

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

February 15, 2010

The regular meeting of the Cobb County-Marietta Water Authority was held on February 15, 2010 at 3:30 p.m., in the Cobb County-Marietta Water Authority's Board Room. Water Authority Board members initially present were: Max Bacon, Charlie Crowder, Don Mabry, Van Pearlberg and Earl Smith.

The meeting was called to order at 3:30 p.m. by Chair Don Mabry.

1. Approval of minutes of regular meeting 01/25/10

Mr. Mabry asked for approval of the minutes of the regular meeting of January 25, 2010. Mr. Smith made a motion to approve the minutes as presented. Mr. Bacon seconded the motion; motion passed 5/0.

2. Financial Report

Ms. Joanne Dwyer, Legacy Financial Services, presented the January Financial Report. Page 9 of the Accountant's Compilation Report for the one month ending January 31, 2010 reflects a favorable variance in net income of \$860,717.

Mr. Olens arrived at this time.

3. Demand Services Engineering Contracts

Mr. Page referenced the memorandum in the Board package (copy in file), and stated that the objective of the contracts is to have qualified engineers already under contract to expedite work, while maintaining a competitive environment for selection of those engineers.

Based on the information in the memorandum and the proposals received, evaluated and ranked, staff recommended entering into Demand Services Engineering Contracts with the following firms: Civil Engineering Consultants, Inc. of Marietta; Hazen & Sawyer of Atlanta; and River to Tap, Inc. of Roswell. Mr. Smith made a motion to approve staff's recommendation. Mr. Bacon seconded the motion; motion passed 6/0.

4. Bid Results – Wyckoff Water Treatment Plant Operations Building Roof Project

Mr. Page referred to the memorandum in the Board package (copy in file). Mr. Page reported that bids were received for the roof replacement project for the Operations Building at the Wyckoff Plant (part of the Regulatory and Operational Improvements work) on February 8. Only 2 bids were received, both in the range of the Engineer's Estimate of \$1,601,098.

Staff recommended award of the Wyckoff Water Treatment Plant Operations Building Roof Replacement Project to the low bidder, Eastern Corporation of Marietta, for the bid price of \$1,557,000. Mr. Smith made a motion to approve awarding the bid to Eastern Corporation of Marietta for \$1,557,000, subject to further review of the manufacturer's history of performance, including financial strength and open litigation, by the General Manager and the Chair. Mr. Bacon seconded the motion; motion passed 6/0.

5. Sole Source Request – SolarBee Tank Mixing Systems

Mr. Page referred to the memorandum in the Board package (copy in file). The purchase and installation of this equipment is included in the Capital Improvement Program under the Asset Renewal & Replacement line item. The Board has previously approved sole-source purchasing of the SolarBee Mixing System for installation in other tanks because there are no competitors in the marketplace for this system. CCMWA has received excellent service from all units installed to date.

Staff requested Board approval to enter into an agreement with the Eshelman Company, Inc. of Marietta to furnish and install three SolarBee mixing systems at a cost of \$184,500. Mr. Pearlberg made a motion to approve staff's request. Mr. Smith seconded the motion; motion passed 6/0.

6. AWWA Annual Conference, June 20 – 24, 2010

Mr. Page reported that Mr. Austin, Mr. Smith and Mr. Pearlberg have indicated their interest in attending the AWWA Annual Conference & Exhibition in Chicago, June 20-24, 2010. CCMWA's authorizing legislation requires that all Board travel must be pre-approved for expenses to be reimbursable. Mr. Bacon made a motion to approve reimbursement of allowable expenses for any Board member that wishes to attend. Mr. Smith seconded the motion; motion passed 5/0, with Mr. Olens abstaining.

7. Old Business

Administrative Building - Mr. Crowder reported that he and Mr. Bacon had recently toured the building at 1170 Atlanta Industrial Drive. Mr. Mabry had also previously toured the building. Mr. Bacon made a motion to direct staff to proceed with a due diligence review, an appraisal and architectural review. Mr. Olens seconded the motion; motion passed 6/0.

8. General Manager's Report

Mr. Page reported on the following:

- Bids for the Austell-West Side Connector are scheduled to be received April 6. Staff expects to present the Board with an award recommendation at the April Board meeting.
- Staff met with Mr. Garvis Sams and his client, Health Care Capital Consolidated, Inc. (HCCC), on January 26 to discuss a proposed development on the 9.6 acre tract immediately adjacent to and west of the Quarles Plant. CCMWA has a 60-foot wide easement across the tract which contains the 30-inch main carrying water to the Blackjack Tank. This main is scheduled to be replaced / upgraded, with engineering to begin in 2015 and construction in 2016. HCCC is seeking to coordinate their construction with our existing location and planned replacement, as well as requesting consideration of a joint stormwater management system located on our property.

