

EVERMORE COMMUNITY IMPROVEMENT DISTRICT

REGULAR BOARD MEETING

Held at
Snellville City Hall
2342 Oak Road
Snellville, Georgia

on
June 24, 2009

Attendees

Board Members:

Gary Custar	Forrest Adair	Kenny King	Dwight Harrison
Emory Morsberger		Jimmy Norton	

Officer

Bill Gower, Secretary-Treasurer

Staff

Jim Brooks, Interim Executive Director
David Stedman, Director of Economic Development
Sara Bohannon, Recording Secretary
J. Lynn Rainey, Board Counsel

Guests

Com. Mike Beaudreau
Lee Baker

Call to Order

Chairman Adair called the meeting to order at 2:30 P.M. and welcomed guests.

Mr. Norton moved to amend the Agenda for an item to rescind payments to law firms which had been previously approved by the Board at its meeting on June 12, 2009, seconded by Mr. Custar. The motion failed with Messrs. Norton and Custar approving and Messrs. Adair, King, Harrison and Morsberger opposing.

Mr. Adair stated the first agenda item was to approve the Minutes of the May 28 and June 12, 2009 meetings. The Chairman asked for a motion to amend the June 12 Minutes to clarify the wording as to why it was appropriate to reduce the millage rate.

Mr. Morsberger made the motion and it was seconded by Mr. Harrison. Five members approved (Messrs. Adair, King, Harrison, Morsberger, and Custar) with Mr. Norton opposing.

Mr. Morsberger made the motion to approve the Minutes of the May 28 and June 12, 2009 Board Meetings, as amended. The motion was seconded by Mr. Harrison. The motion was approved unanimously.

Mr. Morsberger made a motion, seconded by Mr. Harrison, to amend the agenda so as to add an Action item to elect a Secretary to the Board since our former Secretary has resigned from employment by the CID. The motion was approved unanimously.

Mr. King made a motion to table agenda item (i) on reimbursement of unauthorized expenditures and overpayment of salary, seconded by Mr. Harrison, and unanimously approved

Action Items

Creation of Search Committee for Executive Director -

Mr. Harrison made a motion to empower the Chairman to appoint a person or persons to initiate a search for the Executive Director position which is now filled by an interim. Mr. King seconded the motion which was approved unanimously.

Agreement between the City of Snellville and the Evermore CID for the purpose of the Cambridge Road/Hwy 78 realignment

Mr. Harrison spoke on points of clarification regarding the Cambridge Road/Hwy.78 realignment which is the result of negotiations with Snellville City Council. The Board has been working on this project since 2002. Dr. Treadway stated the Mayor and Council have approved a contribution from the City of Snellville of \$650,000, but nothing has happened to advance the project. Dr. Treadway stated the CID Executive Director and City could work out logistics and an agreement be executed prior to the release of any funds.

Mr. Harrison moved to direct staff to negotiate an intergovernmental agreement with the City of Snellville for the realignment of the Cambridge Road/Highway 78 intersection upon the conditions that: (1) The total cost of the project does not exceed \$2.5 million; (2) Snellville contribute \$650,000 to the cost of the project; and (3) if there is an overage of savings in the final cost of the project beyond or below the estimated cost of

\$1,950,000, CID and Snellville will participate equally. The motion does not authorize final approval and the execution of an agreement with the City of Snellville, which must come before the CID Board for a vote after negotiations. Mr. Custar seconded the motion which was approved 5-0, with Mr. Norton abstaining.

Bidding of Landscaping Contract -

Mr. Harrison, upon the premise that the current Landscaping contract expires in November, 2009, moved for the Executive Director to prepare a request for bids for a one year contract with a 30 day termination clause for our landscaping services. The motion was seconded by Mr. Norton. The motion passed with Messrs King, Harrison, Adair and Norton in favor and Mr. Custar opposed. Mr. Morsberger abstained.

Bidding of Security Contract

We continue on a month-to-month basis with Plaza Security. Mr. King made a motion to direct the Executive Director to issue a Request for Proposal for security services, seconded by Mr. Morsberger. The motion was approved by Messrs. King, Harrison, Morsberger, Custar, and Adair and opposed by Mr. Norton.

