



The Buckhead Council of Neighborhoods

Board Meeting

November 12, 2009

Peachtree Presbyterian Church

6:40 – 8:50 PM

Meeting Minutes

Meeting Attendees:

Name	Neighborhood/Organization	Email Address
1 Yolanda Adrean	Councilmember-elect District 8	yadrean@earthlink.net
2 Laura Braddick	Northside Neighbor	lbraddick@mdjonline.com
3 Major Robert Browning	APD Zone 2	rbrowning@atlantaGA.gov
4 Gordon Certain	North Buckhead	gcertain@comcast.net
5 Lt. Mark Cotter	APD Zone 2	mcotter@atlantaga.gov
6 Diane Cox	Brookwood	
7 Barbara Delk	Historic Brookhaven	delkb@bellsouth.net
8 Glenn Delk	Historic Brookhaven	glennndelk@mindspring.com
9 Jim Elgar	Cesar Mitchell for City Council President	jimelgar@gmail.com
10 Jena Evans	State Road and Tollway Authority	
11 Amir Farokhi	Candidate for City Council	amir.farokhi@gmail.com
12 John Haliburton	Peachtree Hills	john@thrashgroup.com
13 Paul Howard	Fulton County District Attorney	
14 Karyn Hume	Paces	kahume@cokecce.com
15 Charlotte Jackson	Fulton County District Attorney staff	
16 Kim Kahwach	Buckhead Forest	kajensen@bellsouth.net
17 Barbara Kennedy	Collier Hills	bar2010@aol.com
18 Jim King	Chastain Park	jimking@mindspring.com
19 Bill Langley	Ridgedale Park	langleybill@comcast.net
20 Walda Lavroff	North Buckhead	waldalavroff@comcast.net
21 Ceasar Mitchell	City Council / Candidate Council Pres.	info@ceasarforouratlanta.com
22 Jennifer Moyers	Whitewater Creek	jennifermoyers@beacham.com
23 Clair Muller	City Council / Candidate Council Pres.	cmmuller@earthlink.net
24 Mary Norwood	City Council / Candidate for Mayor	mnorwood@AtlantaGa.gov
25 Craig Perry	West Paces Northside	CraigCPerry@aol.com
26 Garth Peters	Memorial Park & Buckhead Coalition	gpeters@thebuckheadcoalition.org
27 Buff Quillian	Peachtree Heights West	BuffQuillian@gmail.com
28 Jane Rawlings	Lindridge Martin Manor	president@lmmna.org
29 John Schaffner	Buckhead Reporter	johnschaffner@reporternewspapers.net
30 Bob Stasiowski	Peachtree Park	rstasiowski@yahoo.com
31 Scott Sukari		Sukari_Scott@yahoo.com
32 Marci Vincent	Mt Paran Northside	marcia_vincent@hotmail.com
33 Jim Wright	Ardmore Park	wrightjr@mindspring.com
34 Henry Wyche	Grant Estates/South Tuxedo Park	hwyche@valleycap.com

Representation by Neighborhood:

Neighborhood/Organization	Name(s)
1 Ardmore Park	Jim Wright
2 Brookwood	Diane Cox
3 Buckhead Forest	Kim Kahwach
4 Chastain Park	Jim King
5 Collier Hills	Barbara Kennedy
6 Grant Estates/South Tuxedo Park	Henry Wyche
7 Historic Brookhaven	Barbara Delk, Glenn Delk
8 Lindridge Martin Manor	Jane Rawlings
9 Memorial Park	Garth Peters
10 Mt Paran Northside	Marci Vincent
11 North Buckhead	Gordon Certain, Walda Lavroff
12 Paces	Karyn Hume
13 Peachtree Heights West	Buff Quillian
14 Peachtree Hills	John Haliburton
15 Peachtree Park	Bob Stasiowski
16 Ridgedale Park	Bill Langley
17 West Paces Northside	Craig Perry
18 Whitewater Creek	Jennifer Moyers

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I. Welcome

Jim King called the meeting to order at around 6:40 PM.

