

**MINUTES**  
**MEETING OF THE BOARD OF DIRECTORS**  
**BUSINESS MANAGEMENT COMMITTEE**  
**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY**

**August 30, 2018**

The Board of Directors Business Management Committee met on August 30, 2018 at 10:28 a.m. in the Board Room on the 6<sup>th</sup> Floor of the MARTA Headquarters Building, 2424 Piedmont Road, Atlanta, Georgia.

**Board Members Present**

Roberta Abdul-Salaam  
Robert Dallas  
Frederick L. Daniels, Chair  
Jim Durrett  
Roderick E. Edmond  
William 'Bill' Floyd  
Ryan Carter Glover  
Jerry Griffin  
Freda B. Hardage  
John 'Al' Pond

MARTA officials in attendance were: General Manager/ CEO Jeffrey A. Parker; Deputy General Manager A. Robert Troup; C-Suite Team Members Chief of Police & Emergency Management Wanda Dunham, Chief Financial Officer Gordon L. Hutchinson, Chief of Staff Melissa Mullinax and Chief Counsel Elizabeth O'Neill; AGMs Elayne Berry, LaShanda Dawkins, Victor Hall (Acting), Tiffany Jackson (Acting), David Springstead and Tom Young (Acting). Chief Information Security Officer Dean Mallis; Executive Director Shelton Goode; Directors Rhonda Allen, Debbie Frank, Jonathan Hunt, Remy Saintil, Richard Slaton; Managers Jacquelyn Bentley, John Cochran, Stephany Fisher and Jacqueline Holland. Manager Executive Office Administration Tyrene Huff; Sr. Executive Office Administrator Ashanti Boothe, Sr. Executive Office Administrator Tonya Gantt (Contract); Sr. Executive Administrator Keri Lee. Others in attendance Abebe Girmay, Kareem Jackson, Courtne Middlebrooks, LaTonya Pope and Akio Turner.

Also in attendance Pam Alexander of LTK Engineering, Jack Buckingham of MATC, Helen McSwain of Rhodafox, Jim Schmidt of HNTB.

**Consent Agenda**

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- a. Approval of the July 26, 2018 Business Management Committee Meeting Minute

- b. Resolution Authorizing the Receipt of Federal Transit Administration FY 2018 Formula Grant Assistance

On motion by Mr. Griffin seconded by Ms. Abdul-Salaam, the Consent Agenda was approved by a vote of 10 to 0, with 10 members present.

**Individual Agenda**

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**Resolution Authorizing the Execution of Agreements with GAPR1, LLC for the Development of Parcels D3140 and D3202 at Lindbergh City Center Station, RFP P38602**

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Ms. Frank presented approval authorizing the General Manager/CEO or his delegate to execute agreements with GAPR1, LLC c/o Upper East Side for the development of MARTA's parcels D3140 and D3202 at the Lindbergh Center Station.

Mr. Dallas asked if the property fronted Piedmont Road and if the parking lot to the rear of the property is owned by MARTA.

Ms. Frank confirmed the property fronts Piedmont Road and the parking lot is owned by MARTA.

Mr. Dallas said in regards to the surface parking lot, he sees a building going up on the property in the future. He asked if that has been taken into account?

Mr. Parker said the parking lot fits with the MARTA headquarters building. Not having the parking lot would go against the value of the headquarters building.

Mr. Pond asked what's to keep GAPR1 from sitting on the property.

Ms. Frank explained that the terms are spelled out in the Agreement. They have three years to begin construction. During the 3-year timeframe, they must perform demolition of any properties sitting on the property and apply for the appropriate permits.

On motion by Mr. Durrett seconded by Ms. Abdul-Salaam, the resolution was unanimously approved by a vote of 10 to 0, with 10 members present.

**Resolution Authorizing the Disposition of MARTA's Parcels D3140 and D3202 at Lindbergh Center Station in Atlanta, GA**

Ms. Frank presented this resolution authorizing the sale of Parcels D3140 and D3202 to GAPR1, LLC c/o Upper East Side for TOD at Lindbergh Center Station.

MARTA and GAPR1, LLC have reached mutually agreeable terms to develop Parcels D3140 and D3202 into a mixed-use development as part of MARTA's TOD Program. The Lindbergh Center Station Phase II TOD Master Plan contemplates the assemblage of 2540 Piedmont Road with the smaller adjoining MARTA-owned parcels, resulting in a high-density, high-visibility catalytic redevelopment. GAPR1, LLC has requested the acquisition of Parcels D3140 and D3202 in order to assemble those with their property at 2540 Piedmont Road. The developer is to implement a mixed-use project with multi-family residential street level retail and a potential 200-room hotel.

MARTA will receive fair market value for the disposition of Parcels D3140 and D3202. In the event GAPR1, LLC is unable to commence construction on the TOD within the required timeframe, ownership of Parcels D3140 and D3202 will revert back to MARTA. The parcels have been appraised at fair market value and will be sold at that appraised value. The appraised value \$1.4M for Parcel D3140 (fleet management office) and \$4.096M for Parcel D3202. Total sales price is \$5.6M.

