

BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (CID)

Minutes

December 15, 2009

- 1) A Meeting of the Board of Directors of the Buckhead Community Improvement District was held on December 15, 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: Larry Gellerstedt, Mike Romstad, Charles Ackerman, Claude Petty, and Scott Selig. 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.

Mr. Durrett noted that the Board binders, per Mr. Gellerstedt's request, now have project tabs in the back with maps and summary pages to which board members can refer for CID projects.

- 2) A draft of the Minutes from the November 24, 2009 Board meeting was reviewed. Mr. Romstad put forth the motion to approve the Minutes; seconded by Mr. Ackerman. The motion passed unanimously.

Treasurer's Report: Mr. Durrett noted the inclusion of the standard monthly reports and payables in the board packets and gave a brief review. He also noted the Tax Revenue Status sheet on page 10 of the board packet. A discussion followed.

- 3) Shuttle Report: Ms. Starling referred the board to page 18 of the board packet. Ridership is steady, but the Village route is slow, with an average of 14 riders per day. Regarding the old shuttle buses, the consultant for College Park has given the plans to GRTA. Should hear something about the vehicle transfer on Monday.
- 4) Van Pool Report: Ms. Starling told the board that she is working with Lynn Rainey on the vendor contracts, and that VPSI and Enterprise have signed BATMA's 2010 Subsidy Agreement.

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SPI-12: Ms. Starling told the board that the application was submitted by the ARC deadline, and that the RFP is ready to go out this afternoon. Responses will be due by January 29, 2010, and a selection will be made in February.

5) Executive Director's Report:

a. Peachtree Boulevard Project Update:

1) Phase II – Funding and Bid Let Schedules: Mr. Durrett told the board that bids were opened by GDOT last Friday. There are six bids, and the lowest is a little over \$10 million. This bid is from the same contractor used in Phase I construction, and since the CID has a prior working relationship with them, this would be in our favor. In response to a question about right of way progress, Mr. McHugh said that there are a couple of condemnations, and he is working on getting reimbursements for approximately \$1.5 million. Construction should commence in February and the community is being notified.

2) Peachtree Phase III Study and Evaluation – Mr. McHugh told the board that he met with the City of Atlanta and the Atlanta Regional Commission to discuss taking the bike lanes out of the Phase III scope – less cost, lower impact on affected properties. If there is no bike lane, then GDOT needs good alternatives before it will approve this. Mr. McHugh said that the CID has begun searching for funding, and plans to submit an application to the Georgia Infrastructure Bank, through SRTA. Mr. Durrett said that he and Mr. McHugh will work on the application and come back to the board in January for approval. Mr. McHugh was asked to get information about the application sent in by Midtown.

b. Piedmont Corridor Implementation:

1) Habersham: Mr. McHugh told the Board that he is waiting on a response from the Piedmont Center property owners. He also needs to meet with the property owners on the west side of Piedmont. Mr. Allman asked about the timeline, and Mr. McHugh said that the plan is to complete the design in the next few months, and submit it for 2012 fiscal year funding.

2) 3 / 2 Conversion & Peachtree / Pharr Segment: Mr. McHugh told the board that documents have been reviewed by the State and the City of Atlanta. The next step is to get formal comments, go to the stakeholders and gain support.