Mr. Page reported that staff is disinclined to consider the joint stormwater management system because of concerns with assumed liability during and after HCCC's construction and potential limitations of CCMWA's site use in the future. However, staff believes it may be in CCMWA's best interest to consider accelerating the plans to replace the 30-inch line earlier to avoid an impact to this newly developed site in 2016. Last year, CCMWA received a request from Indian Hills Country Club to accelerate a portion of this project across its driving range, parking lot, and swim and tennis area to coordinate with some planned work there. Once HCCC's plans are more firm and staff

has an opportunity to get a cost estimate and evaluate the impact on the cash flow, staff may bring a request to Board in the next few months to accelerate a portion of the East Cobb Reinforcement Pipeline.

- General Assembly:

Mr. Page noted that staff continues to track the water-related bills that were included in the written GM Report and provides input when necessary.

Mr. Page reported that he and several other water managers were invited to meet with the Lt. Governor to discuss a bill that would require interconnections to ensure redundancy in the event of a water shortage caused by any event, including Judge Magnuson's ruling. The managers submitted some requested language that could meet the Lt. Governor's intent, without requiring the expenditure of great amounts of money with potential of little to no return.

Mr. Page also reported that Daniel White of Haynie, Litchfield and Crane drafted legislation that would address the restrictions in Georgia law against condemnation for required mitigation easements in GA law which have presented problems with land acquisition at Hickory Log Creek. That language was presented to the Lt. Governor and the Cobb delegation.

- ACT:

Mr. Page reported that on February 9, he and Mr. Olens attended a meeting with the Chief Counsel to the Governor to discuss any concerns CCMWA may have in the negotiations regarding the ACT. Staff is in the process of providing information requested to help the State frame the boundaries that are acceptable in the negotiations.

Mr. Page also distributed an update on water resources pertaining to the ACT and ACF.

9. Legal

Mr. Bacon made a motion to approve the purchase of First Cherokee Bank property at the appraised value of \$82,000.00. Mr. Smith seconded the motion; motion passed 5/0.

Mr. Pearlberg made a motion to authorize the attorney for the Cobb County – Marietta Water Authority to file eminent domain proceedings regarding the property of ANDREW AND ROBIN MILLER MOORE in Cherokee County, Georgia located in Land Lot 171, District 14th of Cherokee County, Georgia, consisting of a 4.36-acre fee simple acquisition and a 1.49-acre permanent buffer easement acquisition. The Chair of the Authority, the General Manager of the Authority and the Attorney of the Authority are hereby authorized to sign any and all documents in order to carry out this motion, including the authority to file appeals regarding any rulings in this case. The Order Authorizing Condemnation and the subject plat are attached hereto and incorporated herein by reference. Mr. Bacon seconded the motion; motion passed 5/0.

Mr. Pearlberg made a motion to authorize the attorney for the Cobb County – Marietta Water Authority to file eminent domain proceedings regarding the property of JOHNNIE M. MCPHAIL in Cherokee County, Georgia located in Land Lot 171, District 14th of Cherokee County, Georgia consisting of a 5.72-acre fee simple acquisition and a 4.86-acre permanent buffer easement acquisition. The Chair of the Authority, the General Manager of the Authority and the attorney are hereby authorized to sign any and all documents in order to carry out this motion, including the authority to file appeals regarding any rulings in this case. The Order Authorizing Condemnation and

the subject plat are attached hereto and incorporated herein by reference. Mr. Bacon seconded the motion; motion passed 5/0.

Mr. Smith made a motion to approve an Encroachment Agreement between the Cobb County-Marietta Water Authority and the Mulberry Condominium Association, Inc. for the 42" Raw Water Line from the Chattahoochee River to the Lower Roswell Road Treatment Plant, subject to the final approval of the Chair, General Manager and Authority Attorney. Mr. Crowder seconded the motion; motion passed 5/0.

10. New Business

Deferred until after Executive Session.

11. Executive Session

Mr. Smith made a motion to go into Executive Session to discuss personnel, property acquisition and potential litigation. Mr. Bacon seconded the motion; motion passed 5/0.

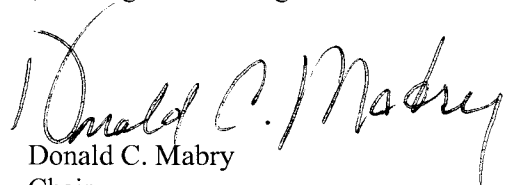
Mr. Bacon made a motion to return to Regular Session. Mr. Pearlberg seconded the motion; motion passed 5/0.

Mr. Smith made a motion to tender an offer of \$600,000.00 to Technology Park Atlanta for property required for the Hickory Log Creek Reservoir project, subject to final approval of the Chair of the Authority, the General Manager of the Authority and the Attorney of the Authority. Mr. Bacon seconded the motion; motion passed 5/0.

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



Becky Nixon
Assistant Secretary



Donald C. Mabry
Chair