

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

## **Minutes**

**September 23, 2008**

- 1) A Meeting of the Board of Directors of the Buckhead Community Improvement District was held on September 23, 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 3:40pm.
  
- 2) The Board Secretary checked off attendance and reported that a quorum was not present. Members in attendance in addition to Mr. Allman were: John Lundeen, Vice Chairman, Earl Shell, and Claude Petty. Mark Alexander was conferenced in during the meeting to create a quorum for passing motions. On each occasion, a speakerphone was utilized so Mr. Alexander could hear all discussion and votes, and everyone could hear Mr. Alexander. Every vote noted within these Minutes included the participation of Mr. Alexander. Scotty Greene, Executive Director, Brian McHugh, Project Manager, Jo-Anne Carlson, Board Secretary, and Lynn Rainey, Board Attorney were also present. Guests present included Garth Peters of the Buckhead Coalition, Darryl Plenty of E.P. Enterprises, Eric Cox of American Coach, and Taylor Frame of Alliance Real Estate.
  
- 3) A draft of the Minutes from the August 26, 2008 Board meeting was reviewed. Mr. Lundeen 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, including the supplemental non-shuttle payables were within budget.
  - b) In response to a request for an update on 2008 tax assessment appeals by Mr. Allman, Mr. Rainey stated not much has changed. Mr. Lundeen added that some negotiations are ongoing.
  - c) Regarding the Shuttle payables, Mr. Greene stated there was nothing unusual for the shuttle payables and that everything was within budget.
  
- 5) Shuttle Report: Ms. Starling noted that ridership was down a little due to seasonal fluctuation. She also mentioned an opportunity that may be available for the shuttle

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

## **Minutes**

**September 23, 2008**

with the Carlos Museum and the upcoming King Tut exhibit. Ms. Starling said that it could be a way to re-orient Saturday service, could perhaps make the shuttle more beneficial to hotels. She will be meeting with management at some of these hotels to gauge interest. There would be no added dollars, and it could be a chance to use additional vehicles and justify keeping them a little bit longer. In response to a question from Mr. Lundeen regarding progress on selling the buses, Ms. Starling said she is trying to setup a meeting with the FDA.

The CBS contract is in place and Ms. Starling has received a verbal commitment for the first three months of 2009 from Markers Mark. In response to Mr. Petty's question regarding the Buckhead CID logo on 'the buc', Ms. Starling said that the door will have the Buckhead CID logo, and there will be a wrap.

Ms. Starling mentioned that there are two finalists for the Pace Awards - Melissa Libby and Associates at Piedmont Center and Andy Smith at Rollins. The winner will be announced on October 16<sup>th</sup>.

### 6) Executive Director's Report:

#### a. Peachtree Boulevard Project Update:

- 1) Phase I Construction Update- Mr. McHugh stated that signs, stickers and posters for the Buckhead CID have been placed on the streetsweeper. He is working on getting vests for the landscape and janitorial workers to increase visibility and safety. Mr. McHugh discussed the proposed supplemental irrigation line – see 7(d). This will enable the CID to be ready for a warm spring, should that occur. He mentioned that this year we may be over budget by \$8,000, but under budget next year due to savings on perennials, et al. Mr. Shell asked about problems irrigating the median. Mr. McHugh said that every time a new planting is done, they can irrigate for 10 weeks. Mr. Allman noted that some pine trees were falling over. Mr. McHugh said that this will be corrected with straps. Mr. McHugh also discussed the Atlanta Financial Center and the issues with the pole. Mr. Greene mentioned that GDOT has asked to reallocate \$2.9 million funding from Phase I to Phase II.
- 2) Phase II: Mr. Greene brought up an issue with the FHWA and GDOT

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

## **Minutes**

**September 23, 2008**

concerning the P.I. numbers assigned to Phase I and Phase II. An employee at the FHWA is saying that funding is not authorized for Phase II under the current P.I. number; GDOT is saying that yes, funding is authorized for the project. GDOT and the FHWA are meeting to work out the issue. On the down side, if this is not resolved, it could lead to the CID having to buy all of the right of way for Phase II.

Mr. Greene referred the Board to the donation scorecard included in the Board packet. They are closer to a resolution with Simon Properties; Goddard is quiet, Eden and Avant should have a counteroffer on Wednesday, and Selig is waiting on Simon's decision. Macy's may want a part of Simon's deal. Simon Properties wants to sell a sign. Mr. Greene is working with the City and Simon on terms for the sign.

- b. Habersham/Piedmont Turn Lane: Mr. McHugh said the Atlanta Housing Authority is trying to get a response from property representatives on tree replacement plans and walls. Regarding Piedmont Center, they met to discuss the turn lane, and would like to save the trees. The plan is to build 4 ft. sidewalks in order to save all hardwoods, and to replace 4 pine trees with 3 additional hardwoods.
- c. SPI-9: Ms. Starling stated that meeting attendance at the first public meeting was poor. She will be working on getting more people to the meetings, and work is being done on finalizing boundaries. The next public meeting is set for the week of October 20<sup>th</sup>. Mr. Lundeen is concerned that because people are failing to attend meetings and get engaged, they aren't aware of changes that are coming and need to be more involved. A discussion ensued. Mr. Starling said that the first meeting was to define the area. The next meeting will be more detailed. She will have more detailed updates at the next Board meeting. Mr. Petty stated that the LCC should be involved with the SPI-9 process. Mr. Allman said that the LCC may be involved with the density issue.
- d. Northern Concourse Bridge update: Mr. McHugh stated that there have been two stakeholder meetings. MARTA is working on design. Issues include overlap on properties and a 20 foot easement that MARTA thought it had, but doesn't. There isn't a project schedule as yet. Mr. Allman would like to add cosmetic aspects to the design, if possible, without slowing down the project. Mr. Greene says that the MOU states the CID needs to be consulted on design, so that would be our

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

## **Minutes**

**September 23, 2008**

opportunity to add in cosmetics. Still waiting on GDOT for a signature. Mr. Greene hopes to have a project timeline before or at the next Board meeting that shows an opportunity for design input.