MARTA evaluated the disposition of this property to facilitate these uses. MARTA Engineering has certified that the parcel is no longer required for the construction, operation or maintenance of the transit system.

Mr. Floyd asked what are the restrictions/requirements regarding use of the funds from the sale of these properties.

Ms. O'Neill said there are no restrictions. The money will go into the General Fund.

Mr. Dallas asked with multi-family housing, are there any impositions for workforce housing or long-term housing.

Ms. Frank said MARTA's TOD Guidelines requires 20%, which we are following.

Mr. Daniels asked what happens if the time frame is exceeded.

Mr. Slaton said under the Revert-a-Clause, MARTA can buy the property back at the same price the developer paid for it – minus any legal cost.

Ms. Abdul-Salaam asked what is the reference source in meeting affordable housing guidelines.

Ms. Frank said it is typically 60-80% of the area's median income.

Mr. Durrett said it would be a good idea to share with the Board, the part of MARTA's TOD policy that addresses affordable housing. There is likelihood in the next year or two MARTA will modify guidelines to be consistent with City of Atlanta and surrounding jurisdictions.

Mr. Parker said staff will present a summary of what has been done around affordable housing.

On motion by Mr. Durrett seconded by Ms. Abdul-Salaam, the resolution was unanimously approved by a vote of 10 to 0, with 10 members present.

**Resolution Authorizing Amendment to Lease Agreement Between MARTA and King Memorial TOD, LLC for the Multifamily Residential and Retail/Commercial Facilities at King Memorial Station**

Ms. Frank presented this resolution authorizing the execution of the Amendment to Lease Agreement between MARTA and King Memorial TOD, LLC.

Over the past year, staff has been working with the developer (HJ Russell and Place Properties) to assess the extent of environmental contamination at the King Memorial TOD site and to determine the appropriate approach to remediating the site. The contamination necessitated a redesign of the project to minimize excavation and removal of the soil. As a result, the total unit count decreased from approximately 400 units to 297 units (the number of affordable units has remained static at 98 due to requirements set forth in the developers funding agreement with Invest Atlanta for the project.

The developer has requested that MARTA contribute to the costs of environmental remediation. The total cost of remediation is projected to be between \$1.2M and \$1.4M. If the currently planned construction does not occur, there is the potential for the site to become listed on GAEPD's Hazardous Sites Inventory (HSI). If the site is listed on HSI, then MARTA would likely be required to remediate portions of the site by removing soil that has concentrations exceeding the applicable risk reduction standards. If the project does not move forward, MARTA will be responsible for approximately \$158,920 in remediation costs.

Staff recommends that MARTA fund the costs which would be incurred if development does not occur (\$158,920) plus half of the additional costs associated with readying the site for development. MARTA's total expenditures would be capped at \$800,000. It is expected that MARTA will be required to assume all or a portion of these costs in order for a TOD project to be constructed on this site today or at any point in the future.

Construction is estimated to begin the second quarter of 2019.

Mr. Durrett asked who is the environmental consultant.

Ms. Frank said the consultant is URS.

Mr. Durrett asked what was found.

Ms. Frank responded black fill, lead, contaminated metal and underground storage facilities around the site.

Mr. Durrett asked about the remediation plan consistent with TOD development.

Ms. Frank said evacuation and removal of soil.

Mr. Durrett asked who will sign off to say 'there is no longer concern about environmental contamination'.

Ms. Frank said the State (EPD) will sign off.

Mr. Pond asked what is developer's responsibility and why is MARTA involved in remediation when the developer has signed a contract.

Ms. Frank said MARTA found the site more contaminated than originally thought.

Dr. Edmond said the second successful bidders brought the excess contamination to MARTA's attention.

Mr. Hunt agreed with Dr. Edmond's statement. He further noted that the first bidder (Walton Group) did not do any environmental testing. MARTA knew the site was impacted and disclosed that during the solicitation process. This group did a Phase I of their own accord and then met with MARTA's environmental group. The results of the Phase I determined they needed to do a Phase II – the normal penetration, borings, etc. MARTA

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engaged URS. MARTA approved and went forward with a Phase II. It was during this time that the extent of the environmental impact was fully known.

Mr. Floyd asked if the contamination is due in any part to the construction of the MARTA station near the site.

Mr. Hunt said in all likelihood, no.

Mr. Floyd asked how did we end up with contaminated property and it appears we did not know about it.

Ms. Frank said the property was originally going to be a surface parking lot.

Mr. Dallas expressed concern with the 25% reduction in units. His thoughts are that as many units as possible should be built. The density would improve ridership.

Ms. Frank explained; with the nearby adjacent Oakland Cemetery there are restrictions on height for that area. They want to maintain the view.

Ms. Abdul-Salaam asked if it's been determined how deep the contamination goes.

