

McPherson Implementing Local Redevelopment Authority

Board of Directors Meeting

November 17, 2010

Minutes

A meeting of the McPherson Implementing Local Redevelopment Authority (MILRA) was held on Wednesday, November 17, 2010, at the Atlanta Development Authority at 86 Pryor Street, Suite 300, Atlanta, Georgia 30303.

Board Members:

Felker Ward, Jr., Chairman
Peggy McCormick
Kenneth DeLeon
Richard Holmes
Tim Lowe
Ayesha Khanna
John Akin

Ex-Officio Members:

Councilmember Joyce Sheperd
Senator Vincent Fort

Staff, Legal Counsel and Others:

Jack Sprott, MILRA
Sandra Tennyson, MILRA
Darlene Hawksley, MILRA
General Phil Browning, U.S. Army Retired
Frank Barton, DOD/OEA
Kristin Denius, Assistant City Attorney, City of Atlanta
Glynn Ryan, BRAC Army, Fort McPherson
Ken Neighbors, Greenberg Traurig, LLP

Guests

Kay Wallace
Deborah Scott, Georgia Stand-Up
Roy Edwards, Sustainability Div. /Dept. Of Natural Resource
Karen Anderson-Cordova, GA DNR-Historic Preservation Division
Jenna Lee, GA Tech
Kendra Raines, Community of Advanced Practice Nurses
Michael Hightower
Mike Dobbins, GA Tech
Connie Johnson, MARTA
Erin Rodgers, City of East Point

Andrew Smith, City of Atlanta, Office of Planning
Naima Wong, GSU
Zenobio L. Johns
Ron Walker, MSN
Hakim Young, NPUX
Ellen Wickersham, ADA
Amanda Schraner, DNR/HPD
Manisha Verma, Reznick Group
Penny Canalizo, ADA

Chairman Ward called the MILRA meeting to order at approximately 1:03 p.m.

Announcements and Welcome:

Chairman Ward thanked the audience for their continued interest. He reminded the audience about the sign-in-sheet for public comment for non-board members 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 Minutes:

Chairman Ward motioned for the approval of the Minutes and it was seconded by Ayesha Khanna. Approval was unanimous.

Approval of the Agenda:

Chairman Ward recommended the adoption of the agenda. Richard Holmes made a motion to approve; it was seconded by Peggy McCormick. Approval was unanimous.

Regular Session:

Item No. 4: Historic Preservation Memorandum of Agreement:

Mr. Sprott drew the Board's attention to the document attached to the Board's packet which stated that under C5.6.4.3 of the National Historic Preservation Act that BRAC activities, such as realignment, transfer, lease or sale, constitute an "undertaking" as defined in the ACHP regulations (C36 CFR 800) and require compliance with Section 106 which requires Federal agencies to take into account the effect of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. Mr. Sprott explained again how the Memorandum of Agreement offered protection to specific buildings through covenant language. He stated that this language found in Attachment E, covenants "on behalf of any Grantee, heirs, successors and assigns at all times to the Georgia State Historic Preservation Office (SPHO), to maintain and preserve the Historic Buildings in order to preserve and enhance those qualities that make the Historic Property eligible for inclusion in/or resulted in the inclusion of the Historic Property in the National Register of Historic Places as further provided in the MOA". He added that this covenant shall constitute a binding servitude upon the Property and shall be deemed to run with the land, in perpetuity. He stated that the listing of the

property for closure under BRAC is, in effect, the trigger that sets the process in motion beginning with the “undertaking” or closure announcement and ending with the MOA.

Approval of Item No. 4:

Tim Lowe made a motion to approve giving authorization to the Chairman to sign, on behalf of the MILRA, the Historic Preservation Memorandum of Agreement dated August 2010 as a Concurring Party. It was seconded by Richard Holmes. Approval was unanimous.

Item No. 5: Special Subcommittee Structure:

Mr. Sprott, stated that at the August 18th Board meeting, the Board approved the creation of a Resource Subcommittee and a Community Engagement Subcommittee and appointed a Nominating Committee to propose a slate of nominees. Mr. Sprott stated that Councilmember Shepherd, Senator Fort, Chandra Houston and Ayesha Khanna were appointed to serve and that Chairman Ward asked Ayesha Khanna to serve as chair of the Nominating Committee. He added that, at its October 20 meeting, the Board approved the purpose for the Community Engagement Subcommittee and approved the purpose and structure of the Resource Subcommittee. As recommended by the Nominating Committee, Chairman Ward chose Councilmember Joyce Sheperd to chair the Community Engagement Subcommittee and Richard Holmes to chair the Resource Subcommittee. The Nominating Committee revisited the structure of the Community Engagement Subcommittee and proposed a new structure for Board approval as follows:

Structure of Community Engagement Subcommittee

Membership shall:

- serve in an advisory capacity to the Authority.
- include individuals from the community and members of the Authority.
- be chaired by a member of the Subcommittee chosen by the Chairman of the Authority. The Chair of the Subcommittee shall serve a two-year term and shall be eligible for reappointment. The Chair of the Subcommittee may select a Vice-Chair, who shall be a community resident, to serve in his or her absence.

