

**Cobb County-Marietta Water Authority
Minutes of Regular Meeting**

April 19, 2010

The regular meeting of the Cobb County-Marietta Water Authority was held on April 19, 2010 at 3:30 p.m., in the Cobb County-Marietta Water Authority's Board Room. Water Authority Board members present were: David Austin, Max Bacon, Charlie Crowder, Don Mabry, Van Pearlberg, Earl Smith and Woody Thompson.

The meeting was called to order at 3:30 p.m. by Chair Don Mabry. Mr. Mabry welcomed Mr. Thompson as a new Board member.

1. Approval of minutes of regular meeting 03/15/10

Mr. Mabry asked for approval of the minutes of the regular meeting of March 15, 2010. Mr. Smith made a motion to approve the minutes as presented. Mr. Austin seconded the motion; motion passed 7/0.

2. Financial report

Ms. Joanne Dwyer, Legacy Financial Services, presented the March Financial Report. Page 9 of the Accountant's Compilation Report for the one month ending March 31, 2010 reflects a favorable variance in net income of \$99,046. Page 10 of the Accountant's Compilation Report for the three months ending March 31, 2010 reflects a favorable variance in net income of \$1,426,904.

Ms. Dwyer reported that the annual audit is near completion and will be presented to the Board at the May meeting.

Mr. Smith, Finance Committee Chair, announced that there will be a Finance Committee meeting prior to the Board meeting on May 17. Mr. Smith noted that he has invited Mr. Kessel Stelling, President and Chief Operating Officer of Synovus, parent company of Bank of North Georgia, to attend the May meeting to provide the Board with a status report on the bank.

3. Wyckoff Sole Source Request

Mr. Page referenced the memorandum in the Board package (copy in file). Mr. Page confirmed that the equipment that is identified in the memorandum is unique in some way which makes its direct selection beneficial to the Water Authority, or matches existing equipment which helps with consistency in operation, maintenance and spare parts. Mr. Pearlberg made a motion to approve staff's request to sole source through the construction contract the following equipment for the Wyckoff Regulatory and Operational Improvements Project: 4 Primary Flow Signal high-accuracy venturi meters; 4 Primary Flow Signal and EIM filter rate-of-flow controllers and actuators; 12 Leopold filter underdrains, troughs and filter media; 18 Meurer Research, Inc. hoseless sludge collection systems; 2 Envirex chain and flight solids removal systems; 1 Carter & Verplanck on-site sodium hypochlorite generation system and hose pumps for alum and fluoride feed systems; and 1 Burnett Lime liquid lime storage and feed system. Mr. Austin seconded the motion; motion passed 7/0.

4. Bid Results – Wyckoff Raw Water Intake and Pump Station Electrical Improvements

Mr. Page referenced the memorandum in the Board package (copy in file). Mr. Smith made a motion to award the Wyckoff Raw Water Intake and Pump Station Electrical Improvements to Crowder Construction Company, Inc. of Conyers, Georgia for the bid price of \$4,646,980.00, and to

authorize the General Manager to enter into an Excess Facilities Charge Agreement with Georgia Power Company in the amount of \$207,773.62 to replace the existing 2300 Volt transformer serving the facility with a new 4160 Volt transformer. Mr. Pearlberg seconded the motion; motion passed 7/0. Board member Charlie Crowder confirmed that he has no connection to Crowder Construction Company, Inc.

5. Bid Results – Wyckoff Granular Activation Carbon Pressure Vessels Pre-purchase

Mr. Page referenced the memorandum in the Board package (copy in file). Mr. Austin made a motion to approve the pre-purchase of 28 Granular Activation Carbon Pressure Vessels and to award the bid to Calgon Carbon Corporation of Pittsburgh, PA for the low bid price of \$3,045,840.00. Mr. Thompson seconded the motion; motion passed 7/0. Assignment of the pre-purchase agreement will be made to the contractor awarded the contract for the Wyckoff Regulatory and Operational Improvements project in July.

6. Bid Results – Quarles Reservoir Rehabilitation and Improvements – Contract No. 1

Mr. Page referred to the memorandum in the Board package (copy in file). Contract No.1 is specific to the cleaning of the raw water reservoir at the Quarles Water Treatment Plant. The project also includes installation of an HDPE liner to make future reservoir cleaning efforts easier and less costly, and lessen the likelihood of the reservoir dike becoming categorized as a high-hazard dam in the future. Mr. Page commented that, upon award of the bid, staff will explore opportunities with the contractor to reduce the final contract price through modification of the specified project approach. Mr. Pearlberg made a motion to award the Quarles Reservoir Rehabilitation and Improvements Project, Contract No. 1 to Heavy Constructors, Inc. for the low bid of \$4,077,826.00. Mr. Crowder seconded the motion; motion passed 7/0.

7. Bid Results – Quarles Reservoir Rehabilitation and Improvement – Contract No. 2

Mr. Page referenced the memorandum in the Board package (copy in file). Contract No. 2 addresses piping interconnections and valve replacements to improve operational flexibility in the reservoir by-pass system. Mr. Thompson made a motion to award the Quarles Reservoir Rehabilitation and improvements – Contract No. 2 to Southern Champion Construction, Inc. for the low bid of \$956,062.00. Mr. Mabry seconded the motion; motion passed 7/0.

8. Reschedule June 21, 2010 Board meeting

Mr. Page noted that three Board Members have registered for the American Water Works Association Annual Conference and Exhibition, which will be held in Chicago June 20-25. As a result, there will not be a quorum available for the June 21 meeting. Mr. Page and Mr. Mabry propose rescheduling the June meeting to June 14, one week early. Mr. Smith made a motion to reschedule the June 21 meeting to June 14. Mr. Crowder seconded the motion; motion passed 7/0.

