

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

August 25, 2009

- 1) A Meeting of the Board of Directors of the Buckhead Community Improvement District was held on August 25, 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 3:35 pm.

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, Larry Gellerstedt, Charles Ackerman, Robin Loudermilk, Claude Petty, Howard Shook, and Scott Selig. Scotty Greene, Executive Director, Denise Starling, Executive Director for BATMA, Brian McHugh, Project Manager, Lynn Rainey, Board Attorney and Jo-Anne Carlson, Board Secretary were also present. Guests present included Sally Silver of NPU-B, Dwayne Johnson of Smith Real Estate, Robert Reed, Commissioner Shelby, Ibrahim Maslamani of the Bureau of Buildings City of Atlanta, Robert Moses of Parsons Brinckerhoff, Terry Kasmenzak, Doug Crawford, and Jim Durrett of Livable Communities Coalition. Mr. Rainey swore in Robin Loudermilk as a reappointed Board member and Larry Gellerstedt as a newly elected Board member.

- 2) A draft of the Minutes from the July 28, 2009 Board meeting was reviewed. Mr. Selig put forth the motion to approve the Minutes; seconded by Mr. Gellerstedt. The motion passed unanimously.

Treasurer's Report: Mr. Greene noted the inclusion of the standard monthly reports and payables in the board packets and stated that there was no change to the numbers. He noted that the \$15 million in federal funds that has been approved is included as part of the report.

- 3) Shuttle Report: Ms. Starling referred the board to the supplemental handouts of the shuttle report, and mentioned that she continues to work with College Park on its operating plan and to facilitate the transfer of the old shuttle buses.

Atlanta Sustainable Building Ordinance – Ms. Starling introduced the presentation team for the proposed Atlanta Sustainable Building Ordinance. A discussion followed.

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

5) Executive Director's Report:

a. Peachtree Boulevard Project Update:

1) Phase II – Funding and Bid Let Schedules: Mr. Greene told the board that the bid let date has been moved to November. Mr. McHugh said that the mobilization and construction will begin in January 2010 and will avoid work being done over the holidays.

2) Phase II – PR Budget: Mr. Greene told the board that there is roughly \$12,000 left from the PR Budget used in Phase I. A scope and perhaps a budget will be ready by the next board meeting for review for use in Phase II.

3) Peachtree Phase III – Study and Evaluation – see 6)(e).

b. Piedmont Corridor Implementation:

1) Habersham: Mr. Greene told the Board that he met with Calvin Duncan regarding a scope for a traffic signal next to the Atlanta Housing Authority as a way to avoid condemnation costs. After meetings with John Lundeen and others involved, Mr. Greene feels that the original plan may not succeed, and perhaps a traffic signal might be a solution. A discussion ensued. Mr. Petty and Mr. Gellerstedt offered their assistance in the matter.

2) 3 / 2 Conversion & Peachtree / Pharr Segment: Mr. McHugh told the board that the next step is to get a P.I. number for the project and that URS is currently preparing the traffic study. He thanked Commissioner Shelby for writing a letter to Gerald Ross re: \$5,000 in federal funds to be used for preliminary engineering.

c. SPI-9: Ms. Starling told that Board the SPI-9 is changing to a stand-alone district and the process will take six months or less.

d. Concourse Bridge update: see page 11. Mr. McHugh told the board that the design has been well received for the Bridge. He referred them to the handout, which is a project sheet about the Concourse Bridge. Mr. Greene mentioned that we might be able to save 2 months of time, if MARTA allows this, to have owners donate right of way without appraisals.

e. Mr. Greene mentioned briefly that the Buckhead CID will be doing about \$5,000

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worth of weed wacking in the area, and this is a part of the current maintenance budget – no motions needed.