II. Introductions

The attendees introduced themselves. Jim King recognized Yolanda Adrean as “our first graduate” upon her election to the City Council District 8 position. Guests included featured speaker State Road and Tollway Authority Executive Director Gena Evans, Fulton District Attorney Paul Howard, APD Zone 2 Commander Robert Browning and Lt. Mark Cotter, and candidates for office including Mary Norwood, Clair Muller, Ceasar Mitchell, and Amir Farokhi.

III. Approval of Minutes

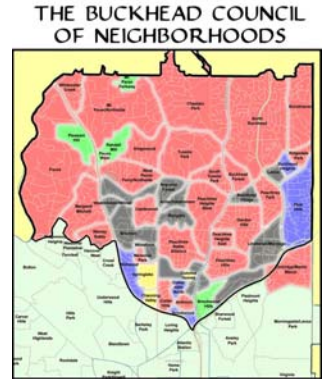
Minutes for the September and October board meetings were approved by the Board.

IV. Membership Outreach

The map at the right shows the status of BCN membership. Buff Quillian of Peachtree Heights West was introduced as their new representative as that association was unanimously admitted into BCN.

In an unfortunate oversight, for which I apologize, Barbara Kennedy of Collier Hills was not similarly recognized.

The map to the right has been updated to reflect approved addition of Peachtree Heights West and the anticipated recognition of Collier Hills in December, bringing BCN’s membership to 26 Buckhead neighborhoods.



V. Election of 2009/10 BCN Officers and Committee Chairs

All existing officers have agreed to stand for reelection. No others had previously offered to stand for office and none in attendance offered to do so. All current officers were reelected as a slate.

2009/2010 BCN Officers

Jim King	Chairman
Kim Kahwach	Vice Chairman
Henry Wyche	Treasurer
Gordon Certain	Secretary
John Halliburton	Member at Large
Jennifer Moyers	Communications

The following people have volunteered to chair the corresponding committees. The board approved the addition of Glenn Delk and Jeremy Ellis to join those previously approved. Bob Snyder had proposed a “Best Practices” committee, but no action was taken by the board to establish it.

2009/2010 BCN Committee Chairs/Co-chairs

John Halliburton	Transportation
Glenn Delk	Education
Gordon Certain	Parks
Kim Kahwach	Public Safety
Jennifer Moyers and Jeremy Ellis	Communications

All board members are expected to volunteer to be on one of these committees. Please volunteer by e-mail.

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VI. Comments by Candidates for Public Office

[For those wishing to listen to the audio, this portion of the meeting starts at 14:19 and ends at 52:20.]

Jim King reported that the BCN Executive Committee had met and had suggested that runoff candidates for mayor and council president who happened to attend be accorded time at the at the November meeting to make comments for five minutes and then take. Since only one candidate for a council office, Amir Farokhi, was in attendance, Jim asked if anyone objected to giving him two minutes. There was no objection.

The candidates spoke in this sequence. Numbers in square brackets indicate times on the audio recording if you want to hear the candidates speak for themselves.

- Amir Farokhi [15:00 to 16:32]
- Clair Muller [16:55 to 20:54]
- Ceasar Mitchell [20:55 to 25:40]
- Q&A to Clair/Ceasar
 - Neighborhood appointments to CIDs? [25:50 to 28:22]
 - Pension fund [28:33 to 33:15]
 - Relationship of the City of Atlanta to the Region [33:16 to 36:32]
 - The vote to increase property taxes [36:33 to 43:13]
 - Disconnect between City Hall and the citizens [43:14 to 45:30]
- Mary Norwood [45:35 to 52:20]

VII. Invited Speakers

Paul Howard – District Attorney, Fulton County

[For those wishing to listen to the audio, this portion of the meeting starts at 52:21 and ends at 1:17:40. See the note at bottom of page 7 for the location of the audio file.]

Paul Howard introduced his staff: Charlotte Jackson, community prosecutor in Zone 5.

Howard reported that a judge had held one of his prosecutors in contempt in October because he did not want her to cross-examine a defendant charged with murder. She was fined \$100 for asking why. She was in court today and the judge said she hadn't paid the money yet and put her in jail. He said it had been a tough day because the judge was now threatening to hold him in contempt.

