

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

## **Minutes**

**June 24, 2008**

- 1) A Meeting of the Board of Directors of the Buckhead Community Improvement District was held on June 24, 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 3:33pm.
- 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, Earl Shell, Claude Petty, 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 Garth Peters of the Buckhead Coalition, Eric Cox of American Coach, Taylor Frame and Andrew Schisler of Alliance Real Estate Services.
- 3) A draft of the Minutes from the May 27, 2008 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) Mr. Greene stated that all non-shuttle payables, including the supplemental non-shuttle payables were within budget.
  - b) Mr. Allman asked Mr. Rainey about the increase in 2008 property tax assessments in Fulton County. Approximately 13,000 property owners have filed appeals, close to 3 % of the Fulton County tax digest. The digest can't be approved by the Georgia Department of Revenue if the appeals total more than 3%. Fulton County has filed a Petition for a Temporary Collection Order. Mr. Rainey had the County Attorney include the CID in its Petition for relief. Mr. Rainey told the Board that he will forward the Petition to the Board Secretary who will forward it to the Board. A motion was placed before the Board by Mr. Shell, seconded by Mr. Lundeen, to authorize Lynn Rainey to take whatever legal action is necessary to protect the interest of the CID to collect 2008 ad valorem taxes. Unanimously approved by the Board. At this time, Mr. Rainey advised that a Motion to Intervene in the name of the CID was not necessary.

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- c) 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 noted the inclusion of a letter of intent to American Coach Lines (see page 24). Mr. Rainey is currently reviewing the contract with American Coach. Currently, Ms. Starling is shopping around for vehicles, and noted that there may be up to a \$1 per hour cost increase in rate due to cost differences with seats, signage, and other minor issues with the new buses. Ms. Starling stated that she was hoping to have a rollout in September / October, complete with advertising and a big spread about the new vehicles and improvement service. However, this may be pushed back to the beginning of 2009. Regarding the FTA, ideas concerning the shuttle include objecting to the treatment of depreciation, and using \$750,000 saved from the vehicles to reinvest in a more robust system. When asked by Mr. Petty why this would be of interest, Mr. Greene responded that you could shorten headways, have more mid-morning runs, go down into the Village, just to name a few possibilities. Mr. Allman asked Eric Cox of American Coach about the seating capacity of the new buses being considered for purchase. Mr. Cox stated they would be the same – 22 seats. When asked the price of the vehicles, he was told \$65,000 (As compared to \$150,000, the cost of the current bus). Mr. Allman mentioned that a smaller bus might be better because of low ridership. Mr. Cox stated that the cost difference wasn't enough to make it feasible. Ms. Starling stated that ridership increased 27%. Mr. Greene stated it would be good to have the 22 seater so that growth can be accommodated.

Mr. Greene informed the Board that on June 20<sup>th</sup>, late in the afternoon, Ms. Starling and Mr. Greene were informed by American Coach's corporate division that the rates previously quoted would be increased by 7%. Mr. Greene communicated with Mr. Garrett in response to this action. Mr. Greene also spoke with the CEO at corporate for American Coach. The CEO informed Mr. Greene it was matter of miscommunication, a misunderstanding, and that it was not bad faith. The rates must be approved by corporate – however, Mr. Greene and Ms. Starling were not aware of this. Previous negotiations with American Coach had not brought this to light. The rate was changed back to the original quote of \$51. The CEO stated that he treasured the relationship with the CID Board. Mr. Greene accepted the explanation. Mr. Allman discussed with Mr. Greene his communications with Coach.

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Ms. Starling gave a brief TMA update. Vanpools should double this year, due to high gas prices, and this will be a great year.

### 6) Executive Director's Report:

#### a. Peachtree Boulevard Project Update:

- 1) Phase I Construction Update- In response to a question posed at the last Board meeting concerning watering days left, Mr. McHugh stated that 16 of 30 days have been used. Several plants need to be replanted, and this will reset the clock to water for another 30 days over a 10 week period. Small items remain on the punch list. In response to a concern placed by Mr. Ackerman at the last meeting regarding a median being too low, Mr. McHugh is looking into possibilities to highlight the median – a sign, for example.
- 2) Phase II: Mr. Greene stated that TIA-CREFF recently agreed to a \$337,000 donation; it is his hope that this will speed along Eden & Avant's donation process. A redesign is in progress for Peachtree Road in front of Lenox Square Mall. It would move the street closer to Monarch, Ritz. Due to redesign, Mr. Greene will need to go back to Simon Properties with the changes, as well as Eden & Avant. Mr. Alexander expressed concern about going back to his clients and will discuss the matter in more detail with Mr. Greene. CF Atlanta property closed and Mr. Ackerman's properties are almost ready for closing.
- 3) Mr. Greene mentioned that he and Mr. McHugh are working with GDOT to authorize 2008 funds, which can then be used for right of way purchases. It is hoped the process will be completed by the end of the week. A discussion ensued by the Board about matching funds, and the CID's portion of right of way.