Change Policy on Access to Attorney

Mr. Morsberger made a motion that Board members have the right to contact Board Counsel directly, which was seconded by Mr. King and passed with Messrs. King, Morsberger, Harrison and Adair in favor and Messrs. Norton and Custar opposing.

Request Election Materials from County Attorney

Mr. King mentioned Judge Ray's order of May 20 and the request of the County Attorney that the CID relieve him of CID election materials, and made a motion to enter into a Resolution retrieving ballots and election documents from Assistant County Attorney Van Stephens to be maintained by the CID. Mr. King read the Resolution as part of his motion and Mr. Harrison seconded it which was unanimously approved.

Adopt Rules of Caucus

Mr. Harrison made a motion to adopt the Rules of Caucus for the July 22, 2009 election for Posts 1 and 2 which had been drafted by Mr. Rainey and previously distributed to the Board seconded by Mr. King. The motion passed with Messrs. King, Adair and Harrison in favor, and Messrs. Custar and Norton opposed. (Mr. Morsberger had briefly exited the meeting and was not present to vote.)

Notice and Call for Election for Posts 1 and 2 on July 22, 2009

Notice and Call for Election for Posts 1 and 2 on July 22 was moved by Mr. Harrison and seconded by Mr. King. It was approved unanimously.

Clarification of Policy for Disbursement of Funds and Check Writing Authority

Mr. Harrison requested Mr. Brooks to place this on the Agenda because of his concern there had been one blank signed check on May 22. This was contrary to our policy to submit invoices to our Treasurer for review who issues checks for signature. He was also concerned they were issued from the money market account instead of the operating account. Mr. Harrison made a motion that we reaffirm our policy to not sign blank checks, invoices go to the Treasurer for approval, and unauthorized persons may not sign checks, seconded by Mr. King, and unanimously approved.

Election of Board Secretary

Mr. Morsberger nominated Mr. Bill Gower as the Secretary of the Evermore CID to serve as our Secretary/Treasurer seconded by Mr. Harrison. Mr. Gower was unanimously elected by the Board.

CHAIRMAN'S REMARKS

The Chairman stated we have two additional Board seats that need to be filled. We need to plan for a 4 or 8 hour session to get our priorities back in order. We have a lot of agenda items and we need to move forward with them. He would like the Board to consider approving a set of By-Laws. Lynn Rainey recommended Scott Gregory retained to draft the By-Laws. The Board was asked by the Chairman to give the matter some thought and put this ACTION ITEMS for the July 22 Agenda.

ECONOMIC DEVELOPMENT REPORT

Mr. David Stedman stated his Committee had worked in vain to retain a high profile business that has announced it is leaving the corridor. He stated that the CID needs to put together a marketing plan to recruit and to retain existing businesses. The Economic Development Committee met and approved a calendar of trade shows and promotional activities and also put together a job description for a staff person and a marketing firm.

He stated there has been renewed conversation on redevelopment on the Park Place Site. Also upgrading the Website by a PR firm is a matter for the Board's consideration. They are targeted in September to come back to the Board. The Economic Development Committee consists of Messrs. Morsberger, Adair and King.

The prospect of Project Oaks was brought up and Dr. Treadway, who has briefed City Council, commented on the project.

Mr. Norton questioned the submission of the Evermore Submissions for the Gwinnett Top 20 Redevelopment Sites. The selection of sites had expired prior to Mr. Stedman's rehire. Nothing had been resubmitted prior to his rehire. Mr. Stedman noted that he had managed to extend the deadline and the submissions conformed to consultants' recommendations relating to our TAD application, and has received praise for their completeness by the County.

The Economic Development Committee had tasked him with seeking another staff person. This matter is only up for discussion at this time. Mr. Stedman stated he would work with whatever he currently has if need be. He also requested direction on reviewing proposals on the next meeting on the Marketing Program with some marketing firms. The Chairman asked Mr. Stedman to proceed with the RFP to assemble resumes on the additional staff position and bring recommendations to the Board. Mr. Norton informed the Board that the Snellville Downtown Development Authority had commissioned the Economic Development Committee to task him with some design charettes on the project and suggested the CID participate in the expense.

