

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

November 25, 2008

- 1) A Meeting of the Board of Directors of the Buckhead Community Improvement District was held on November 25, 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 3:39pm.

- 2) The Board Secretary checked off attendance and reported that a quorum was present. Members in attendance in addition to Mr. Allman were: John Lundeen, Charles Ackerman, Claude Petty, Earl Shell, Mike Romstad, and Robin Loudermilk. Scotty Greene, Executive Director, Denise Starling, Executive Director for BATMA, Brian McHugh, Project Manager, Jo-Anne Carlson, Board Secretary, and Lynn Rainey, Board Attorney were also present. Guests present included Garth Peters, Buckhead Coalition and Sara Cuomo, Office Manager for the Buckhead CID and BATMA.

- 3) A draft of the Minutes from the October 28, 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 introduced Sara Cuomo, who gave the Treasurer's Report. She stated that all shuttle and non-shuttle payables, including the supplemental non-shuttle payables were within budget. Ms. Cuomo mentioned that there are a few issues with ABM Janitorial regarding reimbursable expenditures, and that Mr. McHugh is working to resolve this with the company. She discussed the balance sheet and interest earned to date on the money market account. There are no more CDs – the funds have been moved to the Money Market account as of November 8th. Mr. Greene stated that the money was moved due to potential volatility with cash outflow in 2009. He assured the Board the all funds in the bank accounts at Buckhead Community Bank are collateralized. Ms. Cuomo mentioned that the first \$25,000 contribution has been made to the LCC. She is also working on the Traffic control officer budget for 2009 and will have that ready for a motion at the December meeting. Currently, there is \$36,000 remaining in the Traffic control officer budget for 2008, which will cover the \$13,320 budgeted for the upcoming

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holiday season. A goal for Ms. Cuomo in 2009 is to work with On-Call Accounting on simplifying the Chart of Accounts and making better use of the Buckhead CID's financial software.

b) Mr. Lundeen asked if Mr. Greene had any idea of the amount of the tax digest for 2008. Mr. Greene said that he did not have enough information to give a number due to pending tax assessment appeals.

5) Shuttle Report: Ms. Starling noted that ridership for October is ahead of September. She mentioned that the CBS Advertising company for 'the buc' is concerned about the economy and possible soft sales. The new vehicles are due to Coach in the second week of December. There is a potential temporary application for 'the buc' buses we own at Georgia Tech. It will require interim vehicles and American Coach has asked to use the retired buses. Ms. Starling indicated that something could be worked out since it helps keep the buses in service longer for a potential 6 to 9 months. Mr. Allman suggested trying to sell the buses to Georgia Tech. She mentioned that holiday promotions are also underway, working with the media and the major shopping centers. 'the buc' bus stops will be decorated on the day before Thanksgiving to give them a more festive, fun feel.

Regarding Van Pools, Ms. Starling noted that proposed 2009 contracts are out from GRTA and Mr. Rainey to vendors and she is waiting for responses. The new, increased rates for the vans were announced, and two vans terminated as a result. Currently, gas prices are half the estimates originally used to price the program, so, she is looking at the rates to try to adjust for gas prices, perhaps quarterly. She projects BATMA will be subsidizing 32 vanpools by the end of 2008 and an additional 10 in 2009.

6) Executive Director's Report:

a. Peachtree Boulevard Project Update:

1) Phase I Construction Update - Mr. Greene mentioned that they are waiting for the Phase 1 contract to be closed out. One last change order needs to be completed prior to this close out, and there may be up to \$2 million available for Phase 2 – this can't be confirmed right now, however. Mr. McHugh mentioned that the mast arm may be installed by mid –

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December. Board members asked about the impact on traffic with the installation. Mr. McHugh says there may be lane closures. The members were concerned about the potential impact on the holiday season and the increased traffic due to shopping. Mr. McHugh said he will check on the impact and time of day of the install. Board members also asked for a breakdown of the \$9 million federal funds.

Phase II: Mr. Greene referred the Board to the donation scorecard included as a supplemental item to the board package. He noted Selig's commitment of \$275,000, as well as those of Pope & Land, the Mansion and Hines / AFC. Mr. Greene stated that Mr. Simon will be meeting with the Capital Projects Committee regarding the letter sent by Mr. Allman to Simon Properties. Mr. Greene hopes to hear from Macy's before the December board meeting on their offer. Mr. Shell asked Mr. Greene to explain how the ask amount is calculated for the properties for right of way. Mr. Greene discussed fee simple, permanent easements and temporary easements.