Howard reported that the economic situation in Fulton County is getting tough. Several days before, the county manager notified Howard that they were going to cut \$146 million from its 2010 budget because of reductions in commercial and residential property tax receipts. They were asking the criminal justice system by tomorrow at 5 PM to suggest \$55 million worth of cuts out of \$235 million. It means they will probably be cutting employees, and for the first time since he has been in office, lawyers. When Howard started in 1997 Fulton's conviction rate was 55%, one of the lowest rates in the country – because they didn't have enough lawyers. They increased the number of lawyers to 104. That number might now be reduced.

The police report the crime rate is going down, but the news media have more stories about crimes that are even more violent. He has recognized that crime might be a lot less but it is also different from what we are accustomed to; it is more organized. Buckhead now experiences break-ins *en mass*, with 7 or 8 perpetrators involved who clean the store out in two or three minutes. After the store restocks, they come back to break in again, tow or three times. We also see that the crime has become a lot more violent because of the use of automatic weapons, AK47s and 9mm Glocks. Alarmingly, criminals are getting younger because of the advent of gangs.

Howard talked about the juvenile “point system” and what it is that they are doing wrong and how to make it better. He is hoping to persuade the courts to let the DA make charges via complaints provided by the police rather than the probation officers. He is also going to ask a change so that bonds are determined by the judges rather than by the “points”. As it is now, for the DA to “hold” someone they have to convince the probation officers based on the point system. He wants letters from neighborhood groups asking judges to consider changing from the point system.

The crime that they have seen the greatest increase in is burglaries. Howard is creating a county-wide burglary task force in December funded for two years with a \$200K stimulus grant. He is asking all the police forces within the county to provide staffing. Atlanta is providing three to the task force's staff of 14. The task force will focus on

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cross-jurisdictional burglary groups and cases where specific subdivisions have been hit repeatedly and the police have been unable to make progress.

Howard also talked about the growing gang problem. The DA office started a gang unit in 2007. This year they are prosecuting 42 gang cases involving 32 homicides and 68 defendants. One defendant Howard mentioned who is charged with three homicides is a 14-year-old middle school student. Atlanta is now experiencing first generation of gang members. Other cities are experiencing fourth and fifth generation gangs. He wants to stop it with this generation. He is setting up a task force to keep the gang problem from getting worse.

Jim King asked Howard why Zone 2 is the only one without a community prosecutor. He said to ask our county commissioner to put in a budget item to fund additional community prosecutors.

He also asked about the “court watch” program. Howard offered to have his court watch coordinator attend our December meeting.

Dr. Gena Evans, Ph.D, Executive Director of the State Road and Tollway Authority (SRTA)

[For those wishing to listen to the audio, this portion of the meeting starts at 1:17:41 and ends at 1:57:20. Dr. Evans presentation slides are attached to these minutes.]

Evans outlined the operational role of SRTA and how its policies are determined. They do two things: operate toll facilities within the state (since 1953) and they provide financing for transportation. They have about \$2 billion in outstanding debt for the state of Georgia in the Grant Anticipation Revenue Program (guaranteed revenue bonds and GARVEE bonds). This allows GDOT to pay for work now and pay the costs back with future revenues. SRTA has its own credit rating, separate from the state.

STRA collects tolls and can also accept and administer federal grants. They also have the authority to run the Georgia Transportation Infrastructure Bank, a \$33.1 million revolving loan fund for transportation projects for local governments. They also have \$10 million in grants for community improvement districts (CIDs) for transportation uses.

STRA has about 150,000 cruise card accounts on GA 400 and 40 million vehicles on 400 per year, about 106,000 per day. The toll money is used to pay down the bond debt. There is about \$7 million remaining in bond payments. There are two more bond payments to be made: July 2010 and July 2011. The bonds lack a pre-payment clause. Toll revenues are about \$20 million a year, \$7 million of which is from cruise cards and about \$600,000 for toll violations.

During the Barnes administration, GA 400 toll money was taken to buy a 17th Street property for \$12 million. Governor Perdue passed an excess toll revenue policy that GA 400 funds could only be used for debt service, operations and improvements related to the 400 corridor.

