

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

July 28, 2009

- 1) A Meeting of the Board of Directors of the Buckhead Community Improvement District was held on July 28, 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 3:52 pm.

- 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. Larry Gellerstedt, a prospective member, was also in attendance and would be voted in as a member once a quorum was present. Scotty Greene, Executive Director, Denise Starling, Executive Director for BATMA, Brian McHugh, Project Manager, and Jo-Anne Carlson, Board Secretary were also present. Guests present included Garth Peters of the Buckhead Coalition, Kelly Bollinger of Carr, Riggs & Ingram, Sally Silver of NPU-B, Eric Bosman of Urban Collage, Eric Cox of American Coach, Scott Johnston of Talisman Partners, Dwayne Johnson of Smith Real Estate, and Taylor Frame of Alliance Real Estate. At 3:47 pm, Mr. Greene initiated a conference call to include Board members Mike Romstad and Scott Selig in the meeting. He then called Claude Petty on his iPhone, and at that point, as stated under the by-laws, we had a quorum. All persons participating in the meeting could hear each other, and the public could hear all discussion and votes.

Mr. Petty arrived at the Board meeting at 4:35pm.

- 3) A draft of the Minutes from the May 27, 2009 Board meeting and the June 23 Board meeting were reviewed. Mr. Lundeen put forth the motion to approve the Minutes; seconded by Mr. Selig. The motion passed unanimously.

Treasurer's Report: Mr. Greene noted the inclusion of the standard monthly reports and payables in the board packets. In response to Mr. Allman's question on assessments, he said that approximately \$4.5 million in taxes have been collected for 2008 at the 2007 millage rate. Some assessments are still under appeal. Fulton County hopes to have the rate for 2008 by the third week in August.

- 4) Shuttle Report: Ms. Starling told the board that she is working with College Park to

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help it with an operating plan. She has provided College Park with information that can be used as a model.

Climate Showcase Communities Grant – Ms. Starling informed the board that she put in an application on behalf of the CID for the Climate Showcase Communities Grant. It has a 50 / 50 match, and she was able to include such items as SPI-12. Approval or denial of the grant will take place in September, which gives enough time to find out more about the grant, its uses and possibilities for the CID. There was no time to brief the board before applying for the grant as it happened at the last minute.

Atlanta Sustainable Building Ordinance – Ms. Starling referred the Board to page 24 in the board packet. These pages give an overview of the ordinance, strengths and weaknesses. Sally Silver mentioned that a lot of questions were raised by City Council, and that Councilperson Howard Shook has said he will not support the ordinance as it is currently written. A discussion followed. Ms. Starling mentioned that the CID might want to weigh in on the ordinance later on as things progress.

5) Van Pool Report: There was nothing to report.

6) Executive Director's Report:

a. Peachtree Boulevard Project Update:

- 1) Phase II – Funding and Bid Let Schedules: Mr. McHugh referred the board to page 27 of the Board packet which showed the bid let schedule, estimated start and end dates of construction for Phase 2.
- 2) Phase II – PR Budget: Mr. Greene told the board that he plans to meet with Brennan Robison, formerly of Alisias, in August to refresh and update the Phase 1 communication plan for use in Phase 2.
- 3) Peachtree Phase III – Preliminary Engineering Right of Way Plan Estimates and Schedules – see 7)(e).

b. Piedmont Corridor Implementation:

- 1) Habersham: Mr. Greene told the Board that getting permission for connecting the decks is difficult. He is pursuing getting a scope for a traffic signal at driveway A and getting it timed with driveway B.
- 2) 3 / 2 Conversion & Peachtree / Pharr Segment: Mr. Greene informed the Board

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that Kimley-Horn withdrew from the 3 / 2 contract, and now URS will do all the work. Page 30 shows the revised number, which is \$214,505. As a side note, Mr. Greene mentioned that he will be meeting with Gerald Ross on July 29th at 2pm for a Piedmont Road Concept briefing.

- c. SPI-9: see 7)(g).
- d. Concourse Bridge update: see page 31. Mr. McHugh told the board that MARTA is finishing up the 30% design document, and should be done by the end of August, to be approved in September. After that, the CID will need to hire a team to do easement work. Mr. McHugh said that we may need to look at proposals so we can be ready in August. In passing, he mentioned the glass that is being proposed as part of the design for the project, and the board asked that a sample be brought to the retreat on August 4th.
- e. MARTA Stimulus Offset Funds – Mr. Greene told the board about the availability of \$8.5 million in stimulus funds that will be divided up among various entities and projects in Georgia. He mentioned that the CID could put in a funding suggestion of \$800,000 or \$900,000. These funds would have to be tied to a project – connected to a station, bus or rail, but can't be operational. Could be bus shelters, sidewalks, etc.

7) New Business:

- a) Appointment of Larry Gellerstedt to the Board – Mr. Greene referred the board to pg 65 of the board packet, which showed Tom Bell's resignation letter from the Board. He also noted the presence of Larry Gellerstedt, who needed to be sworn in as a member of the Board to serve the remainder of Mr. Bell's term.

A motion to accept the resignation of Tom Bell from Board Post 6 was placed by Mr. Selig; seconded by Mr. Lundeen. Unanimously approved by the Board.