- b. Habersham/Piedmont Turn Lane: Mr. Greene said there has been no word from either the Atlanta Housing Authority or Northwest Mutual as yet. Still waiting on owner approval for right of way.
- c. SPI-9: Ms. Starling referred the Board to pages 23 to 26, which show matrices for street classifications and character zoning concepts (subareas), and maps for same. A discussion ensued. Mr. Lundeen suggested that the committee and consultants look at side streets, which could be a concern. Mr. Allman asked about Tuxedo Festival and their traffic light request. Ms. Starling said she is working with them to craft language. She stated that the project is on schedule and on budget. Ms. Starling reminded the board that the funds for this project come from \$50,000 through the ARC, \$20,000 from the Buckhead CID and \$30,000 for the former Buckhead Action Committee (BAC). A steering committee meeting will occur on December 9th, where a draft of the initial code framework will be discussed; the next public meeting will take place in January 2009. Code language will be available at this meeting.
- d. Northern Concourse Bridge update: Mr. Greene noted that SRTA has advertised the \$1.9 million MOU and it will be signed once that period is ended, around December 5th. MARTA wants all funds in order and in writing before proceeding.

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Mr. McHugh referred the board to page 27 which showed updated milestones. MARTA has engaged GEC on an hourly basis to work on scheduling. MARTA is considering building a safety cage which could lower risk during construction and other variables. He meets regularly with MARTA on this project. Mr. Allman asked Mr. Greene and Mr. McHugh to work on the 2010 estimates as shown on the milestones, and have them moved forward. Mr. Greene said that he will be meeting with Dr. Scott after the MOU is signed.

- e. Brookwood – Peachtree Battle CID Expansion – Mr. Greene noted that the steering meeting will take place on December 3rd, and packets will be sent out via courier to the members on Monday in advance of the meeting. One item to be discussed at the meeting is whether or not to include ADAC. Mr. Greene was unaware of the owner of ADAC, but was informed by a board member that it is Jan Portman. He will pursue this.
- f. Connect Atlanta Update – Mr. Greene informed the board that the Connect Atlanta Plan has had its first reading at City Council. On a conference call with staff working on the plan, they agreed to the language as updated and included by Mr. Greene and Ms. Starling. The cost of the project is \$200 million. Mr. Allman suggested that the Buckhead CID could, perhaps, give some dollars to jump start the project. Mr. Peters of the Buckhead Coalition mentioned that he has heard from others that there are other issues that may stall the plan indefinitely.
- g. Georgia Strategic Transportation Plan status (IT3) – Mr. Greene briefed the Board on the IT3 plan. The plan mentions pedestrian improvements, corridor growth, and has footnotes with inputs from CIDs in the region. Ms. Starling mentioned that Transportation Demand Management (TDM) strategies were also included, and that is what BATMA is about. We are in a good position in this strategic document for funding.

7) New Business:

- a) CID Letter to the Governor (see page 28 of Board packet) – Mr. Greene noted the inclusion of a letter sent from the ARC to select officials. The CID Alliance would like the Buckhead CID to send a comparable letter to the same officials, and this needs Board approval. It supports legislation allowing citizens of regions within the state to vote to implement a 1% sales tax for transportation purposes within those regions. A motion was placed before the Board by Mr. Shell to send a letter similar to the one sent by the ARC to

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the elected officials; seconded by Mr. Loudermilk. Unanimously approved by the Board.

b) City of Atlanta Water Bill for Irrigation – Mr. McHugh informed the Board of a potential \$35,000 water bill. Brickman told Mr. McHugh that they think the bill is too high, so he is working with the City on a resolution. The City has not checked the meter as yet, but there is suspicion it is not working correctly. The bill is for June through October 2008, and they want to be paid by December 2nd. The City originally sent the bill to the contractor. Mr. McHugh is working to change the name on the bill to the Buckhead CID so it's not a bad debt for the contractor. The Board said that the bill shouldn't be paid until there is a full resolution to the issue – meter read, leaks checked, name changed. Mr. Greene said he is trying to make sure that there isn't a default.

c) Phase 2 ROW Hines / AFC Variance Capital Match Increase \$123,000 - Mr. Greene noted the inclusion of a supplemental agenda item concerning Hines / AFC. He anticipates a future increase in capital match. A motion was placed before the Board by Mr. Lundeen to authorize the increase in capital match to handle the Hines / AFC variance for the median break up to \$123,000; seconded by Mr. Loudermilk. Unanimously approved by the Board.

8) Miscellaneous – Mr. McHugh mentioned to the Board that he will be bringing a \$3,200 request to the December meeting regarding a landscape buffer. The Board said to go ahead with the work on the buffer.

Mr. Greene reminded the Board that the December meeting will be one week earlier, than usual, taking place on December 16th, 2008.

Mr. Greene noted that the Buckhead CID purchased flags for Triangle Park (now Loudermilk Park) for \$230. He will have this recorded as a maintenance item on the books. Our janitorial service is maintaining the park, as well.

9) The meeting adjourned at 5:11pm. The next regularly scheduled Board meeting will be in the same location on December 16 at 3:30 pm.

APPROVED BY THE BOARD, this _____ day of _____, 2009.

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Secretary