008

- a) Right of Way Mowing and Maintenance Agreement: Mr. Greene asked for approval from the Board for Mr. Allman's signature on the Right of Way Mowing and Maintenance agreement with the City of Atlanta. This agreement would allow the Buckhead CID the right to maintain the Peachtree Corridor, instead of the City. A motion was placed before the Board by Mr. Lundeen to approve the signing of the Right of Way Mowing and Maintenance agreement by Mr. Allman, seconded by Mr. Ackerman; unanimously approved by Board.
 - b) Peachtree Road History Resurvey Scope and Fee: Mr. Greene referred the Board to page 29 of the board packet. The Resurvey needs to be done before finalizing documents and beginning construction on Phase II. The cost is \$2,055.22. A motion was placed before the Board by Mr. Lundeen to approve the Peachtree Road History Resurvey Scope and Fee payment in the amount of \$2,055.22; seconded by Mr. Ackerman. Unanimously approved by the Board.
 - c) Simon Properties – Joe Piccolo resignation, Mike Romstad Appointment: Mr. Greene referred to page 30 of the Board packet. He stated that Mr. Piccolo sent a letter officially resigning from the Board due to a new job assignment to Gwinnett County. Mr. Greene asked the Board to approve the appointment of Mike Romstad, Vice President, Simon Properties to the Board. He would serve until our next regularly scheduled election in May 2009. A motion was placed before the Board by Mr. Lundeen to accept Mr. Piccolo's resignation and approve the appointment of Mike Romstad to Post 5 on the Board of Directors for the Buckhead CID until our next election, seconded by Mr. Ackerman. Unanimously approved by the Board.
- 8) The meeting adjourned at 5:15 pm. The next regularly scheduled Board meeting will be in the same location on May 27 at 3:30 pm.

APPROVED BY THE BOARD, this _____ day of _____, 2008.

Secretary