- e. Brookwood – Peachtree Battle CID Expansion – Mr. Greene is waiting on a response from Tim Stack regarding dates to reconvene meetings to discuss the CID Expansion plan. Mr. Allman and Mr. Lundeen stated that the CID should move forward without waiting for Tim Stack.

### 7) New Business:

a) Livable Communities Coalition (“LCC”): Mr. Greene referred the Board to pages 21 to 23 of the Board packet. Mr. Allman is requesting, on behalf of the LCC, \$25,000 a year for the next three years to support efforts to change policy to be more receptive to CID funding. A motion was placed before the Board by Mr. Lundeen to approve \$25,000 a year for the next three years to support the LCC’s efforts to change policy in the CID’s favor for funding; seconded by Mr. Shell. Unanimously approved by the Board.

b) Buckhead CID – NTD Audit as of June 30, 2008 – Ms. Starling noted the inclusion of the NTD Audit for 2008. Mr. Lundeen put forth a motion to approve the NTD Audit as of June 30, 2008; seconded by Mr. Petty. Unanimously approved by the Board.

c) Van Pool Briefing: Mr. Greene reminded the Board of the relationship between BATMA and the BCID in terms of funding. BCID provides BATMA with non-designated funding for BATMA to develop transportation relief strategies. BATMA uses part of its budget to subsidize van pool passengers, and GRTA also provides subsidies. The question arose as to whether BATMA and the BCID had sufficient insurance coverage for its limited roles. Mr. Greene consulted with an insurance broker. The broker didn’t think BCID had liability or an insurable interest. Mr. Rainey is working with Ms. Starling on various strategies to clarify BATMA’s limited involvement as a subsidizer of van pool participants, but that it does not operate van pools. BCID is further removed, and neither BATMA nor BCID have control over the operation of van pools. The drivers are screened by the van providers, and the two then contract with each other. The participants of the van pools manage themselves in their voluntary enterprise. Discussion followed.

d) Brickman Supplemental Irrigation Line Proposal: Mr. McHugh stated that he was able

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

## **Minutes**

**September 23, 2008**

to get the amount for the irrigation line down to \$3,500 with Brickman. A motion was made by Mr. Lundeen to add a third irrigation line and re-stake the existing lines and do re-mulching; seconded by Mr. Petty. Unanimously approved by the Board.

e) Shuttle Contract Approval: Ms. Starling discussed the Shuttle contract with American Coach. Mr. Rainey has drafted a detailed amendment to the contract wherein the shuttle will become a turnkey system as of January 1, 2009. One of the changes made is that American Coach will have the ability to terminate the contract. Mr. Alexander, via phone, asked what amount of notice does American Coach need to give for termination. Mr. Rainey said 105 days, which allows conformity with the CBS and AT&T contracts. Mr. Alexander asked if this was sufficient notice. Mr. Rainey said yes. Ms. Starling mentioned the contract with AT&T that also needs to be approved. Mr. Lundeen put forth a motion to authorize Mr. Greene, upon the review of counsel, to approve the American Coach and the AT&T contracts with the Buckhead CID; seconded by Mr. Alexander. Unanimously approved by the Board.

f) Mr. Greene and Ms. Starling updated the Board on Connect Atlanta. Ms. Starling said that she found a draft of the Connect Atlanta report and will forward it to the Board. Ms. Starling stated that she recently attended a meeting concerning Connect Atlanta. They are moving toward adopting the plan in Atlanta. She found that there are some things that are not in Buckhead's favor: 1) the 85 N to 400 S connection, from the Piedmont Corridor Study, was not a part of the Connect Atlanta plan; 2) the East / West connection – Cobb County into Buckhead – Ms. Starling feels this is not properly addressed; 3) A financial plan has not been identified. Mr. Greene and Ms. Starling are working with Councilperson Howard Shook, Claire Muller and Heather Ahladeff to rectify these issues. The Board was interested in the 85 N to 400 S omission and wanted to draft a resolution from the CID to address this. A motion was placed before the Board by Mr. Lundeen to authorize Mr. Greene and Ms. Starling to draft a resolution from the Board to recommend the 85 S to 400 N connector as derived from the Piedmont Corridor Study be included as a part of the Connect Atlanta plan; seconded by Mr. Shell. Unanimously approved by the Board. The resolution will be forwarded to the Mayor, City Council, and other interested parties. Mr. Allman asked Mr. Peters of the Buckhead Coalition to mention this issue at the next Coalition meeting and to ask Mr. Massell to do a similar resolution to support this action.

**BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)**

**Minutes**

**September 23, 2008**

- 8) Miscellaneous: Mr. Greene mentioned that among the recommendations of our insurance broker to tighten our coverages, the worker's compensation insurance will now include coverage for traffic officers and for the Executive Director position at the Buckhead CID. He also referred the Board to the annual report and the ARC award application documents next to each Board member's binder.
  
- 9) The meeting adjourned at 5:23 pm. The next regularly scheduled Board meeting will be in the same location on October 28 at 3:30 pm.

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

\_\_\_\_\_  
Secretary