Evans outlined what might happen if GA 400 tolls were to be removed or retained when the original debt is paid off: She reviewed the cases in the US involving changing of toll status at facilities, changes such as removing tolls and re-instituting tolls. She noted that when tolls are removed, traffic and congestion often increase and air pollution may increase. Any move to retain the tolls will require education, public outreach and political leadership.

They looked at 12 facilities which discontinued tolls when the original debt was paid off. From this Evans said that if tolls come off of 400, traffic will increase and it will become “more of a nightmare than it is now”. The only benefit is that some arterials will receive less traffic. However, typically what happens is, if arterial traffic is reduced, more traffic will come into the area and you reach a new level of congestion equilibrium.

They looked at 6 facilities which continued paying tolls. All six had new projects that they financed with the continued tolls. Only one facility, a bridge in Virginia, had tolls taken off and then re-established to do maintenance.

There are three things that can be done on 400 tolls: remove the tolls in 2011/2, keep the tolls, or remove the tolls in 2011/2 but reinstate them later.

- **The “base case” is that tolls will come down in July 2011** (when the last bond payment is made) or January 2012 (when the GDOT-SRTA lease expires).

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There's an agreement between the GDOT and the City of Atlanta that there was supposed to be a \$0.50 [later mentioned as \$0.25] toll on the Buckhead ramp that has never been collected. The agreement between the GDOT and Atlanta ends with the last debt payment (July 2011). There's a lease that is in place between GDOT and SRTA which runs out six months after the final bond payment. The agreement with Atlanta is clear that tolls are to remain at \$0.50 – it is not clear if that is enforceable.

- **We could continue to collect GA 400 tolls.**

She has asked the legal advisors what would happen if they issued bonds to improve the intersection of 400 and I-85. She said estimates for the interchange fix range from \$40 to \$100 million. \$100 million worth of bonding capacity and debt service can be paid off in 11.7 years. The state recently received the lowest interest rate in history, 2.99% for 20-year bonds and 1.54% on 5-year bonds. So the interchange improvement can be done with continued tolls. If the bond sale were initiated before the last bond payment, they might get around some of the restrictive language (with SRTA's lease with GDOT, for instance) that mentions "the last bond payment" and the tolls might be extended without entering into any additional agreements with the City of Atlanta or with GDOT.

- **We could discontinue GA 400 tolls in 2011/12 and re-institute them later.**

This option was not discussed.

Questions and Answers

Jim asked, You mentioned \$100 million? Evans responded she thought it would be around \$60 million. Jim said GDOT engineers at their open house had mentioned \$39 million. She said she thought it would be more, given the passage of time. She said they went with \$100 million just to see what the numbers would look like.

She has discussed it with Gov. Purdue. She said there is nothing he *has* to do since the last bond payment happens after his term ends.

Clair Muller asked if the expenditure of money for the 17th Street property could be reversed. Evans said no. She said that the property isn't currently worth close to what was paid for it. So the Governor has asked them not to sell that property.

Jim King asked if there was any cash on hand from 400 tolls. Evans said they had \$29.6 million in reserves. King: Are there any projects in the 400 corridor that reserve is designated to be spent on? No.

Unknown questioner: Prices for everything have gone up since 400 opened, yet 400 tolls are still just \$0.50, "the deal of a lifetime". Evans said "you're preaching to the choir". She said they can't increase 400 tolls without renewing the agreements and renew the lease.

She said that based on her experience there will be more toll roads in Georgia. There's not enough money for transportation needs without them – private money is required and that means toll roads.

She says she lives in Cumming and travels the 400 corridor every day down to Marietta Street. She said her preference would be to widen 400 to 3 lanes from McFarland Road, north.

Gordon Certain asked, if there is \$29.6 million in excess now, how much will there be when the tolls cease? She said they spend \$7 to \$8 million a year for operations. She said they estimate they will have something like \$35 or \$36 million when they get through. Certain said: That would make a huge dent in the cost of the interchange. Yes it would. Unknown questioner: What would it be spent on otherwise? She said maintenance is a big expense and that they have a staff of about 54, including toll collectors.