A motion to appoint Larry Gellerstedt as a new Board member to Post 6, who will serve until the next regularly scheduled election which will be in 2011, was placed by Mr. Petty; seconded by Mr. Lundeen. Unanimously approved by the Board. Mr. Petty left the call at 3:55 pm.

- b) Buckhead CID Audited Financial Statements year ended 12/30/08 – Mr. Greene

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introduced Kelly Bollinger of Carr Riggs & Ingram to the Board. Mr. Bollinger stated that his firm gave an unqualified opinion on the financial statements. The only issue involved the shuttle early termination and accrual for the old buses. A motion was placed before the board by Mr. Lundeen to approve the audit of financial statements for the Buckhead CID for year ended 12/30/08; seconded by Mr. Gellerstedt. Unanimously approved by the Board.

c) Phase II Utility Relocation – Mr. McHugh referred the board to page 62 of the board packet. It shows known utility costs of \$657,148.64. GDOT requires formal action by the board to accept these costs. A motion was placed before the board by Mr. Lundeen to accept the known utility cost of \$657,148.64; seconded by Mr. Gellerstedt. Unanimously approved by the Board.

d) Buckhead Village Sidewalk Rehab – not discussed.

e) Peachtree Phase III Preliminary Engineering (URS) – Mr. McHugh referred the board to page 28 of the board packet which showed estimates of Phase 3 project costs. The total projected cost is \$7.8 million, which includes the engineering and construction documents, right of way fees and purchase and construction costs. Mr. Lundeen expressed concerns about pursuing work on the project, and a discussion ensued as to where the CID was heading the future, whether the money should be spent on Phase 3 or put on hold. Mr. Greene stated that these and other related issues will be discussed at the August 4th Board retreat. A suggestion was made to get an interim scope, with alternatives, perhaps a different design. The decision on Phase III will be deferred until the August 25th board meeting.

f) Peachtree Corridor Phase 2 Final ROW / Design Costs & Budget Amendment – Mr. Greene stated that the amended Phase 2 right of way budget of \$468,000, after all the closings, went over-budget by \$62,709.31, mainly due to attorney fees and cost to cure fees accrued on difficult parcels. He also mentioned that, on design related to right of way for Phase 2, we went over the URS budget by \$11,979. This cost occurred in 2008 around the time negotiations were difficult with Macy's and new drawings for landscaping, etc. had to be done. URS worked with HGOR to get this work done, but we were never billed until this year. Both the \$62,709.31 and \$11,979 have been paid and the board needs to

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approve amendments to the budgets. A motion was placed before the board by Mr. Gellerstedt to amend the Phase 2 right of way budget by \$62,709.31; seconded by Mr. Lundeen. Unanimously approved by the board. (At a later point in the meeting, Mr. Greene informed the Board that he had read off the wrong number as being over-budget on right of way costs. He was off by around \$15,000. This will be corrected and voted on at the next board meeting.)

A motion was placed before the board by Mr. Gellerstedt to amend the URS budget by \$11,979; seconded by Mr. Lundeen. Unanimously approved by the board.

g) SPI-9 Budget Amendment – Ms. Starling referred the Board to page 64 of the board packet. After having submitted the SPI-9 document to the City, the City stated that it would prefer to have a stand-alone district rather than an overlay to simplify administration and understanding for all properties. This will require further work on the document and a budget amendment. Total additional services for 60 days of work, which include SPI-9 map updates, text updates and meetings will be \$18,000. A discussion ensued. A motion was placed before the board by Mr. Lundeen to approve an amendment of \$18,000 to the SPI-9 budget; seconded by Mr. Gellerstedt. Unanimously approved by the board.

h) Approval of Phase 2 Right of Way Overmatch of \$3,821,664.43 – Mr. Greene mentioned to the board that we did not have sufficient federal funds for right of way in Phase 2 and had to overmatch by approximately \$3 million. A motion was placed before the board by Mr. Lundeen to approve an overmatch of \$3,821,664.43 on Phase 2 Right of Way costs; seconded by Mr. Selig. Unanimously approved by the board.

i) Carr Riggs & Ingram – NTD Audit – Mr. Greene mentioned a last minute add to new business as submitted in writing by Ms. Starling. The NTD Audit that is done annually on the shuttle has once again been contracted to Carr Riggs & Ingram. Responding to a question by a board member as to the cost of the audit, Ms. Starling couldn't recall but said it should be the same as what was approved last year. A motion was placed before the Board by Mr. Gellerstedt to approve the NTD audit contract with Carr Riggs & Ingram; seconded by Mr. Lundeen. Unanimously approved by the Board. (On returning to the meeting after the Executive Session, Ms. Starling stated that she researched the cost and it

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would be around \$8,200 for the NTD audit.)

Executive Session: A motion was placed before the board by Mr. Lundeen to go into executive session to discuss an employee; seconded by Mr. Gellerstedt. Unanimously approved by the Board. At the conclusion of the Executive Session, the Board unanimously approved returning to Open Session.

- 8) The meeting adjourned at 5:58 pm. The next regularly scheduled Board meeting will be in the same location on August 25 at 3:30 pm.

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

Secretary