

## BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (BCID)

### Minutes

July 27, 2022

#### **Preamble:**

A Meeting of the Board of Directors of the Buckhead Community Improvement District was held on July 27, 2022, pursuant to legal notice, at Terminus Commons, located at 3280 Peachtree Road NE, Atlanta, GA 30305. Chairman Thad Ellis called the meeting to order at 8:00 a.m.

#### **Attendance:**

Attendance was recorded and it was reported that a quorum was present. Members in attendance in addition to Mr. Ellis were Herbert Ames, Robin Suggs, Matt Rendle, Scott Snipes, Scott Werbel and Amy Knopf.

Also in attendance were Jim Durrett, Executive Director; Tony Peters, Director of Capital Projects and Programs; Matt Gore, Projects and Programs Manager; Denise Starling, Livable Buckhead Executive Director; Rebecca Stokes, Director of Finance; Lynn Rainey, Board Counsel.

Guests: Andrew Kohr, Pond & Company; Michael Leithead, Leithead Consulting; Matthew Katzmark, Carr Riggs & Ingram; Scott Ezzell, Carr Riggs & Ingram.

1. **Oaths of Office:** Mr. Rainey administered the Oath of Office to Amy Knopf upon her appointment to the Board and to Scott Snipes upon his reappointment to the Board.
2. **Board Meeting Minutes from April 27, 2022:** Mr. Durrett asked the Board to approve the Minutes from the April Board meeting. **MOTION: The draft of the April 27, 2022 Board Meeting Minutes were reviewed by the Board. Mr. Rendell made a motion to approve the April 27, 2022, seconded by Mr. Snipes. No objections were recorded. The motion passed unanimously.**
3. **Treasurer's Report:** Mr. Ames provided the Board with a review of the monthly financial reports included in the Board packet, current as of May 31, 2022. Mr. Durrett reported that we have received approximately \$6.7M in 2021 tax revenue. Mr. Rainey noted that projected tax revenue for 2019 and 2020 were flat. Mr. Durrett reported that the tax digest is projecting a 4% increase for 2022 but appeals are anticipated.
4. **2021 Audited Financials:** Mr. Katzmark, Carr Riggs & Ingram, presented a summary of the 2021 Audited Financial Statements of the CID. The 2021 financials were clean with no findings. An unqualified opinion was issued. A single audit was not required as BCID did not expend \$750K or more of federal dollars. Mr. Katzmark reported that this year, the IRS is requiring that our office space lease be reported as a liability on our balance sheet. We will determine how this will be reported between BCID, LBI and Buckhead Coalition

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as they all share lease costs. Rebecca Stokes was commended on her continued good work with the BCID financials. *Ref New Business #1*

5. **Projects and Programs Report:**

- a. **Public Safety:** Mr. Peters provided details about the Ribbon Cutting Event held for the new APD precinct in the West Village. The event was well attended and included the Governor, City of Atlanta Mayor, the interim City of Atlanta Police Chief, BCID Board Members and the media. Ms. Suggs stated Simon Properties has held two police recruitment events this year with each event resulting in approximately 100 recruits. Mr. Durrett reported that at next week's full city council meeting, they will be considering the proposed amendment to the Nuisance Property Ordinance, which will be a lot more stringent and is supported by BCID.
- b. **Peachtree Phase 3 Update:** Mr. Peters provided a summary of the project. Georgia Power has begun the utility relocation phase to bury its distribution lines. The contractor will begin its hardscape work in August. The goal is to reach substantial completion by Thanksgiving.
- c. **Piedmont Widening:** Mr. Peters presented a summary of the project. The right of way will be completed by the end of August, and we will be advertising for bids through in October. Construction will not begin until 2023 due to the complexities of the project. Mr. Durrett asked who will be overseeing the project. Mr. Peters responded that due to the large scope of this project, GDOT will be handling the construction management. Georgia Power will probably take six to nine months to move four transmission lines from Rooms to Go to Kroger.
- d. **Wieuca-Phipps Roundabout:** Mr. Peters stated right of way will be completed by the end of August, and we will be advertising for bids thereafter. The CID will provide procurement at the consent of the City.
- e. **Lenox Road Complete Street-Phase 1:** Mr. Gore provided a summary. The project is currently in the Right of Way acquisition phase that should be completed by the end of August. The project will be advertising for bids in October.
- f. **Lenox Road Complete Street-Phase 3:** Mr. Gore provided a summary of the project. The design concept report is being completed and will be submitted in late September. BCID will be hosting a public information meeting. We have shared initial designs with GDOT and they have been well received.
- g. **West Village Streetscapes:** Mr. Gore provided a summary. The project is in the last phase which includes Roswell Road from East Andrews to Irby. There has been a delay due to lack of concrete, but the contractor moved to mixing onsite so work could continue. Mr. Ames asked about the status of replacing broken

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streetlights. Mr. Gore stated the streetlights are on private property so he is speaking with property owners about getting them taken care of.

