

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

## **Minutes**

**April 28, 2009**

- 1) A Meeting of the Board of Directors of the Buckhead Community Improvement District was held on April 28, 2009 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 3:41pm.
- 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, Vice Chairman, Charles Ackerman, Earl Shell and Claude Petty. Scotty Greene, Executive Director, Denise Starling, Executive Director for BATMA, Brian McHugh, Project Manager (who joined the meeting at 4:25 pm), Jo-Anne Carlson, Board Secretary, and Lynn Rainey, Board Attorney were also present. Guests present included Garth Peters of the Buckhead Coalition, Vicki Gavalas of Street Smart and Sara Cuomo, Office Manager for the Buckhead CID and BATMA.
- 3) A draft of the Minutes from the March 24, 2009 Board meeting were reviewed. Mr. Shell made a motion to approve the Minutes; seconded by Mr. Petty. The motion passed unanimously.
- 4) Treasurer's Report: Mr. Greene noted the inclusion of the standard monthly reports and payables in the board packets, and mentioned that \$5.6 million uncommitted funds are available through the remaining life of the CID.
  - a) Mr. Greene referred the Board to handouts regarding Peachtree Boulevard Phase II Right of Way projected costs. He stated that cash flow should be fairly constant and strong, and reminded the Board of an overmatch which is taken into consideration in the cash flow projections. Regarding the Right of Way budget, Mr. Greene anticipates that the CID will be around \$11,000 or \$12,000 over the last amended budget of \$468,000. There is still the possibility of around \$6 million in funds from Senator Isakson and Congressman Lewis funding requests. There are four parcels left to close. He anticipates the Simon parcels to close around Wednesday and the Larry Kelly parcels on Thursday or Friday. The Hines parcel closing process is slow. Mr. Greene also said that, though we missed the April 15 date because not all parcels closed, we should still close in time for a July letting.

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5) Shuttle Report: Ms. Starling gave a status report on the shuttle (see page 15 of the board packet). She noted that there is advertising on 'the buc' from ReMax. 'the buc' website is also being upgraded. The City of College Park has inspected and likes the old buses, so there is the possibility of an offer. Ms. Starling reported that she is still working on getting stimulus funding for the shuttle in the amount of \$154,000. There is also interest in a Village shuttle route which Ms. Starling is pursuing.

Ms. Starling approached the Board about property insurance for the old buses and getting approval, but was reminded that this was approved at the March 24, 2009 Board meeting. Other updates on the insurance process included working with GRTA to approve Lloyds of London as a valid insurer for the vehicles. The issue was whether or not alien insurers could write in the state of Georgia.

Ms. Starling referred the Board to the FTA letter that was sent on March 26, 2009 (page 23) to review at their leisure.

Regarding Van Pools, Mr. Starling stated there was nothing new, and there are 19 vans in operation. Assuming this trend continues, the program should be under budget compared to what was approved by the Board to subsidize the program.

6) Executive Director's Report:

a. Peachtree Boulevard Project Update:

1) Phase I Construction Update – Regarding maintenance issues, Mr. McHugh mentioned to the Board the need to get a maintenance proposal for street lighting. He is working with BB&H and hopes to have a proposal for the May Board meeting. The cost per streetlight (through BB&H) is \$4.50, but there is a different cost for pedestrian lights. He will get both costs. Members of the Board questioned why the City was not involved in this, and asked that Mr. McHugh check on that and also check with the Midtown and Downtown CIDs on their experiences with lighting issues and the City. If nothing comes from the City, then we do it ourselves.

2) Phase II – see 4) (a).

b. Piedmont Corridor Implementation:

1) Habersham: see 7) (d) below.

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- 2) 3 / 2 Conversion & Peachtree / Pharr Segment: see 7) (c) below.
  - c. SPI-9: Ms. Starling mentioned that there is a draft of the SPI-9 final document in the board package (page 46). It is a three-part document: regulations, incentives and TDR. The next steps for the document include working with Councilperson Howard Shook to introduce legislation to council; then it will go through NPU for approval and then back to the City. The entire process should take about four months.
  - d. Concourse Bridge update: Mr. Greene and Mr. McHugh discussed the project. The construction start date is in 2011, and they are still working on reducing the start time, so far without much success. Bi-monthly meetings have been helpful in keeping things going and everyone informed. MARTA has decided to take the design process in-house as they feel it would be faster. Mr. McHugh continues to work with Equity One and Regent Partners on resolving sewer issues.
- 7) New Business:
- a) Proposed Millage Rate to Advertise – Mr. Rainey discussed the proposed millage rate. He told the Board that the CID may not be able to vote on the millage rate in May as projections for the 2009 assessed value may not be available in time. The 2009 assessed value is a necessary part of the process. A special meeting may be needed in June to vote. Mr. Rainey is working with the Tax Commissioner's office on this issue. They have relaxed the June 1<sup>st</sup> requirement since there is still a lot going on with 2008 appeals, and other issues. Mr. Rainey asked the Board if he should advertise 3 mills; the Board said yes. When questioned about Board elections, Mr. Rainey told the Board that he has advertised for a May 27<sup>th</sup> Caucus of Electors for Posts 4, 5, 6, and 8. Mr. Shell will not run for re-election. Mr. Lundeen and Mr. Romstad will be running. Interest has been expressed by Tom Bell of Cousins. There has been no response as yet from Mr. Alexander as to whether he will run for re-election. Jim Edenfield has expressed interest. Mr. Greene reminded the Board that anyone who owns property in the CID can nominate themselves to the Board. The Board asked to be informed in advance of the next Board meeting as to who will be running for the Board. No motion necessary at this time.
  - b) Buckhead Village Island Landscape Install Ratification for \$412 - Mr. Greene mentioned to the Board that last month, \$4,063 was authorized for the Buckhead Village installation. However, the actual amount is \$4,475. Need Board authorization for the

