

McPherson Implementing Local Redevelopment Authority

Board of Directors Meeting

May 15, 2014

A meeting of the McPherson Implementing Local Redevelopment Authority (MILRA) was held on Thursday, May 15, 2014 at 1794 Walker Ave. Atlanta, GA 30310.

Board Members:

Felker Ward, Jr., Chairman
Kenneth Deleon
Richard Holmes
T. Rogers Wade
Brian McGowan
Chandra Houston
Thomas Weyandt

Staff, Legal Counsel and Others:

Jack Sprott, MILRA
Sandra Tennyson, MILRA
Darlene Hawksley, MILRA
James McCormick, MILRA
Ken Neighbors, Attorney, Greenberg Traurig
Ernest Greer, Attorney, Greenberg Traurig
Jalal Slade, City of Atlanta Mayor's Office
Barbara Schwartz, Army
Michael Wilson, OEA

Ex-Officio:

Joyce Sheperd, Atlanta City Councilmember

Guests:

Starlyn Baxter, ACU
Mickie Williams, GA Housing
Amy Johnson, Oakland City Community
Doris Hines, ATC
Peter Lyons, Epstein Group
Araba Dowell, Atlanta Medical Center
Wayne Boutwell, Atlanta Medical Center
Alan Travis, BOR
Katie Leslie, AJC
Dave Huddleston, WSB-2
Bruce Gunter, PRI
Brian Livesay, 404 Studio Partner
Monica Robinson, Fulton County, Health Wellness
E. Faircloth, Stand-Up

Tim Harvey
Jacob Vallo, Amsterdam Capital
Byron Amos, Atlanta Public Schools
Larry M. Dingle, Wilson, Brock & Irby
Scott Sayles,
Larry Samples,
John Hudson, Attorney
Glenda Knight, MACC
Joseph Johnson
J. Bivens, Council Staff
Darrell Fitzgerald, HKS
Barbara Patton

Chairman Ward called the MILRA meeting to order at approximately 1:02 p.m. Chairman Ward recognized that a quorum was in place. Chairman Ward asked that the Board Members review the Minutes from the March 20, 2014 and April 17, 2014, MILRA meetings.

Announcements and Welcome:

Chairman Ward thanked the audience for their continued support and welcomed them to the meeting. Chairman Ward reminded the audience about the sign-in-sheet for public comment for non-board members and asking that anyone making a comment to the Board to please state their name, address and to limit their comment to three minutes.

Approval of Agenda:

Chairman Ward recommended the approval of the agenda. Mr. Sprott stated under item No. 9. Executive Session a 3rd item had been added, which is a Personnel Matter that needs to be address in the Executive Session and to move up the Executive Item No. 9 to Item No. 6. Chairman Ward recommended the approval of this change in the agenda and Ken Deleon made a motion to approve and it was seconded by Richard Holmes. Approval was unanimous.

Approval of Minutes:

Chairman Ward recommended the approval of the March 20, 2014 minutes and April 17, 2014 minutes. Brian McGowan made a motion to approve and it was seconded by Richard Holmes. Approval was unanimous.

Item No. 4: Property & Casualty Insurance Broker for Risk Management Services:

Mr. Sprott stated that staff had issued a Request for Qualification on March 2, 2014 to solicit professional insurance brokerage services to assist in the placement and

management of a loss prevention program and that the purpose of the RFQ was to select an insurance broker that could successfully demonstrate the knowledge of the required insurance products and risk management processes and successfully acquire and assist in the property being transferred to MILRA by the U.S. Army.

The RFQ proposals were received by noon on March 31, 2014 and below are the providers who submitted proposals:

1. **AIRIM**
2. **Resurgens Risk Management**
3. **JLM-FULCRO**

Mr. Sprott stated that the Insurance Selection Subcommittee met on April 10th and deliberated on the merit of each provider and AIRMI and Resurgens were selected as the two respondents to proceed with additional interviews. The interviews were conducted on April 23, 2014 and the subcommittee unanimously favored the recommendation of Resurgens Risk Management for selection by MILRA.

