

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

May 27, 2008

1. A Meeting of the Board of Directors of the Buckhead Community Improvement District was held on May 27, 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. Vice Chairman John Lundeen called the meeting to order at 3:33pm. Chairman David Allman joined the meeting at 3:36pm and assumed the Chair for the remainder of the meeting.
- 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, Claude Petty, Mark Alexander, Mike Romstad, 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 Garth Peters of the Buckhead Coalition, Taylor Frame of Alliance Real Estate Services and Sean Pharr of URS Corporation. Mr. Rainey swore in Mr. Romstad as a Board member.
- 3) A draft of the Minutes from the April 29, 2008 Board meeting were reviewed. Mr. Ackerman made a motion to approve the Minutes; seconded by Mr. Loudermilk. 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. He mentioned that research is being done, however, regarding the Piedmont and Peachtree budgets concerning PR spending. An extra expense was incurred earlier in the year to do with an ad in the Business Chronicle. Mr. Greene wants to verify that we are still within budget with this expense.
 - b) Mr. Rainey discussed the millage rate and the huge increase in assessments for 2008 (see page 25). In Buckhead, the increase was 85%; North Fulton 52%; South Fulton 36%, to name a few. Appeals may be filed by many entities. Mr. Rainey 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 June 24 Board meeting, since the tax digest came out too late this month to make the May meeting. The

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consensus by the Board remains to advertise 3 mills. The Board asked for rate comparisons for other CIDs, including Midtown. Mr. Rainey will provide that information at the June Board meeting.

- c) Mr. Petty asked about the money market account, interest rates, and whether a review was being done regularly. Mr. Greene assured him that was the case, and that the monthly bank statements show this information. The interest we earn is funding our administrative expenses
 - 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 reported that she had received a letter from GRTA stating its commitment for PM funds, which is around 18% of operations costs. Ridership is volatile and has not increased.
- 6) Executive Director's Report:
- a. Peachtree Boulevard Project Update:
 - 1) Phase I Construction Update- Mr. McHugh stated that the perennials have been planted in the islands rather than annuals. There should be a \$10,000 savings for this year, with a \$30,000 savings for the years following, after maintenance costs have been factored in. He did point out that due to the glass buildings in the area (and the sun's reflection), some plants are drying out faster than expected. Mr. Allman asks that Brickman monitor the plants, and check on water needs. If money must be spent on water to keep the plants alive, then do so.
 - 2) Phase II: Mr. Greene stated that Simon Properties (based on discussions with Macy's) has declined for now to participate as a right of way donor in Phase II of the Peachtree Project. Macy's is opposed to changes wrought on their property, does not see a deck as practical, does not want construction interruptions affecting its profit margins, and sees the value of reconstituted parking spaces as low. Mr. Romstad mentioned that a lot has to do with impact and timing. Mr. Allman asked about eminent domain. Mr. Greene stated that it is a question of money. Funds would be frozen

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while court proceedings ensued. Mr. Allman stated that the CID will continue to work with Macy's toward something more workable. Mr. Petty asked if the CID had a copy of the recorded lease between Simon and Macy's, in order to check on possible reversionary clauses. Mr. Greene said requests had been made, but they would not release it. Mr. Petty mentioned that it could be public information. Mr. Greene will check into it.

- 3) Mr. Greene mentioned that he and a select group will be meeting with Senator Saxby Chambliss on May 28th to discuss funding and garner his support. Mr. Allman stated that it is important that the CID be active over the long term in prioritization of projects, growth corridors, approaching and working with organizations such as GRTA to keep CIDs in mind.
- b. Habersham/Piedmont Turn Lane: Mr. McHugh stated that some trees will be lost in this process. There are 17 trees in the construction zone. He will find out more about which trees will be affected and their location, and pass that information on to Mr. Petty, who requested it.
- c. SPI-9: Ms. Starling mentioned to the Board that \$100,000 in funding has now been lined up for the study. See 7(f).
- d. Concourse Bridge update: Mr. Greene and Mr. McHugh will be meeting with Dr. Scott et al of MARTA this week to discuss the bridge project and existing concerns, which include security and liability issues.
- e. DRI Appeal – Mr. Greene referred the Board to the DRI letter included in the Board packet which was sent to GRTA by Coro Realty in defense of the Piedmont Study. For review purposes – no discussion needed.
- f. Brookwood CID Expansion – Mr. Greene stated that Tim Stack of Piedmont Hospital has asked the CID to revisit the expansion process. He will be working on a business plan and business owners in the proposed area.
- g. City of Atlanta Watershed Sewer Water Rate Briefing – Mr. Greene stated that a presentation was to have been made by Janet Ward, but she was not in attendance.