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additional \$412. A motion was placed before the Board by Mr. Lundeen to ratify the \$412 additional cost to replace trees destroyed in the Village in December 2008; seconded by Mr. Petty. Unanimously approved by the Board.

c) 3 / 2 Conversion Design Contract – Mr. Greene and Ms. Starling discussed the proposals received for the 3 / 2 design contract. The top two are URS and Kimley Horn. The cost ranges from \$208,000 to \$258,000. Interviews will be held on May 5<sup>th</sup>, and 45 minutes will be given to each presenter. Mr. Greene said that any Board member that would like to attend is welcome. Various Board members asked about the 3 / 2 conversion, what it entailed, and why. Ms. Starling was asked to bring visuals for the next Board meeting. Mr. Greene asked the Board for authority to enter into a contract with the winning bidder prior to the May meeting as they are trying to get the project shovel-ready by 2010 to be eligible for Phase 2 stimulus money. A motion was placed before the Board by Mr. Lundeen to enter into a contract with the winning bidder not to exceed \$224,000 subject to review of counsel and at the discretion of the Executive Director for the 3 / 2 conversion design; seconded by Mr. Ackerman. Unanimously approved by the Board.

d) Habersham Design Contract – Mr. Greene told the Board that the CID is still working with private property owners on right of way issues. He mentioned that Board authority is needed to enter into a contract with Kimley Horn for up to \$67,000 to work on design for Habersham, pending resolution of right of way issues. A motion was placed before the Board by Mr. Petty to enter into a contract of up to \$67,000 with Kimley Horn for design on Habersham, pending commitment from all affected property owners on right of way issues; seconded by Mr. Shell. Unanimously approved by the Board.

e) SPI-9 Transmission to the City – Mr. Greene mentioned to the Board the SPI-9 study is complete and will shortly be sent to the City. Board approval is needed to transmit the report to the City. A motion was placed before the Board by Mr. Lundeen to approve transmission of the SPI-9 study to the City for introduction at Council; seconded by Mr. Ackerman. Unanimously approved by the Board.

f) IEI (Shuttle Contract Compliance) Contract – Ms. Starling referred everyone to page 77 of the Board packet. This is the Shuttle compliance contract from Interactive Elements Inc. (IEI) that is brought before the Board periodically for approval. The amount has been

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renegotiated down 24% due to the change in contract structure. It is within previously approved Shuttle budgets. The cost per month is \$1,040, which would be \$12,480 for the year. A motion was placed before the Board by Mr. Lundeen to approve the Interactive Elements, Inc. contract; seconded by Mr. Ackerman. Unanimously approved by the Board.

g) Shuttle Release and Indemnification Agreement – Ms. Starling referred the Board to page 81 of the Board packet. American Coach has asked if it agrees to allow our old buses to be stored at its facility that the CID sign an Agreement to hold American Coach harmless from liability unless it is grossly negligent or is guilty of willful and wanton misconduct. A motion was placed before the Board by Mr. Lundeen to approve the Shuttle Release and Indemnification Agreement; seconded by Mr. Ackerman. Unanimously approved by the Board.

h) LCI – Authorization of Funds – Ms. Starling asked the Board to authorize \$6,000 to cover the full cost of study. This is over the original amount previously approved for the study. It involves market research and legal review. It was originally thought the extra cost could be taken from the BAC / LCI account, but those funds are restricted. A motion was placed before the Board by Mr. Lundeen to authorize the payment of \$6,000 for the extra costs incurred in the preparation of the SPI-9 study; seconded by Mr. Petty. Unanimously approved by the Board. Mr. Greene asked Ms. Starling to bring in the information from the market and design portion of the study for the next Board meeting.

8) Miscellaneous – Mr. Petty expressed concern about the appearance of the stalled construction project in the Village. Mr. Allman asked Mr. McHugh to check with Jim Woodcox and others regarding Streets of Buckhead for any updates.

9) The meeting adjourned at 5:10pm. The next regularly scheduled Board meeting will be in the same location on May 27 at 3:30 pm.

APPROVED BY THE BOARD, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Secretary