

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

November 24, 2009

- 1) A Meeting of the Board of Directors of the Buckhead Community Improvement District was held on November 24, 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, Claude Petty, Scott Selig, Robin Loudermilk, and Howard Shook. Jim Durrett, Executive Director, Denise Starling, Executive Director for BATMA, Brian McHugh, Project Manager, Lynn Rainey, Board Attorney, Sara Cuomo, BATMA and BCID Office Manager, and Jo-Anne Carlson, Board Secretary, were also present. Guests present included Chris Owens of Lowe Engineers, Rebecca King, a resident of the area, Elizabeth Pritchard of the Peachtree Battle Alliance, and Garth Peters of the Buckhead Coalition.

- 2) A draft of the Minutes from the October 27, 2009 Board meeting, the November 11, 2009 Board retreat follow up meeting and the November 20, 2009 special Board meeting were reviewed. Mr. Gellerstedt put forth the motion to approve the Minutes; seconded by Mr. Selig. The motion passed unanimously.

Treasurer's Report: Mr. Durrett noted the inclusion of the standard monthly reports including Financial Summary, Balance Sheet as of 10/31, Income & Expenditures YTD Comparison for October, and Revenues & Expenses Inception to Date and Non-Shuttle Accounts Payable through November 23 in the board packets and gave a brief review. Payables are within budget and pre-committed. He referred to page 9 of the packet which showed \$7.3 million for outstanding commitments, a change from last month due to double counting. Also, the costs for right of way changed, now showing \$1.3 million. Mr. Durrett also mentioned that we have begun to receive 2009 tax payments, and to date, a little over \$700,000. Mr. Lundeen had a question about reimbursable funds for Phase 2. Mr. McHugh said that he is working on getting \$1.516 million in reimbursements.

- 3) Shuttle Report: Ms. Starling referred the board to page 17 of the board packet. No

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update on the College Park transfer as things are about the same as last month. The holiday 'buc' service will begin on November 30th, and there will be elves on board. Ms. Starling referred to a handout which showed the route of holiday 'buc' service. A discussion ensued.

4) Van Pool Report: see 6(b) below.

5) Executive Director's Report: Mr. Durrett mentioned briefly that he was elected to the MARTA Board for DeKalb County. The Board congratulated him.

a. Peachtree Boulevard Project Update:

1) Phase II – Funding and Bid Let Schedules: Mr. McHugh told the board that the bid let date is December 11, and bids are being circulated. Referring to the \$1.516 million reimbursement of funds for Phase 2, he said that we are working on resubmitting invoices and hope to have most of the funds in four to five weeks, and the balance a few weeks after that. Construction should begin in February 2010 which is being paid for with 100% stimulus funding.

2) Peachtree Phase III – Study and Evaluation – Mr. McHugh said that he met with GDOT over a week ago regarding bike lane and parking issues. Will be checking with ARC and City of Atlanta on bike plans. Mr. McHugh mentioned in passing that he is working on an application through SRTA to the Georgia Infrastructure Bank on a \$3 million grant, which would be used in part for Phase 3 work. He estimated the cost of work on Phase 3 including right of way but without bike lanes to be \$4.5 million.

b. Piedmont Corridor Implementation:

1) Habersham: Mr. McHugh referred the Board to tab 1 in the board packet, which shows a schematic of the intersection. He has a meeting on December 1st to discuss the drawing. The Board asked for the document to be re-drawn to show a concept view, in color, which would be easier to read. When asked the timing on this project, Mr. McHugh said fiscal year 2012 when some of the funds could be applied for in a grant through SRTA and the Georgia Infrastructure Bank.

2) 3 / 2 Conversion & Peachtree / Pharr Segment: Mr. McHugh referred the board to page 24 of the packet. Mr. Durrett met with Gerald Ross, and he is

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supportive of the project. Mr. McHugh will meet next week with Gerald Ross' staff, make sure they are on the same page, and then meet with stakeholders. He also mentioned that the City of Atlanta has set aside \$200,000 in funds for ramp upgrades and work on pavements / intersections in the Lindbergh area, which will help the CID in the long run. Mr. Gellerstedt asked for a one page document that shows a review of each project mentioned, a 'refresher' as it were for those still new to the board. Mr. Durrett told the board that we are working on a map that shows all the projects for the CID.

- c. SPI-9: Ms. Starling told the board that, tentatively, a public meeting date has been set for December 8th. She will send out information once the date, place and time are verified. Ms. Starling should have requests for proposals at the next board meeting. City Council approval is not likely before March.
- d. Village Streetscape Program: Mr. Durrett told the board that he will be meeting with Dave Lanier of CBRE, which is a big lender to the Streets of Buckhead project, to figure out a win/win situation. He mentioned having a plan B, per the board's request, and this would be streetscapes. Mr. Durrett noted that recently Midtown asked for bids on streetscape work, and the proposals came in at \$0.60 on the dollar, which is a favorable trend for the CID, should we pursue this option. He has spoken with Silverman, with whom he and Mr. McHugh are working to get ideas for streetscape design. Mr. Durrett mentioned that there are still funds available in the Kimley-Horn and Silverman contracts that could be put to this use. When asked where the streetscape work would take place, Mr. McHugh said the old SPI-9 area – Grandview, Pharr and Peachtree. Approval of the board was needed to move forward with this concept of streetscape work. A motion was place before the board by Mr. Gellerstedt for Mr. Durrett to negotiate and enter into an agreement with Silverman or another party in an amount not to exceed \$19,000 to pursue streetscape design in the Buckhead Village; seconded by Mr. Loudermilk. Unanimously approved by the Board.
- e. Concourse Bridge update: Mr. McHugh mentioned that the 50 percent design drawings have been completed, and he is working with property owners and trying to get construction easements. There is a need to hire consultants to do title work and appraisals. Should have estimates and/or proposals at the next board meeting. Mr. Petty was concerned about the timeline as shown on page 25.
- f. Board Retreat Follow-up Meeting: Mr. Durrett asked the board for general

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comments on the board retreat follow-up meeting which took place on November 11th.