Approval of Item 4:

Mr. Rogers Wade made a motion to approve the selection of Resurgens Risk Management, as recommended by the Selection Subcommittee, to provide professional insurance brokerage services to assist in the placement and management of property & casualty insurance for MILRA. It was seconded by Kenneth Deleon. Approval was unanimous.

Item No. 5: Environmental Insurance Broker Selection:

Mr. Sprott stated that with the assistance from MILRA environmental consultant, Matrix Environmental, the staff issued a Request for Qualifications on March 2, 2014 to solicit professional insurance brokerage services to assist in the placement and management of long-term environmental insurance including but not limited to a Pollution Legal Liability policy. Mr. Sprott stated that MILRA intends to obtain environmental insurance to cover pollution events on property being transferred to MILRA by the U.S. Army.

Mr. Sprott stated that the purpose of the RFQ was to select an insurance broker that could successfully demonstrate their knowledge of the required insurance products and risk management processes and successfully acquire and assist in the management of the environmental insurance products needed for the property. Proposals were received from the following providers:

- **AIRIM**
- **Willis**
- **Aon**
- **Marsh & McLennan**
- **Greyling**
- **Alliant**

The subcommittee met on April 10th with each provider and criteria was used to compare the six proposals and as a result Greyling and Marsh & McLennan were selected as the two respondents. It was determined that these firms were equal in knowledge of environmental products, experience with BRAC sites, and experience with the major BRAC Environmental Insurers.

It was determined by the subcommittee some important factors needed to be considered before selecting one of these firms and they were: **(1.)** Greyling Insurance Brokerage/Risk Consulting is locally owned, operated and headquartered in Atlanta and there is a single point of contact and a single broker with all of the required knowledge, however the broker is requiring a one-time upfront non-negotiable fee to be paid in four equal installments. The first payment would be due at signing the fee-for-services agreement-prior to the actual placing of the environmental insurance contract. **(2.)** Marsh & McLennan is a national firm headquartered in New York with an office in Atlanta and the lead support team for the Fort McPherson project would be based in Atlanta and their preferred pay structure is a standard commission rate paid from the premium collected for the environmental insurance when it is placed. Since their pay structure is a percentage, they are willing to negotiate their fee depending on the level of insurance coverage purchased.

The subcommittee recommended Marsh & McLennan for the selection by the MILRA, but the recommendation was not unanimous.

MILRA staff recommended Marsh & McLennan - both respondents have local offices where the project lead and support teams will be based however, a major consideration is the up-front, non-negotiable fee requested by Greyling and at this point the extent of the environmental exposure is unknown and could change over a short period of time. The standard commission that Marsh & McLennan is requesting would ensure that no cost would be incurred until the environmental insurance is placed.

Approval of Item No. 5:

Mr. Thomas Weyandt made a motion to approve the selection of Marsh & McLennan to provide professional services to assist in the placement and management of long-term environmental insurance (including , but not limited to, a Pollution Legal Liability or PLL policy). It was seconded by Roger T. Wade. It was approved by 6 out of 7 of the board members. Board Member Kenneth Deleon voted against the motion and asked that the minutes state that he was not in favor of the selection.

Item No. 7: Salutrained Report on Technology Park:

Chairman Ward, made mention that at the last board meeting he had introduced Dr. Russell Medford of the Salutrained Group who had been contracted to give an analysis on

the Georgia Science Technology Park on the grounds of Fort McPherson and that he was here today to give an update on the project.

Dr. Russell Medford introduced Dr. Margaret Offerman who is one of the partners at Salutramed Group and she gave a brief introduction of herself and her credentials. Dr. Medford stated that Phase 1 of the Technology Park project had been completed and that Phase 2 was in progress. Dr. Medford handed out a PowerPoint presentation to the Board members and it was self-explanatory.

Item No. 8: Fort McPherson Project Overview and Progress Report:

Mr. Sprott stated that he and a couple of Board members met with the Army on May 1st at the MILRA office and that the Army emphasized the importance of keeping this process moving and were hoping to get a July closing date. Mr. Sprott stated that the final EDC report has been submitted to the Army which allows the Army to begin their work on that particular report. All the carve outs identified by Georgia EPD has yield a zero contamination with the exception of one site near the tennis courts where a transformer exploded many years ago due to a storm which needs to be looked at. Finally, he reported that the Army is waiting to receive one last component, the *security component*, for the EDC application. It should be essentially a letter of credit to protect their interest and their payment and MILRA is currently working with the City of Atlanta on obtaining the security component.

