

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

December 16, 2008

- 1) A Meeting of the Board of Directors of the Buckhead Community Improvement District was held on December 16, 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 not initially present. Members in attendance in addition to Mr. Allman were: John Lundeen, Earl Shell, and Mike Romstad. 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, Eric Cox of American Coach and Sara Cuomo, Office Manager for the Buckhead CID and BATMA.

- 3) The draft of the Minutes from the November 25, 2008 Board meeting will be reviewed for approval at the January 27, 2009 Board meeting.

- 4) Treasurer's Report: Mr. Greene noted the inclusion of the standard monthly reports and payables in the board packets.
 - a) Mr. Greene informed the Board that there was an updated Treasurer's Report for the Buckhead CID, which included Remaining Commitments, per John Lundeen's request as a supplemental to the Board packet. A discussion ensued as to the meaning of line items on the Commitments sheet, and there was some confusion on the part of the Board. Mr. Lundeen stated that he would like to see sources and uses for these commitments. Mr. Greene said he would have an updated, easier to read sheet in the first week of January 2009.

- 5) Shuttle Report: Ms. Starling referred the Board to page 16 of the packet. She noted that ridership is down, as is traditional for this time of year. CBS is cautioning on difficulty of advertising sales ahead due to tough times. Ms. Starling referred to the presentation on page 25 that was made that morning to the BATMA Board, and highlighted various aspects concerning the shuttle and savings. She mentioned that holiday promotions are also underway, and referred the Board to the flyers that were handed out. The promotion is going very well, though the response from the malls in

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donating gifts was not as high as expected.

Regarding Van Pools, Ms. Starling noted that the rates will be adjusted in January to reflect reduced fuel cost. The budget will be finalized after getting the grants. She does not anticipate using as much of the \$250,000 approved by the Board as previously thought. Discussions are ongoing between GRTA and 2 van providers for a 2009 contract.

6) Executive Director's Report:

a. Peachtree Boulevard Project Update:

- 1) Phase I Construction Update - Mr. McHugh mentioned that the mast arm will be installed tomorrow, December 17th. One lane will be closed after 9:00am and it may remain closed until 3:30pm. He also discussed the City of Atlanta water bill which is around \$40,000. Mr. McHugh said that the meter was checked, and pronounced functional. The amount of water used seems to be consistent with the time period as shown on the bill. The soil chosen for the plants is very porous, and water runs through quicker than it would with something heavier. The Board asked how many hours a day during the billing period the plants were being watered. Mr. McHugh said up to 12 hours, at least 5 days a week. The Board thought this was a high number, and unnecessary. Mr. Romstad suggested checking into gray water. Mr. McHugh will work with Brickman to lessen the water usage next year. The Board suggested having a budget, a water use plan for 2009, and enlist outside help.

Phase II: Mr. Greene referred the Board to the donation scorecard on page 51. Right of Way cost is going down. Mr. Greene stated that Mr. Phipps is anticipating making a counteroffer of \$3.46 million, and waive receiving \$1.9 million. The acquisition of Lenox Square ROW is moving closer to the alternative of condemnation. Mr. Allman asked Mr. Greene about condemning just the lease rights of Macy's to help speed up the process. Mr. Greene said he will check into it. There is nothing as yet with Edens & Avant; Goddard is working on a compromise, and Lenox Plaza is complicated. Mr. Allman also suggested looking into removing the

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retaining wall on Stratford – what the cost would be, and perhaps having the CID pay for it. Mr. Greene said he will also check into that.