9. Old Business

Mr. Mabry made several committee appointments. The current committees are:

Finance Committee: Mr. Smith, Ch., Mr. Austin and Mr. Crowder

Planning Committee: Mr. Bacon, Ch., Mr. Pearlberg and Mr. Thompson

Personnel Committee: Mr. Pearlberg, Ch., Mr. Bacon and Mr. Crowder

Pension Committee: Shelia Buckner, Stan Brinkley, Ricky Bennett, Mr. Smith, Mr. Austin, Vonna McClung and Glenn Page

10. General Manager's Report

Mr. Page distributed copies of King & Spalding's Summary of Georgia Parties Brief filed in U.S. Court of Appeals for 11th Circuit (copy in file).

Mr. Page reported that he authorized an emergency repair of Quarles Raw Water Pump No. 7 which was installed in 2008. The emergency repair has an estimated cost of \$15,500.

Mr. Page also reported that upon further evaluation of Filter No. 16 at Quarles 1, staff changed the recommendation that was presented in the written General Manager's Report and he approved emergency repairs to be coordinated by staff and performed by Rehab Construction Co., Inc. of Conyers to perform a complete cleaning and repair of the filter, and replacement of all support gravel and media to original specification at a price estimated to not exceed \$75,000 (depending on condition of Wheeler ceramic underdrain spheres). Work is to begin as soon as practicable.

Mr. Page reminded the Board of the dedication of the R.L. Jacobs Memorial Bench on April 26 at 4 p.m. and that he will be out of the country May 17-21 and will miss the May Board meeting.

11. Legal

Mr. Haynie requested that the legal items be presented after the Executive Session.

12. New Business

There was no new business to present.

13. Executive Session

Mr. Pearlberg made a motion to go into Executive Session to discuss property acquisition and potential litigation. Mr. Bacon seconded the motion; motion passed 7/0.

Mr. Bacon made a motion to return to Regular Session. Mr. Smith seconded the motion; motion passed 7/0.

Legal

The following legal items were presented:

1. Mr. Smith made a motion to deny the claim contained in Ante Litem Notice from Mrs. Johnnie McPhail (copy in file). Mr. Bacon seconded the motion; motion passed 7/0.
2. Mr. Crowder made a motion to deny the claim contained in Ante Litem Notice from Ms. Donna Faye Lawrence (copy in file). Mr. Smith seconded the motion; motion passed 7/0.
3. Mr. Austin made a motion to approve the Order of Condemnation of property owned by Fincher Road Investments on behalf of the Cobb County-Marietta Water Authority by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property. The Authority attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any

appeals in such case. In the alternative, this motion authorizes the purchase of said property upon the approval of the Chair, General Manager and Board Attorney. Mr. Crowder seconded the motion; motion passed 7/0.

4. Mr. Bacon made a motion to approve the Order of Condemnation of property owned by Richard Light and Linda Holmes-Rubin on behalf of the Cobb County-Marietta Water Authority by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property. The Authority attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. In the alternative, this motion authorizes the purchase of said property upon the approval of the Chair, General Manager and Board Attorney. Mr. Mabry seconded the motion; motion passed 7/0.
5. Mr. Bacon made a motion to approve the Order of Condemnation of property owned by Tony Watkins on behalf of the Cobb County-Marietta Water Authority by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property. The Authority attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. In the alternative, this motion authorizes the purchase of said property upon the approval of the Chair, General Manager and Board Attorney. Mr. Smith seconded the motion; motion passed 7/0.
6. Mr. Bacon made a motion to approve the Order of Condemnation of property owned by Moore Family Reunion Association on behalf of the Cobb County-Marietta Water Authority by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property. The Authority attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. In the alternative, this motion authorizes the purchase of said property upon the approval of the Chair, General Manager and Board Attorney. Mr. Crowder seconded the motion; motion passed 7/0.
7. Mr. Bacon made a motion to approve the Order of Condemnation of property owned by Glenn Weber and Carol Ann Weber on behalf of the Cobb County-Marietta Water Authority by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property. The Authority attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. In the alternative, this motion authorizes the purchase of said property upon the approval of the Chair, General Manager and Board Attorney. Mr. Smith seconded the motion; motion passed 7/0.
8. Mr. Bacon made a motion to approve the Order of Condemnation of property owned by Michell Fronebarger on behalf of the Cobb County-Marietta Water Authority by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property. The Authority attorney is hereby authorized and directed to take any and all action necessary

to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. In the alternative, this motion authorizes the purchase of said property upon the approval of the Chair, General Manager and Board Attorney. Mr. Smith seconded the motion; motion passed 7/0.

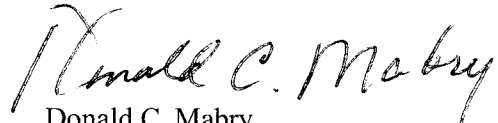
9. Mr. Bacon made a motion to approve the Intergovernmental Agreement between the Cobb County-Marietta Water Authority and Cobb County for installation of a 24-inch ductile iron water main in the right-of-way of Anderson Mill Road. (See attached). Mr. Smith seconded the motion; motion passed 6/0/1 with Mr. Thompson abstaining.

The Board directed Mr. Page and Mr. Haynie to negotiate with the owners of 1170 and 1190 Atlanta Industrial Drive for the purchase of property for the purpose of a new Administration and Engineering Building.

There being no further business to come before the Board, the Regular Meeting was adjourned.



Becky Mixon
Assistant Secretary



Donald C. Mabry
Chair