Item No. 9(1) Presentation Regarding Interest in Real Estate:
Item No. 9(2) Security Provision/Letter of Credit Proposal

Chairman Ward made a motion to move into Executive Session and read the required statement:

“Ladies and Gentleman:

In accordance with O.C.A. SECTION 50-14-4(B), a quorum of the McPherson Implementing LRA is present and will enter into executive session by a majority vote. The purpose for the closed section is for members to (1) deliberate regarding the acquisition of interest in real estate. (2) Receive Attorney-Client Communication. The specific reason for the closed session is to (1) discuss the acquisition of real property at Fort McPherson. The specific reasons for the closed session will be entered in the official minutes and a notarized affidavit will be executed stating that the executive session was devoted to matters within the exceptions provided by law.”

After Chairman Ward read the statement, Brian McGowan made a motion to approve and it was seconded by Richard Holmes. Approval was unanimous.

The Board went into Executive Session for approximately 2 hours.

After the Executive Session ended Chairman Ward asked that the meeting be reopened to the public.

Item No. 6: Community Engagement Subcommittee Report:

Councilmember Sheperd gave an update to the board and the public on the last Community Engagement Subcommittee meeting that was held on April 23rd, at the MILRA office. And at that meeting the Bylaws of the CES were revisited and once again the Community is requesting that a member from their Community have a seat on the MILRA Board.

Councilmember Sheperd stated that the next CES meeting would be held on Wednesday, May 21st, at MILRA office at 5:30 pm and that board members and the public are invited. Also, at this meeting ***Dr. Clifford Kuhn, of Georgia State, a historian of Atlanta will be the guest speaker.*** Councilmember Sheperd also stated that Ms. Hawksley would be conducting a tour of the base for the CES members on Friday, May 16th at 12:30pm.

Copies of the CES Minutes were handed out to MILRA board members and it was self-explanatory.

Public Comments:

Chairman Ward asked if anyone had signed in for public comments and one of the signee stated that she no longer wish to make a comment at this time and the other person was no longer present.

Adjournment:

Chairman Ward adjourned the meeting at approximately 3:35 pm.


Sandra Tennyson
Executive Assistant

Approved By:


Jack Spratt
Executive Director

OPEN MEETINGS AFFIDAVIT

PERSONALLY APPEARED before the undersigned attesting officer, duly authorized to administer oaths, Felker Ward, Jr., who, after being duly sworn in, deposes and on oath states the following:

(1) I was the presiding officer of a meeting of the McPherson Implementing Local Redevelopment Authority (the "Authority") held on the 15th day of May, 2014.

(2) I have been advised that O.C.G.A § 50-14-4(b) requires that when any meeting of the Authority is closed in accordance with an exception to the Open Meetings Law that:

- (i) the specific reason for the closure is to be entered upon the official minutes of the meeting;
 - (ii) the meeting is closed only upon a majority vote of a quorum present for the meeting;
 - (iii) the minutes are to reflect the names of the members present and those voting for closure; and
 - (iv) the person presiding over the meeting is to execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.
- (3) The subject matter of the closed meeting or closed portion of the meeting held on the 15th day of 2011 which was closed for the purpose of:

X DELIBERATION REGARDING PERSONNEL MATTER

X DELIBERATION REGARDING ACQUISITION OF INTEREST IN REAL ESTATE
(To be spread on minutes upon conclusion of disposition of interest in real estate)

DELIBERATION REGARDING EXISTING LITIGATION

as allowed by O.C.G. A., Title 50, Chapter 14 and was devoted to matters within those exceptions and as provided by law.

(4) This affidavit is being executed for the purpose of complying with the mandate of O.C.G.A. § 50-14-4(b) that such an affidavit be executed.

This 15th day of May, 2014.

Felker Ward, Jr.
Felker Ward, Jr., Presiding Officer

Sworn and subscribed before me
This 15th day of May, 2014.

Landra Pennington (SEAL) *AKK. G...* Witness
Notary Public

*my commission
expired on 5/17/2015*