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- c. SPI-9: Ms. Starling referred the Board to the supplemental section of the packet. The final public meeting was held on December 8th, and there were approximately 50 people in attendance. The document was generally well-received, with a few issues remaining, including open space, preserving existing conditions, signage, and committee representation. Final steering committee meeting will be in January 2010.
- d. Village Streetscape Program: Mr. Durrett told the Board that he and Brian McHugh met with Ben Carter Properties and CBRE Investors. A \$50,000 cost for an interim solution was discussed. CBRE is doing some leg work right now. Mr. Durrett mentioned that the CID has signed a contract with Silverman to do program management for the streetscape project. Also meeting with the Department of Public Works this Thursday about the Streets of Buckhead to see if anything can be done on this level to make the area around the project a safer one.
- e. Concourse Bridge: Mr. McHugh told the board that MARTA is working with property owners on easement definitions, and that stakeholder work needs to be done. Mr. Durrett mentioned that he will be meeting with Chris Breeden and others regarding parking issues during the project. Mr. Selig suggested an alternative for parking.
- f. Red Fields to Green Fields Atlanta: Mr. Durrett referred the board to page 27 of the packet. He said that Tad Leithead wrote the summary. Mr. Leithead and others are at a meeting in D.C. Interest in this area has grown. North Fulton, Gwinnett and Cumberland have all signed on with this project in one way or another. A discussion ensued. Mr. Rainey read the motions from North Fulton, Gwinnett and Cumberland so the board could consider alternatives. A motion was placed before the board by Mr. Gellerstedt to budget \$50,000 for study of governmental parks within the BCID to be released to Red Fields to Green Fields Atlanta, Inc. upon identification of projects and a budget to the satisfaction and within the sole discretion of the BCID board; seconded by Mr. Selig. Unanimously approved by the board.
- g. CID Expansion: Mr. Durrett told the Board that he is working on getting meetings with those property owners who have not as yet signed their consent forms.
- h. CID Charter Update: Mr. Durrett informed the board that City Council unanimously accepted the Resolution introduced by Howard Shook to expand the purposes of the CID to include "Parks and recreation areas and facilities".

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6) New Business:

a) Traffic Officer Budget Approval for 2010 – Mr. Durrett told the board that the budget for 2010 is just a little bit less than the one for 2009 – Ms. Cuomo concurred. Mr. Petty asked how the intersections are monitored, and how communication between the police officers is handled. He wants to be sure there is adequate communication all around. Mr. Durrett said he will get up to speed on this and verify that this is happening. A motion was placed before the board by Mr. Gellerstedt to approve the Traffic Officer Budget for 2010 in the amount of \$191,780.84; seconded by Mr. Petty. Unanimously approved by the Board.

b) Buckhead Community Bank – Mr. Durrett told the board that due to FDIC action, the Buckhead Community Bank is closed and its assets transferred to the State Bank & Trust, and that the Buckhead CID funds are, as such, fully collateralized and protected. We have received two notices to date from the bank and everything is in order. Mr. Allman said that the CID had been watching the situation for the past few months.

c) Connectivity Study between Phipps & Stratford – Mr. McHugh and Mr. Durrett said that they have been talking with property owners regarding better pedestrian and vehicle connectivity between Phipps & Stratford. Will start working on a request for qualifications, looking for long term and short term ideas.

d) Kimley-Horn Village Streetscape Design Services – Mr. McHugh reminded the board that the CID has engaged Silverman to do project management for the streetscape design in the Village. The CID would like to engage Kimley-Horn, who would, under Silverman's guidance, go through the existing plans, update them, recommend next phases, and advise which streets to undertake for construction. As Kimley-Horn still has money its current contract, the funds for this work would come from that, not to exceed \$21,000. A motion was placed before the board by Mr. Selig to re-engage Kimley-Horn for streetscape design services in the Village not to exceed \$21,000, decommitted from the remaining funds in the Kimley-Horn contract; seconded by Mr. Ackerman. Unanimously approved by the board.

e) ROW Consultant for Concourse Bridge – Mr. McHugh told the Board of the need to

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hire right of way consultants for the bridge project. He gave three options: a hybrid of right of way personnel and MARTA personnel, for approximately \$58,000; a right of way team for approximately \$74,300; and just doing the titlework, for about \$20,000. Mr. McHugh's recommendation is for the hybrid team. A motion was placed before the board by Mr. Ackerman to hire a right of way team led by Harvey Booker and include the use of MARTA personnel for the concourse bridge project, for an amount not to exceed \$58,000; seconded by Mr. Selig. Unanimously approved by the board.

- f) Executive Session – Upon a motion by Mr. Selig, seconded by Mr. Petty, the board unanimously approved going into executive session for the purpose of discussing the compensation of employees. At the conclusion of the session, upon the motion of Mr. Petty, seconded by Mr. Selig, the board voted unanimously to return to open session.
- 7) Upon the motion of Mr. Petty, seconded by Mr. Ackerman, the board voted unanimously to accept the 2009 bonus and 2010 salary adjustment recommendations of Mr. Durrett.
- 8) The meeting adjourned at 5:35 pm. The next regularly scheduled Board meeting will be in the same location on January 26, 2010 at 3:30 pm.

APPROVED BY THE BOARD, this _____ day of _____, 2010.

Secretary