- b. Habersham/Piedmont Turn Lane: Mr. McHugh showed drawings to the Board regarding work to be done and trees that would need to be removed. It is an \$800,000 project. Trees that would be removed, according to current drawings, are 5 pines and 4 hardwoods in front of Piedmont Center. Mr. McHugh will be

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meeting with owners of Buildings 1 through 4 this week, along with the Atlanta Housing Authority. A discussion ensued about options to keep the trees, or have fewer removed. A suggestion was made to relocate the sidewalk further away from the roadway and perhaps go around the trees. Mr. McHugh will look into it.

- c. SPI-9: Ms. Starling mentioned to the Board that on pages 26 and 27, a draft study group list is included. Also, she is still waiting for the contract from ARC, and thus, everything is on hold.
- d. Concourse Bridge update: Mr. Greene continues to work with MARTA to sort out issues. MARTA wants the costs of the maintenance (landscaping) and security to be shared by the CID. Mr. Rainey is working on the MOU. Mr. McHugh has looked into maintenance costs (landscaping and janitorial) and quotes from ABM and Brickman are around \$8,000 per year. First year costs for security would be \$290,000. MARTA wants to do surveys to see who is using the bridge and for what reason (going for a walk, or going to the MARTA station). The contract as presented by MARTA is in perpetuity which Mr. Rainey advises against. Many members of the board expressed concern about this. Many board members felt the CID should not be involved with security. Mr. Allman feels the security issue is a City role, not a CID role. Mr. Allman requested that Mr. Greene go back to MARTA and work on changing the in perpetuity terms and the security proposal. The board did not have the same concerns with providing maintenance.
- e. Brookwood – Peachtree Battle CID Expansion – Mr. Greene stated that work continues on the expansion plan, maps and other visuals. Tim Stack of Piedmont Hospital wants to meet with a larger number of owners regarding the expansion.
- f. Piedmont - City of Atlanta: Ms. Starling informed the Board of the outcome of meetings with Transportation Planning officials. One item that came up in meetings was the proposal of a parking surcharge as a finance mechanism. It is seen as controversial by many. Ms. Starling is also working to get Piedmont recommendations included in future planning by the City.
- g. Office Manager update: (Not addressed)
- h. New Mapping Software: (Not addressed)

### 7) New Business:

- a) Millage Rate 2008: Pursuant to public advertisement at least 2 weeks prior to today's

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board meeting, a motion was placed before the board by Mr. Lundeen to approve the millage rate of 3 mills for 2008; seconded by Mr. Alexander. Unanimously approved by the Board.

b) Approval of Audit of Financial Statements for year ended 12/31/07 – A motion was placed before the board by Mr. Lundeen to approve the audit of financial statements for the Buckhead CID for year ended 12/31/07; seconded by Mr. Alexander. Unanimously approved by the Board.

c) CBS Contract Authorization – Ms. Starling informed the board of discussions with CBS over the terms of a contract to wrap the bus buses in advertisements. Mr. Rainey read the board the categories of ads which would be excluded from the bus. A motion was placed before the Board by Mr. Lundeen to execute the CBS contract for signage on ‘the bus’ subject to review of the Executive Director and Counsel; seconded by Mr. Alexander. Unanimously approved by the Board.

d) Board of Directors Officer Election – A motion was placed before the Board by Mr. Petty to re-elect Mr. Allman as Chairman of the Board, Mr. Lundeen as Vice-Chairman of the Board, Ms. Carlson as Board Secretary, and Mr. Ackerman as Treasurer; seconded by Mr. Shell. Unanimously approved by the Board.

e) Carr Riggs Ingram – NTD Audit – A motion was placed before the Board by Mr. Lundeen to approve the NTD audit contract with Carr Riggs & Ingram; seconded by Mr. Alexander. Unanimously approved by the Board.

f) CID MARTA Concourse Bridge MOU – See 6 (d).

g) Buckhead CID and Carter Contract – Ms. Starling stated to the Board that AT&T contacted her regarding the contract between the CID and Carter & Associates, on behalf of BellSouth. It has been taken over by AT&T, and thus, new rates, extended terms and other contract changes need to be made. Mr. Rainey is currently reviewing the contract. A motion was placed before the Board by Mr. Alexander for the assignment and extension of the contract from Carter & Associates to AT&T; seconded by Mr. Lundeen. Unanimously approved by the Board.

8) Miscellaneous – Mr. Greene informed the Board that he will be out of town from the end of this week until July 10<sup>th</sup>. Garth Peters of the Buckhead Coalition noted to the board that a new neighborhood group is forming, independent of the NPU.

9) The meeting adjourned at 5:38 pm. The next regularly scheduled Board meeting will be in

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the same location on July 29 at 3:30 pm.

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

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Secretary