- b. Habersham/Piedmont Turn Lane: Mr. Greene said there has been no word from either the Atlanta Housing Authority or Northwest Mutual as yet. He will make some calls to contacts he has to try to speed up the process.
- c. SPI-9: Ms. Starling referred the Board to page 52 of the Board packet, which shows the draft outline of the ordinance. Steering committee comments are coming in, and the draft should be available for public comment by the end of the week. Comment period will end in early January, and then, once incorporated, will be back out to the public in February. A discussion ensued. Mr. Lundeen brought up concerns about parking, citing language on page 60 of the Board packet. Ms. Starling will bring his concerns to the committee.
- d. Northern Concourse Bridge update: Mr. Greene stated that he had his first meeting with the City of Atlanta and MARTA this morning regarding easements. December 2010 is still the rough start date. He is still waiting on a signature from the Governor on a document to begin the process. The Board cited concerns about MARTA's current financial straits. Mr. Greene said that the project is not in jeopardy for cuts.
- e. Brookwood – Peachtree Battle CID Expansion – Mr. Greene noted that the steering meeting on December 3rd went well, and the goal is to have signed consent forms by the first week of January. He has spoken with the ADAC owners and they are considering their options for CID Expansion.

Robin Loudermilk joined the board meeting by speaker telephone so that all members participating in the meeting could hear each other and the public could hear all discussion and votes.

7) New Business:

- a) Buckhead CID Remaining Commitments – see 4 (a).
- b) Traffic Officer Budget Approval for 2009 – Mr. Greene referred the Board to pages 65 to 67 for the draft traffic officer budget for 2009. The proposed amount is \$191,920, as compared to \$190,640 for 2008. The difference is due to one of the days after Christmas falling on a Sunday. Mr. Lundeen asked if there were any changes with rates, etc. since

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last year. Mr. Greene said no. Mr. Greene also discussed with the Board a proposal from the officers to add extra officers and extend some time periods as necessary in trouble spots for 2009. The extra cost would be \$57,200. The Board asked that the proposal be investigated further, before making a decision. A motion was placed before the Board by Mr. Lundeen to approve the Traffic Officer budget for \$191,920 for 2009; seconded by Mr. Shell. Unanimously approved by the Board.

c) BATMA Grant Renewal - \$150,000 – Ms. Starling again referred the Board to the BATMA presentation in the board packet. She stated that BATMA has had a stellar year effectively reducing vehicle emissions. Mr. Allman asked about the BATMA grants which are pending and whether or not the board should wait on approval based on the results and possible change to the grant request of the Board. Ms. Starling and Mr. Greene both said that it would be ok to go ahead with the motion as is and not wait. A motion was placed before the Board by Mr. Lundeen to renew the grant to BATMA for \$150,000 for 2009; seconded by Mr. Shell. Unanimously approved by the Board.

d) Pope & Land – ROW Donation Streetscape Reimbursement \$109,057 – Mr. Greene mentioned that Pope & Land is donating \$345,000, and will install ROW improvement specifications in advance of the project if needed. A motion was placed before the Board by Mr. Lundeen to reimburse Pope & Land for up to \$109,057; seconded by Mr. Shell. Unanimously approved by the Board.

e) Supplemental Change Order for ABM \$3,200 – Mr. McHugh noted that it is not ABM but Brickman for whom there is a supplemental change order. Mr. McHugh reminded the Board of the supplemental change order with Brickman for \$3,200 to do work on the landscape buffer. A ratification is needed. A motion was placed before the Board by Mr. Lundeen for a supplemental change order with Brickman for \$3,200, to replace liriopes and do other work in the landscape buffer; seconded by Mr. Loudermilk. Unanimously approved by the Board.

8) Executive Session – Upon motion by Mr. Shell, second by Mr. Lundeen, the Board unanimously approved entering into Executive Session to discuss compensation and periodic evaluation of employees. Upon conclusion of the Executive Session, upon motion by Mr. Lundeen, second by Mr. Shell, the Board voted unanimously to reconvene

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the public meeting. Upon motion of Mr. Lundeen, second of Mr. Shell, the Board voted unanimously to an increase in the compensation budget and for the Chairman to communicate the action.

- 9) The meeting adjourned at 5:49pm. The next regularly scheduled Board meeting will be in the same location on January 27 at 3:30 pm.

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

Secretary