Ms. Frank said there is very detailed information in the report. The consultants on both sides along with the developer have dug deep. We know what's there and what will be required by the State.

Mr. Daniels said he will abstain from the vote due to Mr. Jerome Russell being on the Board at his place of business.

Dr. Edmond said he will abstain. He does not have a business relationship with Mr. Russell but a personal relationship.

On motion by Mr. Durrett seconded by Mr. Dallas, the resolution was approved by a vote of 8 to 0, with 10 members present

Commentary from Board Member, Robert Dallas

MARTA will do well and become a leader within the region in a couple of important areas:

- Affordable housing component. There are many jurisdictions in the area that do not buy into the concept. MARTA should be aggressive in this area

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- Density as it relates to TOD – it is important as we work with future partners, we should do all we can to encourage density. More people will be able to ride the train, it improves the area and it makes the prospect of affordable housing more likely from an economic perspective

Mr. Floyd, from a local government perspective, urged the Board to move forward with caution when it comes to height and density restrictions. It affects local neighborhoods.

Mr. Dallas said when it comes to density, we must always get community input.

**Resolution Authorizing Award of a Contract for the Procurement of MARTA's Mystery Customer Program, RFP P41113**

Dr. Goode presented this resolution authorizing approval by the General Manager/CEO or his delegate to enter into a contract for the procurement of MARTA's Mystery Customer Program, RFP P41113, with A Customer's Point of View.

The purpose of the Mystery Customer Service Program is to evaluate the full spectrum of MARTA's customer services with special emphasis on the performance and behavior of frontline employees in meeting customer expectations, complying with the mandates of the Americans with Disabilities Act (ADA) and delivering courteous reliable service for all of MARTA's customers, including those individuals with disabilities.

A Court Order was issued October 7, 2002 as a result of litigation initiated by a group of individuals with disabilities which required MARTA to retain a consultant to monitor MARTA's compliance with ADA accessibility in accordance with the Americans with Disabilities Act (ADA).

At present, MARTA has not been released from the Court Order. Therefore, the Office of Diversity and inclusion is requesting permission to award a contract to A Customer's Point of View, Inc. for the Mystery Customer Program in the amount of \$540,000.

The award of a contract to A Customer's Point of View, Inc. for the MARTA Mystery Customer Program will allow MARTA to remain compliant with ADA accessibility requirements in accordance with the Americans with Disabilities Act (ADA).

Dr. Edmond asked Mr. Goode to give the Board insight into the specific scope of work, i.e., how will they do it?

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Dr. Goode said the Mystery Shopper program requires the vendor to do 200 mystery shops per quarter. Individuals are hired to ride the fixed route, rail and MARTA Mobility. There is a very specific checklist, i.e., did the bus/rail operator make announcements in terms of the stops, was the operator of the paratransit vehicle courteous, was proper procedure used to make sure individuals in wheelchairs were secured properly. The reports then come to the Office of Diversity & Inclusion. A report is done and given to MARTA's Legal Department. Legal reviews with Counsel that is overseeing the Consent Decree.

Mr. Durrett asked why is this information being presented to the Board.

Dr. Goode said he usually talks about MARTA's Disadvantaged Business program, but as the Chief Compliance Officer for the Authority and the Executive Director for Diversity and Inclusion, he is in fact, responsible for three areas:

- Supplier Diversity Program (DBE Program)
- Oversight of all Compliance (Equal Employee Opportunity, FTA requirements, Federal/State regulation/oversight)
- Diversity & Inclusion (Ensures that MARTA strives to be an employer of Choice with a diverse workplace and an inclusive work environment)

Dr. Edmond said data for the sake of data is useless. He asked if there are plans for MARTA to respond immediately to any graven material infractions that we find out from Mystery Shoppers.

Dr. Goode said the Mystery Shoppers are looking at very specific things as directed by the Consent Decree. However, we often get feedback through a number of means - customer service hotline, MARTA's website – this feedback is dealt with immediately. The information we get on a quarterly basis is very specific. i.e., if an operator missed an announcement – that information is synthesized and shared with Legal.

Dr. Edmond said he would like critical information that comes from the Mystery Shops to come to the Board immediately.

Mr. Daniels said transparency is key to ensure that we are moving forward in the right direction.

Mr. Parker said staff will come forward with results and trends around it.



Ms. Abdul-Salaam said she is concerned with the weight surrounding issues raised by the Mystery Shopper. She asked about the distinction of the Mystery Shopper versus Customer Service Hotline.

Mr. Parker said we obviously need to pay attention to what we hear from our customers. The value of the Mystery Shopper is they have been trained to look for particular things such as announcements at stops, tying down a wheelchair, etc. In order to be compliant with ADA requirements, we need trained people to work through the Mystery Shopper program.

On motion by Mr. Durrett seconded by Dr. Edmond, the resolution was unanimously approved by a vote of 10 to 0, with 10 members present

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**Adjournment**

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The meeting of the Business Management Committee adjourned at 11:21 a.m.