Membership shall be comprised of:

- from the City of Atlanta - one (1) member, the president or his/her designee, from each of the following Neighborhood Planning Units - NPU-S, NPU-R and NPU-X in the City of Atlanta – a total of three (3) members.
- from the City of Atlanta – one (1) member, the president or his/her designee, from each of the following neighborhood associations: Sylvan Hills, Oakland City, Willow Brook, Venetian Hills and Pamona Park – a total of five (5) members.
- from the City of East Point, one (1) member, a community resident, from each of the following Wards: Ward A and Ward B – a total of two (2) members.
- from the City of East Point, one (1) member, the president or his/her designee, from each of the following neighborhood associations: Colonial Hills and Frog Hollow – a total of two (2) members.
- one (1) to three (3) members of the Authority

- one (1) to two (2) at-large members appointed by the Authority.
- one (1) member from the McPherson Advisory Committee (MACC), a community organization.

All other members shall serve for one year and be eligible for reappointment, subject to the approval of the Authority.

Meetings - The Subcommittee shall hold regular meetings at such times, places and dates as may be agreed by the members of the Subcommittee. Special meetings of the Subcommittee may be called by the Chair and the Executive Director of the Authority. Such meetings shall be at a time and place designated by the Chairperson; provided, however that if no place is fixed, such meeting shall be held at the principal office of the Authority. Notice of regular meetings shall be provided to the members at least two business days prior to such meeting. Notice of special meetings, including the time and place therefore, shall be provided to the members at least twenty-four hours prior to such meeting. The Executive Director of the Authority shall cause such notices to be given by telephone or by email.

Public notice of all Subcommittee meetings shall be made in accordance with the appropriate provisions of the Georgia Open Meetings Act.

A majority of the appointed members of the Subcommittee shall constitute a quorum.

The members of the Subcommittee shall receive no compensation or reimbursement for attending regular meetings or public functions. Reimbursement for actual expenses incurred in the performance of their duties may be provided by the Authority, upon submission of sworn vouchers, for performance of other subcommittee related duties requested and approved in advance by the Subcommittee.

Approval of Item No. 5:

Richard Holmes made a motion to approve the structure for the Community Engagement Subcommittee, as recommended by the Nominating Committee. It was seconded by Ken DeLeon. Approval was unanimous.

Item No. 6: Independent Audit of 2009 Financial Statements:

Mr. Spratt introduced Mr. Dan Worrall from the Reznick Group to give a brief presentation of the Financial Statement and a summary of the Balance Sheet for the MPLRA fiscal year 2009. Handouts were distributed to the Board Members.

Approval of Item No. 6:

Chairman Ward recommended that the Board to accept the Financial Statement as presented. Richard Holmes made a motion to accept the Financial Audit as presented. It was seconded by Kenneth DeLeon. Approval was unanimous.

Item No. 7: Review of Master Plan Draft:

Mr. Sprott stated that at its July 21st meeting he made a public presentation of the revised plan and explained that the original components of the 2007 plan have not changed only boundaries and parcels have shifted. Mr. Sprott also mentioned that Workshop sessions were held for the Board members at the offices of HOK on August 16th to review and explain the most recent draft of the Master Plan and Business Plan. A revised draft version of the final plan, narrative and business plan was submitted to board members at the Board meeting and Mr. Sprott asked that each Board Member review it and provide comments and recommendations by December 1.

Public Comments:

Chairman Ward invited public comment and several participants took advantage of the opportunity to speak.

Regular Session:

Item No. 9: Business Plan Update:

Chairman Ward made an announcement to move into Executive Session and read the required statement:

“Ladies and Gentlemen:

In accordance with O.C.G.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 and (2) receive Attorney-Client Communication. The specific reason for the closed session is to discuss the acquisition of real property at Fort McPherson. The specific reasons for the closed session will be entered in the official minutes of the meeting and a notarized affidavit will be executed stating that the executive session was devoted to matters within the exceptions provided by law.”

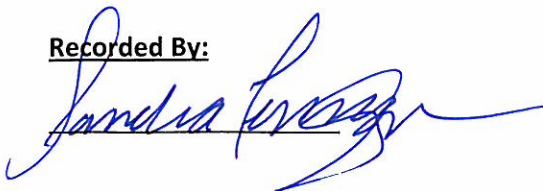
After Chairman Ward read the statement, Kenneth DeLeon made a motion to approve and it was seconded by Richard Holmes. The vote was unanimous.

The Board went into Executive Session for approximately 2 hours. Kenneth DeLeon made a motion to end the Executive Session and it was seconded by Ayesha Khanna. Approval was unanimous.

Adjournment:

Kenneth DeLeon made a motion to adjourn. It was seconded by Ayesha Khanna. Approval was unanimous. The MILRA meeting ended at approximately 3:52 p.m.

Recorded By:



1/18/2011

Sandra Tennyson
Executive Assistant

Date

Approved By:



Jack C. Sprott
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 17th day of November, 2010.

(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 to be 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 17th day of November, 2010 which was closed for the purpose of:

DELIBERATION REGARDING PERSONNEL MATTER

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

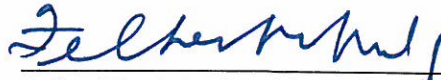
DELIBERATION REGARDING EXISTING LITIGATION

ATTORNEY-CLIENT COMMUNICATION

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.

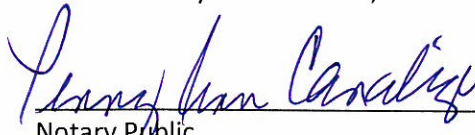
This 17th day of November, 2010.



Felker Ward, Jr., Presiding Officer

Sworn and subscribed before me
This 17th day of November, 2010.

Witnessed:



Notary Public (SEAL)



Witness

**Penny Ann Canalezo
Notary Public, Cobb County, Georgia
My Commission Expires May 27, 2014**