- a. **Infrastructure Maintenance:** Mr. Gore reported crews are working on Peachtree from Wieuca going north replacing pavers with stamped concrete. Mr. Durrett asked about a few missing light poles from Peachtree medians. Mr. Gore that we are working with our supplier to get those replaced. Mr. Durrett announced that we have hired Clifford Baldowski through Georgia Works. He will be working part-time and assisting Walter Dixon. Mr. Ames stated that the BCID should continue our relationship with Georgia Works when possible.
- b. **Miscellaneous Projects:** Mr. Durrett asked the board to consider a number of items under New Business.
  - a. BCID made a local match commitment of \$2M towards a \$7M CARES grant for HUB404 project. This grant would have addressed water and sewer infrastructure. We were unsuccessful in our grant application so the board was asked to de-commit the \$2M local match. ***Ref New Business #3.***
  - b. Project De-Commitments: The board was asked to consider a total de-commitment of \$117,923.29. Included in this total is \$74,523.29 for Peachtree Phase 4, \$30K for Project Delivery Effectiveness and \$13,400 for Pedestrian Connectivity Study. ***Ref New Business #7.***
- c. **HUB404:** Mr. Durrett provided a summary of the project. A meeting was held that included multiple stakeholders to discuss the current status of the project. It was a successful meeting and everyone demonstrated a commitment to the project. MARTA has agreed to take on fully the NEPA process, which removes a burden and a cost from the project. MARTA also offered to work with the FTA Regional Office because there is a federal interest. A decision was also made for City of Atlanta to apply for a federal grant through the Reconnecting Communities Pilot Program. If awarded, the funding can be used for planning and capital expenses. It would also be a significant funding source over the next five years. The grant application for these federal funds is due by October 13, 2022. To meet this deadline and to be most successful, a grant writer needs to be hired who understands the federal process. Mr. Robert Mariner is recommended, and his bio is available upon request. The board was asked to consider his proposal of \$40,000 plus expenses. ***Ref New Business #5.*** Mr. Durrett reminded the board that the Dentons contract needed to be extended. Dentons has reduced its monthly retainer for the remainder of 2022 to \$7,500. In 2023, the monthly retainer will increase to \$10K. The board was asked to ratify an extension of the contract with Dentons and \$102,500 for Federal government relations. ***Ref New Business #2.***

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Mr. Durrett reported that HUB404 was successful in the Congressional Direct Spending application to Congresswoman Nikki Williams and Senator Raphael Warnock. Congresswoman Williams include the HUB404 project in her list for the appropriations process. They accepted the list including \$750K for HUB404. Senator Warnock accepted the project allocating \$1.17 Million and it's going through the congressional process. Mr. Durrett asked the board to commit a local match of \$1.17M for the Congressional Directed Spending Grant. **Ref New Business #4.** Mr. Durrett asked the board to commit \$25,000 for federal grant support. This would compensate those that are pulling information needed for the grant submittal. Examples of who this would include are Andrew Core, Pond & Company; Jon Heath, Heath and Lineback; Rob Rogers, Rogers Partners. **Ref New Business #6.**

- d. **BUC 2.0:** Ms. Starling reported that the new micro-transit system launched at the end of April is doing great. We are seeing ridership growth and making some service changes to shorten the walk distances. There is a potential to expand the service to Brookhaven which would include Lennox Park. There are numerous promotions including one with Embassy Suites and one with Sweetgrass.
- e. **PATH400:** Ms. Starling reported that bids are due July 28<sup>th</sup> for the last major section of construction, Wieuca to Lorida. This phase is federally funded, and we are working through the City of Atlanta procurement process.
- f. **Express Bus:** Ms. Starling reported that we are looking at the opportunity to add express buses that would run from Cobb County to Buckhead. There are a lot of funding opportunities for electric buses so we will be exploring that option as well. There is a company, Helios, that is willing to provide the charging for these vehicles and we are working with MARTA for storing the buses. The next step is to work with Stantec to develop the service. **Ref New Business #8.**
- g. **Residential Study:** Mr. Durrett asked the board to consider an analysis of the trend over the past 20 years of residential development occurring within the BCID so as to inform the Board whether to pursue expansion of our tax base. KB Group has experience in this area and has done a similar analysis for Cumberland CID and Perimeter CID. **Ref New Business #9.**
- h. **Parking Study:** Ms. Starling reported that she is soliciting proposals to do a parking analysis in Buckhead. This information would be useful for zoning requirements and taxes. Ms. Starling will come back to the board with a commitment request based on proposals received. Meanwhile, Ms. Starling asked if there would BCID board members willing to review proposals and scope of the study. Mr. Ellis and Mr. Werbel stated they would participate.