Q: What would you recommend to advance the 400/I-85 issue? She said she understands exactly what our interests are. She said the board members were the Governor (chair), the Lt. Governor has an appointee (Joe Wood, Gainesville), the Speaker has an appointee (Stacy Reese, Gainesville), the Commissioner of GDOT (Vance Smith,), and head of the Governor's Office of Planning and Budget (Trey Childress). These are the people over the next few months and years who will make recommendations. She said that GDOT is looking at PPPs (public-private partnerships) along the 400 corridor. She said "GA 400 is our 'beach-front' property – this is the only project which is truly self financing." Other corridors will not generate enough tolls to pay for improvements. For instance, the I-75 PPPs will require significant state funds.

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Jane Rawlings: Can 400 funds also be used for transit improvements? Evans said the policy limits the use of the excess to improvements and operations within the 400 corridor. So the legislation would allow expenditures on transit within or benefitting the corridor. For instance, a pedestrian bridge within the corridor would qualify. Clair Muller commented: MARTA is in the corridor. Jane continued: "My neighborhood is Lindridge Martin Manor – we are ground zero for this project. I want to go on record as saying, we along with all the other neighborhoods that actually reside within the study area [of the interchange] do not favor prioritization of this project, we have engaged in an extensive blueprint for successful communities planning process. We have some other ideas for making east-west connections that would look beyond are looking for connections beyond roadway connections. We have significant concerns that this may not be an adequate long-term solution in terms of congestion mitigation and probably everybody here would agree through a process known as triple convergence in the transit world that if you build a road, it quickly meets and then exceeds its capacity. We would hate to see however many millions of dollars, \$40 to \$100 million, spent only to be right back where we are today in a very small amount of time. So I would like SRTA and GDOT to be looking at alternative ways to use toll money which actually may lead us in the direction of long term congestion mitigation. One suggestion she would have is, use some of this money for transit." *[Secretary's note: The quotes above are my effort in a reasonable amount of time to write what was said, but in some cases it was difficult to get word-for-word accuracy. Please listen to the audio if you need great accuracy. The timing is roughly 1:45:41 through 1:46:56]*

Evans responded that she was a firm believer in transit. She said it was her personal opinion that if we in the City of Atlanta don't do something about transit, we'll be in such big trouble in five to ten years. We are so far behind, compared to Dallas and Charlotte. We are being outpaced, whether it is any type of rail or any type of transit, we are so far behind.

We know that we can get \$100 million on our current income stream. Communities will need to advocate for what they want. Evans said she lives way up 400 and she would advocate for three lanes north of McFarland. It's still in the 400 corridor. There's a lot of different opinions about what we need to do, and we will go through an extensive public process in order to make decisions.

Jim said what we don't want to do is to divide and conquer ourselves. If the money is all spent up north of McFarland, we won't get any transit and we won't get any ramps and we will be right where we are, even in worse shape. So we have to work together and get our leadership to help us get some transit and some ramps and everybody gets what they need.

Evans said that at this time the state may be very hesitant about taking the income stream and bonding it. There are still a lot of complications.

Evans said that there is a tunnel that runs under 400 at the toll booths. So in order to take the toll booths down, you have to fill the tunnel and reduce the number of lanes and get it back to 3/4 lanes in that area, which will take about \$6 million in today's dollars.

Q: You said that there was \$10 million allocated to the CIDs. Can you explain? Evans: There is a separate pot in the infrastructure grant program for CIDs. The \$10 million will be granted out (not loaned) to CIDs which apply. The maximum per grant will be about \$2.5 million. The Governor wants to see this money spent on projects that are close to shovel-ready – he wants to see results. This is motor fuel money and cannot be used for transit.

John Schaffner: Has any consideration been given to a second toll booth north of I285? Evans: No, we have not done a lot looking at another toll booth. Does it make sense? Absolutely. But have we looked close at it, no.

The other project they are looking at is the HOT project (high occupancy/toll) on I-75, etc. They are very excited about it. There will be congestion pricing. A sign will say, if you want to go from here to here, this is the price. The pricing will be variable, based on congestion downstream. Gordon: The motivation is to raise revenue?

Evans: No. This is about trip time reliability. More people will be able to use the existing HOV lanes than now.