- g. Red Fields to Green Fields; Fact Sheets & FAQs: – Mr. Durrett reminded the board of the information on pages 26 to 28 of the board packet, as well as an email sent prior to the board meeting, mainly to keep the board aware of the project. He has spoken with Tad Leithead, who has met with Federal Reserve Bank of Atlanta. Mr. Leithead said the Bank is interested in the project. Mr. Petty raised concerns. Mr. Lundeen wanted to know if other CIDs were interested. Mr. Rainey said that Cumberland approved 20% of the total funds needed to develop a presentation for Washington. The Board would like to hear from Senator Isakson's office (who reportedly has expressed interest in this project) as to his stance.

6) New Business:

a) BATMA Grant Renewal - \$150,000 – Ms. Starling referred the board to page 29 of the board packet. She reminded the board that this is an annual grant request made to the CID regarding the shuttle program. Ms. Starling also reminded the board that the FHWA has frozen funding pending resolution of audit issues, so BATMA has to minimize its activities. When asked what else BATMA is pursuing in light of funding issues, she said that they are trying to open up their mission, pursue more sustainable activities – energy, water, things that have additional potential for funding. Mr. Petty asked for a list of BATMA board members, and also asked for documentation from the BATMA retreat. A motion was placed before the board by Mr. Lundeen to approve \$150,000 for the BATMA grant regarding general support for all programs in 2010; seconded by Mr. Gellerstedt. Unanimously approved by the Board.

b) Van Pool 2010 Funding – Ms. Starling referred the board to pages 31 to 36 of the board packet. She noted that funding for the van pool program comes from a variety of sources, which normally includes BATMA, GRTA and the CID. Due to funding being frozen by the FHWA, BATMA is unable to pay its part (and maintain staffing costs and minimal programs) and asks that the CID cover the cost BATMA would have paid for the vans for the year. Ms. Starling also mentioned that not all of the \$222,117 approved for 2009 was used this year (a peak of 34 vans, but only have 17), and would like to put the rest toward 2010, approximately \$166,000. A motion was placed before the board by Mr. Gellerstedt to reallocate the remaining funds from the 2009 van pool budget for use in

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2010, and to pay BATMA's portion of the vanpool costs for 2010, until such time as the FHWA has unfrozen CMAQ funding, at which point the board will re-evaluate its funding; seconded by Mr. Lundeen. Unanimously approved by the Board.

c) Interactive Elements Inc. – Contract Renewal: Ms. Starling referred the board to pages 36a to 36d of the board packet. She told the board Interactive Elements is retained to make sure 'the buc' is following protocol, and keeping the program in compliance. A motion was placed before the board by Mr. Lundeen to approve the contract renewal for Interactive Elements Inc. for 2010; seconded by Mr. Gellerstedt. Unanimously approved by the Board.

d) MARTA MOU – Mr. Durrett referred the board to pages 37 and 38 of the board packet. MARTA has asked that the CID agree to an amendment to our MOU that removes the expectation that the concourse bridge would be designed for vehicles. Mr. Durrett mentioned that he has met with Mr. Ackerman and Mr. Allman and they are amenable to this. A motion was placed before the board by Mr. Gellerstedt to authorize Mr. Durrett to sign the amendment, upon review by board counsel, of the MARTA MOU; seconded by Mr. Lundeen. Unanimously approved by the board.

e) Budget for Title Work & Appraisals re: Easements for Concourse Bridge: see 5(e) above.

f) Amending Charter to include Parks as authorized purpose – Mr. Durrett referred the board to pages 39 to 42 of the board packet. He reminded the board of the discussion during the November 11th meeting to expand our allowed purposes to include parks as an authorized purpose of the CID. Councilperson Shook has agreed to introduce a Resolution and Amendment to our Cooperation Agreement to City Council, and Mr. Rainey has prepared them. The process to amend the agreement should pass through the Council and be approved by December 7th. A motion was placed before the board by Mr. Gellerstedt to submit a proposed Supplemental Resolution and an amended Cooperation Agreement, to include "Parks and recreation areas and facilities" as an authorized purpose for the CID; seconded by Mr. Lundeen. Unanimously approved by the board.

g) Georgia Infrastructure Bank Application – Mr. McHugh reminded the Board of an

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earlier discussion during the meeting about seeking funds for Phase 3 and for the Habersham project through SRTA and the Georgia Infrastructure Bank. Approval is needed to pursue this grant. A motion was placed before the board by Mr. Lundeen to approve the pursuit of funds for upcoming projects through a grant application for \$3 million through SRTA and the Georgia Infrastructure Bank; seconded by Mr. Loudermilk. Unanimously approved by the Board.

Mr. Selig and Mr. Shook both gave a brief update on the Atlanta Sustainable Building Ordinance process.

- 7) Executive Session: Upon a motion by Mr. Gellerstedt, seconded by Mr. Lundeen, the board unanimously approved going into executive session at 5:00 pm for the purpose of discussing the compensation of an employee. At the conclusion of the session, upon the motion of Mr. Gellerstedt, seconded by Mr. Lundeen, the board voted unanimously to return to open session.
- 8) Upon the motion of Mr. Lundeen, seconded by Mr. Gellerstedt, the board voted unanimously to increase the 2009 personnel budget.
- 9) The meeting adjourned at 5:10 pm. The next regularly scheduled Board meeting will be in the same location on December 15 at 3:30 pm.

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

Secretary