

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

May 27, 2009

- 1) A Meeting of the Board of Directors of the Buckhead Community Improvement District was held on May 27, 2009 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 3:30pm.
- 2) The Board Secretary checked off attendance and reported that a quorum was present. Members in attendance in addition to Mr. Allman were: Mike Romstad, Vice Chairman, Charles Ackerman, Earl Shell, Robin Loudermilk, Claude Petty and Mark Alexander. 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 of the Buckhead Coalition, Sara Cuomo, Office Manager for the Buckhead CID and BATMA, Tom Bell of Cousins Properties and Scott Selig of Selig Enterprises.
- 3) A draft of the Minutes from the April 28, 2009 Board meeting were reviewed. Mr. Loudermilk made a motion to approve the Minutes; seconded by Mr. Romstad. 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 informed the Board that all non-shuttle and shuttle payables were within budget. No Board action is needed. Mr. Allman asked about the 2009 assessments and when that information would be available. Mr. Rainey said that, according to Gladys Bradfield at the Fulton County Tax Commissioner's Office, they hope to have finalized the 2008 assessment values, and have projected 2009 assessment values around June 6th. A special Board meeting may need to be called to approve our 2009 millage rate.
- 5) Shuttle Report: Ms. Starling gave a status report on the shuttle (see page 16 of the Board packet). She reported that ridership is steady, and that the new and improved website for 'the buc' will launch by the end of the week. Ms. Starling told the board about a summer program for 'the buc' called 'Little bucs Adventure Shuttle'. Its focus will be on kids, with on-board activities. There is a lot of sponsorship for the program,

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

May 27, 2009

including Music Class, Abbadabbas and Buckles Shoe Store. There is a lot of interest in the program. The City of College Park is still interested in 4 or 5 of the old buses. Ms. Starling said that she is working with Robin Loudermilk on a possible Village shuttle route.

The insurance for the old buses has been executed. Ms. Starling referred the Board to the FTA letter that is on page 23 of the Board packet. Its response was a negative on the issue of less than a 10-year life for the old buses. Both Ms. Starling and Mr. Greene stated that the letter did not address the issues raised in their letter to the FTA, and will continue working toward a resolution of this matter.

Regarding Van Pools, Mr. Starling stated there was nothing new, and there are 19 vans currently in operation. Assuming this trend continues, the program should be greatly 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 that seasonal color has been installed, and that watering has been reduced to two nights a week, which greatly reduces cost.
- 2) Phase II – Mr. Greene stated that the purchase and certification of \$16 million of right of way is complete. Currently, there are two pots of money being pursued for construction from GDOT stimulus funds and ARC. The let date will be in either August or October of 2009.

b. Piedmont Corridor Implementation:

- 1) Habersham: see page 27 of Board packet. Mr. Greene mentioned that there has been no movement on this issue, and hopes to work with John Lundeen to get a meeting with high-ranking officials at Northwestern Mutual to work toward a resolution.
- 2) 3 / 2 Conversion & Peachtree / Pharr Segment: see page 26 of Board packet. Mr. McHugh stated that the conversion and design contract was awarded to both Kimley-Horn and URS, each of whom have strengths that will be used to complete the design contract. The final cost was \$220,000 (for both firms),

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

May 27, 2009

which was \$5,000 less than originally proposed. It should take around 6 months to complete the work.

- 7) Executive Session – A motion was placed before the Board by Mr. Alexander to go into Executive Session to discuss an employee, seconded by Mr. Petty, and unanimously approved by the Board. At the conclusion of the Executive Session, Mr. Shell moved to return to Open Session, seconded by Mr. Ackerman, and unanimously approved by the Board.

Caucus of Electors

Election for Posts 4, 5, 6, 8 – At 4:00pm, Mr. Rainey asked for a recess of the Board meeting in order to convene the Caucus of Electors. Mr. Petty put forth a motion to recess for the caucus; seconded by Mr. Romstad. Unanimously approved by the Board. The Chairman directed Mr. Rainey to conduct the election. Mr. Rainey gave the Board members a handout containing the proposed Rules of Caucus, which he then reviewed with the Board. A motion was placed before the Board by Mr. Petty to accept the Rules of Caucus; seconded by Mr. Loudermilk. Unanimously approved by the Board. There was only one nominee for each post and each was unanimously elected by the Caucus as follows:

- Post 4 John Lundeen – 4 year term
- Post 5 Mike Romstad – 2 years remaining on term
- Post 6 Tom Bell – 4 year term
- Post 8 Scott Selig – 4 year term

Mr. Rainey swore in Mr. Romstad, Mr. Selig, and Mr. Bell as new members of the Board of Directors. (Mr. Lundeen was not present and will be administered the oath at a future time.) At 4:15pm, there being no further business for the caucus, a motion was placed before the Board by Mr. Romstad to adjourn the caucus; seconded by Mr. Loudermilk. Unanimously approved by the Board.

8) Miscellaneous:

- a. Recognition of Retiring Board Members: The Board meeting was reconvened. Mr. Alexander and Mr. Shell, who did not offer themselves for re-election, were

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

May 27, 2009

honored by the Board with appropriate mementoes and thanked by the Board for their faithful and effective service to the CID.

b. Village: Mr. Greene told the Board that he and Mr. McHugh met with Ben Carter Properties to discuss their plans for continuing construction, work on moving the fence back, and putting in sidewalks on E. Paces Ferry and Peachtree Road. Tom Bell asked if the CID would pay for the sidewalk construction, and Mr. Greene stated that it would be a temporary fix and the CID would pay. There is money left in the Woodruff grant. Mr. Loudermilk and Ms. Starling discussed having 'the buc' in the Village to show activity in the area and support local merchants. Mr. Loudermilk will update the Board at the June meeting with activities in the Village, and Ms. Starling will have a presentation for 'the buc'.

c. Concourse Bridge update: Mr. Greene gave a brief overview of the bridge project, saying that it is a \$23 million effort, with five funding sources. Mr. McHugh stated that construction is projected to start in December 2010, and end in December 2012.

d. SPI-9: Ms. Starling reminded the Board that a draft of the SPI-9 final document was included in last month's board package. Since then, there have been minor updates to the document, which came from a meeting with Bradco. Mr. Greene mentioned that he received some comments from Ben Carter Properties this morning and will share those with Ms. Starling so they can also be incorporated into the document. The entire process, including routing through City Council and NPU, should take about four months.

9) Executive Session – A motion was placed before the Board by Mr. Petty to go into Executive Session to discuss an employee, seconded by Mr. Romstad, and unanimously approved by the Board. At the conclusion of the Executive Session, Mr. Romstad moved to return to Open Session, seconded by Mr. Loudermilk, and unanimously approved by the Board.

10) Upon the recommendation of Mr. Allman, Mr. Petty moved to retain the services of Egon Zehnder for an executive search for an amount not to exceed \$50,000, seconded by Mr. Loudermilk, and unanimously approved.

11) Mr. Allman expressed interest in scheduling a Board retreat during the first half of August, to be facilitated. The Board is in agreement for it to be organized.

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

May 27, 2009

- 12) The meeting adjourned at 5:05pm. The next regularly scheduled Board meeting will be in the same location on June 23 at 3:30 pm.

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

Secretary