TREASURER'S REPORT

Mr. Gower presented the Treasurer's Report. The BB&T Account has \$874,661.54 as of 5/31/2009. The General Income Account Certificates have been moved to a Money Market Account at One Georgia Bank is \$157,749.81 as of 5/31/2009. The Brand Bank Operating Balance is \$223,252.06. The SPLOST account with One Georgia Bank is \$898,294.56.

BOARD MEMBER COMMENTS

Mr. Custar stated there were no contents behind some of the tabs in the Meeting Binder and he requested the binders be issued sooner and more complete. Mr. Brooks explained that any items offered would be placed on the Agenda and in some cases there might not be tab contents unless his office was supplied by the suggesting individual.

Mr. Custar advised he was not happy with the CID Board paying legal expenses for the recall effort, nor the way it appeared as an amended agenda item. Mr. Adair defended the action for a number of reasons including the fact that Mr. Custar, as previous Chairman, had issued a prohibition against allowing Board members to contact Board Counsel. He pointed out the Electors supported the Recall Petitions above the

mandatory minimum and the voters at the recall overwhelmingly voted in favor of the recall. Mr. Harrison added a large percentage of the legal expenses were incurred because the prior Chairman refused to recognize the results of the election, making it necessary to petition the Court to enforce the recall election results the previous Chairman refused to recognize, but which the court affirmed was legal. Mr. Harrison asked for Mr. Rainey to comment. Mr. Rainey read from the provision in the CID Act that Board members shall be reimbursed for actual expenses incurred in the performance of their duties. He noted the recall was initiated by over 20% of the Electors of the CID which made the recall effort their act.

PROJECT STATUS REPORT

A written project update/milestones report was distributed.

Mr. Larry Kaiser stated that five monuments on the 78 project have been planned. Four were located off the Right-of-way and 1 was on the Right-of-way. They began to relocate them at locations outside of the DOT clearance zone but within Right-of-Way. They are 8 ft. tall and 36 inches square. We are waiting for DOT to advise if shrubbery and monuments are approved along the corridor. If the GA DOT concurs with the location wherein the shrubbery can be placed between October and March, then monuments can be installed at the same time. If the DOT does not concur, Mr. Kaiser will have to come back before the Board. The DOT may have suggestions for monuments to clear zone safety requirements.

Mr. Morsberger stated he would like to have known about allowing easement. Restrictions could not go on private property. Monument locations have changed and been redistributed. They may require a guardrail or railing. Mr. Kaiser will continue to obtain answers. The monuments have logos on three sides. The document should be approved within one month.

A written report on the Cambridge Street/McGee Road realignment was distributed by Mr. Kaiser. He went through the steps, but realistically believes the worse case scenario is the most likely.

EXECUTIVE DIRECTOR'S REPORT

Mr. Brooks distributed a written report which he went through with the Board. All items that are provided will be placed in the meeting binders. Mr. Brooks mentioned the upcoming elections for Posts 1 and 2 for July 22, 2009, at Inviting Events beginning at 2:00 PM.

He stated there is an internal investigation going on by Plaza Security. Any interested party may talk to him in confidence regarding details.

On the landscaping issue, he met with Mr. Mike Leach of Leach Landscaping as there had been complaints regarding debris. A list of corrective action(s) and things that fell out of his review was discussed with Mr. Leach and Mr. Leach has taken measures to cut grass, etc.

Regarding the TAD Meeting, it would be advisable for the Board to actively support the approval of the Evermore TAD before the Board of Commissioners as Mr. Brooks felt that would be an essential tool for redevelopment. The last time the TAD issue was brought forward, it was rejected.

GUEST COMMENTS

Commissioner Beaudreau spoke on TAD issues and stated it's up before the end of the year to discuss further. The Commissioner offered to work with CID Staff and County officials to try and agree on an acceptable plan. He does not have a strong opinion on an expansion of the CID. He confirmed the County is here to support the cause of the CID regardless of who is on the Board. He has asked for the issue of payment of attorneys fees to be examined and has reached no conclusions on it. He stated that he would withhold all county funds until Evermore CID resolved this matter.

ADJOURNMENT

By acclamation, the meeting adjourned at 5:20 PM and the next Board Meeting will be held on July 22 immediately after the 2:30 PM Election Caucus at Inviting Events on Highway 78 in Snellville. Registration for the Caucus will begin at 2:00 PM.

Approved by the Board this ____ day of _____, 2009.

Secretary/Treasurer