- f. 10 year Leverage Recap – Mr. Greene gave the Board the following handouts: BCID Projected Revenue and Potential Commitments through 2017; BCID Investments vs. Project/Program Return on Investment – September 1999 to June 2009; Peachtree Project (Phase 1 & 2) BCID Investments vs. Project Return on Investment; and BCID Peachtree Road Transformation Sources Uses Phase 1 and 2. He did a review of each document, and a discussion followed.

6) New Business:

- a) Budget Adjustments – Mr. Greene handed out a supplemental document (which replaced the one shown on page 15 of the Board packet). He mentioned that he had made an error in the last meeting when giving the numbers that needed to be adjusted and approved for Right of way costs. A motion was placed before the board by Mr. Gellerstedt to approve the following budget adjustments: Right of Way Fees for Phase 2 in the amount of \$15,187.74; Overmatch Adjustment for Phase 2 in the amount of \$72,586.89; Additional Surveys & Studies – URS for Phase 2 in the amount of \$2,143.28; Right of Way Plan Corrections – URS for Phase 2 in the amount of \$1,241.00; Phase 1 Right of Way Change Orders in the amount of \$1,007.94; Search Firm Expenses in the amount of \$200.00; seconded by Mr. Shook. Unanimously approved by the Board.

- b) Millage Rate 2009 – Mr. Rainey referred the Board to page 16 of the packet and the need to vote on the millage rate. A motion was placed before the board by Mr. Shook to approve the 3.0 millage rate for 2009; seconded by Mr. Lundeen. Unanimously approved by the Board.

- c) Approval of Scotty Greene Resignation - Mr. Greene referred the board to page 18 of the packet. It shows his letter of resignation (which the Board has known was coming for weeks) and he asked for the Board's approval. After the universal expression of gratitude to Mr. Greene for his valuable service to the CID for its inaugural 10 years, a motion was placed before the board by Mr. Lundeen to reluctantly approve the resignation of Scotty Greene as Executive Director of the Buckhead CID effective September 1; seconded by Mr. Selig. Unanimously approved by the board.

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d) Executive Director Designate – Jim Durrett was introduced as the selection members' choice to succeed Mr. Greene as Executive Director of the CID. – Mr. Allman referred the board to page 17 of the board packet. It shows a bio for Jim Durrett. Mr. Allman made supportive comments on the bio and his experience working with Mr. Durrett.

e) Phase III Study and Evaluation – Mr. Greene mentioned to the Board that he had met twice with John Lundeen regarding Phase III issues from Maple to Shadowlawn. The Buckhead CID would like to spend up to \$7,500 over a 90 day period to work on a modified design that would be amenable to the owners below Maple. A motion was placed before the board by Mr. Selig to spend an amount not to exceed \$7,500 over a 90 days to work on a modified design for the Phase III area of Peachtree Road from Maple to Shadowlawn; seconded by Mr. Gellerstedt. Unanimously approved by the Board.

Mr. Greene asked for the Board's indulgence to keep the calculator he has used while working for the Buckhead CID, as he has become quite attached to it. The Board agreed.

Mr. Petty asked for a summary of the information discussed during the Board retreat on August 4th. Mr. Greene told him that the board will receive a summary and other pertinent documents by the end of the week.

Executive Session: A motion was placed before the board by Mr. Lundeen to go into executive session to discuss the future acquisition of real estate and the appointment, compensation, and hiring of employees; seconded by Mr. Petty. Unanimously approved by the Board. At the conclusion of the executive session, upon the motion of Mr. Lundeen, second of Mr. Gellerstedt, the Board unanimously agreed to return to open session.

Upon the motion of Mr. Gellerstedt, second of Mr. Selig, the Board unanimously approved the letter agreement with Mr. Durrett as Executive Director.

Upon the motion of Mr. Gellerstedt, second by Mr. Lundeen, the Board unanimously agreed to increase the personnel budget by \$25,000.

7) The meeting adjourned at 5:20 pm. The next regularly scheduled Board meeting will be

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in the same location on September 29 at 3:30 pm.

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

Secretary