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- i. **Executive Session:** Mr. Durrett asked the board to move to Executive Session. **MOTION:** Ms. Suggs made a motion to enter Executive Session to consult and meet with legal counsel pertaining to potential litigation, seconded by Mr. Rendle. The motion passed unanimously and the Board entered Executive Session at 9:54 a.m. At the conclusion of the Executive Session, upon the motion of Ms. Suggs, seconded by Mr. Ames, the Board unanimously agreed to adjourn the Executive Session at 10:01 a.m. and returned to Open Session.

**New Business:**

1. **2021 Audited Financials:** The board was asked to approve a motion to accept the 2021 Audited Financials. **MOTION:** Mr. Ames made a motion to approve the 2021 Audited Financial Statements; seconded by Ms. Suggs. No objections were recorded. The motion passed unanimously.
2. **HUB404 Federal Government Relations Support:** The Board was asked to ratify the extension of the Dentons agreement and \$102,500 for HUB404 federal government relations. **MOTION:** Mr. Werbel made a motion to ratify the extension of the Dentons agreement and \$102,500 for HUB404 Federal government relations; seconded by Mr. Ames. The motion passed 6-1 with Ms. Suggs opposed.
3. **HUB404:** The Board was asked to approve of de-commitment of the \$2M local match for an unsuccessful \$7M grant application. **MOTION:** Ms. Suggs made a motion to de-commit the \$2M local match; seconded by Mr. Ames. No objections were recorded. The motion passed unanimously.
4. **HUB404:** The Board was asked to approve a motion to commit \$1.17M local match for Congressionally Directed Spending grant. **MOTION:** Mr. Ames made a motion to approve a \$1.17M local match for Congressionally Directed Spending grant; seconded by Mr. Rendle. The motion passed 6-1 with Ms. Suggs opposed.
5. **HUB404:** The board was asked to approve a motion committing not-to-exceed \$45K for a federal grant writer. **MOTION:** Mr. Snipes made a motion to commit not-to-exceed \$45K to retain Robert Mariner as a federal grant writer for HUB404; seconded by Mr. Werbel. The motion passed 6-1 with Ms. Suggs opposed.
6. **HUB404:** The board was asked to approve a motion to commit not-to-exceed \$25K for federal grant support. **MOTION:** Mr. Ames made a motion to commit

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not-to-exceed \$25K for federal grant support for HUB404; seconded by Mr. Rendle. The motion passed 6-1 with Ms. Suggs opposed.

7. **De-Commitments:** The board was asked to approve a motion to de-commit \$117,923.29 for unused budgets of Peachtree Phase 4, Project Delivery Effectiveness and Pedestrian Connectivity Study. **MOTION: Ms. Suggs made a motion to approve a de-commitment of \$117,923.29 for unused budgets of Peachtree Phase 4, Project Delivery Effectiveness and Pedestrian Connectivity Study; seconded by Mr. Ames. Not objections were recorded. The motion passed unanimously.**
8. **Express Bus:** The board was asked to approve a commitment of not-to-exceed \$25K for Express Bus study by Stantec. **MOTION: Ms. Suggs made a motion to commit not-to-exceed \$25K for Express Bus study by Stantec; seconded by Mr. Werbel. No objections were recorded. The motion passed unanimously.**
9. **Residential Study:** The board was asked to approve \$2,200 for KB Group to do an analysis of the trend over the past 20 years of residential development in Buckhead. **MOTION: Mr. Werbel made a motion to commit \$2,200 for KB Group to do Buckhead residential development analysis; seconded by Mr. Snipes. No objections were recorded. The motion passed unanimously.**

The Board meeting adjourned at 10:01 a.m.

The next regular Board meeting is scheduled for October 26, 2022, at 8:00 a.m.

APPROVED BY THE BOARD, this 26th day of October, 2022.

  
\_\_\_\_\_, Secretary