Jim King complimented Evans for the thoroughness of her presentation and she was given a round of applause.

VIII. Community Concerns

[For those wishing to listen to the audio, this portion of the meeting starts at 1:57:20 and ends at 2:11:00.]

Jim King said our major community concern was getting out the vote.

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Henry Wyche had 100 green get out the vote signs made which were distributed to the neighborhoods before the general election. We need to get the word out by e-mail.

In this meeting, the BCN board discussed a proposed grant by the Buckhead Coalition of up to \$1,000 to pay for perhaps 300+ additional non-partisan signs. The board approved a motion to approve applying for the grant.

Major Browning:

Major Browning was diagnosed with throat cancer a few weeks after he was promoted to Zone 2 Commander. In the six months since then he has lost 50 pounds.

He echoed Paul Howard's statement that crime rates were down but in recent years we have a much more organized crime element. Atlanta is a focal point for drugs being moved across the country – folks from Miami were coming up here to get their drugs – we are the Miami of the 1980s. We have recognized that we have a gang problem and are trying to stay on top of it. Be very vigilant about not leaving items in your cars – still our biggest problem.

Browning said that Lenox has a brand new security director and that retired Sgt. Valerie Sellers will be running the extra jobs up there this year.

IX. Next Meeting

- December 10

X. Adjourn

The meeting adjourned at around 8:50 PM.

Prepared by Gordon Certain
BCN Secretary
December 9, 2009

Audio: The audio recording of this meeting is at http://www.nbca.org/BCN/Minutes/BCN_2009-11-12%20.WMA. This is a 63 MB recording.

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BCN Organizational Status as of 11/12/09																
			Represented?													
	Neighborhood	BCN Member?	2008 Oct	Nov	Dec	2009 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
1	Arden															
2	Ardmore Park	Yes	Yes	Yes	Yes			Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes
3	Brookwood							Yes								Yes
4	Brookwood Hills												Yes			
5	Buckhead Forest	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes		Yes		Yes	Yes	Yes
6	Buckhead Heights										Yes					
7	Castlewood	Yes									Yes				Yes	
8	Chastain Park	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
9	Collier Hills	Paid								Yes	Yes	Yes	Yes	Yes	Yes	Yes
10	Collier Hills North										Yes					
11	Garden Hills	Yes					Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	
12	Grant Estates/South Tuxedo Park	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes		Yes
13	Historic Brookhaven	Yes			Yes		Yes	Yes	Yes		Yes	Yes		Yes		Yes
14	Kingswood	Yes	Yes							Yes						
15	Lindridge Martin Manor	Yes	Yes				Yes									Yes
16	Margaret Mitchell	Yes					Yes				Yes				Yes	
17	Memorial Park	Yes	Yes		Yes	Yes	Yes		Yes		Yes	Yes	Yes			Yes
18	Mount Paran Parkway															Yes
19	Mt. Paran-Northside	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes			Yes	Yes	Yes		
20	North Buckhead	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
21	P'tree Battle Alliance	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	
22	Paces	Yes		Yes	Yes		Yes	Yes		Yes		Yes	Yes			Yes
23	Paces West	Yes				Yes	Yes									
24	Peachtree Heights East	Yes	Yes	Yes		Yes	Yes	Yes			Yes			Yes		
25	Peachtree Heights West	Yes			Yes									Yes		Yes
26	Peachtree Hills	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes		Yes	Yes
27	Peachtree Park	Yes		Yes	Yes	Yes	Yes		Yes		Yes	Yes	Yes	Yes	Yes	Yes
28	Pine Hills				Yes											
29	Pleasant Hill															
30	Randall Mill															
31	Ridgedale Park	Yes	Yes	Yes	Yes		Yes	Yes	Yes		Yes	Yes		Yes		Yes
32	Springlake															
33	Tuxedo Park	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		
34	Wesley Battle	Yes				Yes		Yes								
35	West Paces Northside	Yes	Yes		Yes		Yes		Yes	Yes		Yes	Yes	Yes		Yes
36	Whitewater Creek	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes		Yes
37	Wildwood		Yes													
	Count	26	17	13	18	14	20	17	12	14	18	17	15	17	11	18