7) New Business:

- a) American Council of Engineering Companies Award Presentation: Mr. Pharr of

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URS Corporation made a presentation of an award his firm received for the Peachtree Corridor project from the American Council of Engineering Companies.

- b) Shuttle Continuation / Shutdown Options – Ms. Starling referred the Board to the supplemental document - “the buc” memo – dated April 28, 2008. Mr. Greene stated to the Board that the options for “the buc” are: to continue, go turnkey, or shut down. Ms. Starling’s recommendation to the Board would be the turnkey option, which includes an enhanced lunch schedule and Saturday service. Mr. Allman asked if our current buses could be put into service elsewhere for the remainder of their vehicular life. Ms. Starling said no and that interest was low on that option (including Emory). With the turnkey option, we would sell the buses and pay FTA for their residual value. There would be 6 replacement vehicles operational each of which would be smaller in size than our current buses. Because of the rise in assessments of CID properties, we will collect more tax revenue which will make the cost of the “buc” a smaller percentage of our overall budget. We expect to wrap the buses with advertising to generate more revenue to pay for the system. Mr. Petty asked why not shut down? Mr. Allman cited transit connectivity to MARTA, employers like to show potential employees that a shuttle service is available for their needs, emission reduction with fewer cars on our streets, and the price of gas is high. Mr. Allman asked how long the negotiation, execution and switch over processes will take? Ms. Starling stated that it would not be long. Fuel is a factor due to gas prices, but that will be the only escalator in the contract. Ms. Starling mentioned that, even though with a turnkey system a relationship with GRTA is not mandatory, it is in the best interests of parties involved to continue that relationship. Mr. Ackerman stated that there should be publicity about this because it is a big commitment. A motion was placed before the Board by Mr. Loudermilk to continue “the buc” under the turnkey option, with final negotiated contract to be approved by the Board, seconded by Mr. Alexander, and unanimously approved by the Board. Mr. Greene stated that though Mr. Shell could not attend today’s meeting, he asked that the Board be informed that he would go along with its consensus. Mr. Lundeen asked that things be kept consistent regarding “the buc” – schedules, etc. Ms. Starling stated that she will be working on a press release.
- c) Millage Rate 2008 – see 4(b).
- d) Server Proposal – Ms. Starling referred the Board to the server proposal on page

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26. The current server is having difficulties due to its age and lack of capacity. The proposed new server would be expandable and have a 5 to 6 year life. The older server would be used as an email server and the new one would be for all other data activities. BATMA and the Buckhead CID would split the costs 50/50. The proposal includes hardware and hours expended. The total cost is \$7,014.96 – the cost to the CID would be \$3,507.48. A motion was placed before the Board by Mr. Lundeen to approve up to \$3,507.48 for a new server, seconded by Mr. Alexander, and unanimously approved by the Board.
- e) CBS Contract Authorization – Ms. Starling stated that a contract was received from CBS regarding advertising on “the buc”. Mr. Rainey has done an initial review of said contract, and made a lot of changes. Both he and Ms. Starling will continue to work on fine-tuning the contract. It is very complex. Mr. Ackerman mentioned that he has an acquaintance familiar with such complex contracts that he could refer to Ms. Starling. The contract will be brought back to the Board for review.
- f) SPI-9 Consultant Recommendation – Ms. Starling mentioned that 4 teams submitted proposals, and 3 were chosen to be interviewed last week. Urban Collage (as the lead), along with a few other firms as support, was the most outstanding. A motion was placed before the Board by Mr. Lundeen to authorize the CID to enter a contract with Urban Collage for the SPI-9 study with the contract to be reviewed and approved by Mr. Rainey, the net cost to the CID to be \$20,000, seconded by Mr. Loudermilk, and unanimously approved by the Board.
- 8) The draft of the Audit of the Financial Statements of the CID for the year ended 12/31/07 was distributed for review by the Board and vote at our June Board meeting.
- 9) Miscellaneous – Mr. Petty asked if anyone had done research on the numbers generated due to the increase to traffic and parking spaces that will be coming to Buckhead due to the buildings under construction in the area. Mr. Greene stated that traffic engineers have done 2020 projections which include such numbers. As for what the increase would be per building, that information would probably be available as each building opens.

Ms. Starling invited the Board to a meeting on Friday with the City of Atlanta to

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discuss transportation planning.

10) The meeting adjourned at 5:12 pm. The next regularly scheduled Board meeting will be in the same location on June 24 at 3:30 pm.

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

Secretary