

Good evening, City Council members.

My name is Cindy Smith. I am a 31 year resident of Powder Springs and I am the current Country Walk Home Owners Association President, which subdivision is located at 3003 Country Walk Drive.

My concern tonight involves Resolution 2023-176 on page four of tonight's agenda. In particular the detention ponds on 4861 Saddlerun Ln. and 4811 Country Walk Estates, located within or next to the Country Walk subdivision and the lack of response the City has given our attorneys at Nowack Howard in answering the concerns expressed on behalf of the Country Walk HOA.

The Country Walk Homeowners' Association management company, All In One, received a compliance notification dated May 31<sup>st</sup> from storm water management with regards to these two detention ponds. The association responded right away to this notification with an electronic letter dated June 6<sup>th</sup> from Attorney Shelby Perdue, with Nowack Howard, who represents the Country Walk Association, addressed to Pam Conner, City Manager, Julie Livingston, City Attorney, and Travis Schnapp, City of Powder Springs Stormwater Management, expressing the Country Walk Association's concerns about the maintenance responsibilities of these detention ponds and who is legally responsible for them. The letter was sent after our attorneys had previous conversations with Ms. Connor in the previous months regarding these detention ponds.

I sent each of you in an email yesterday, Sunday, September 17, 2023, a copy of that letter for you to review and I have a copy with me now.

Since the June 6<sup>th</sup> letter sent by our attorneys, our attorneys stated that multiple phone call messages and emails have been ignored. In an email sent to me last week, September 7<sup>th</sup>, from attorney Shelby Perdue she states: ***"I sent a letter to the City in June with our arguments and have been promised a response from the City's attorney several times. We have not yet received anything from them."***

The City also failed the common courtesy of notifying the Country Walk Home Owners Association, its management company, or its attorneys of putting the maintenance of these detention ponds on the calendar tonight for a vote and doing so without any discussion and acknowledgement of the letter sent them three months ago. It was quite by accident through a neighbor at our board meeting last Monday that I found out this was on your agenda for your council work session last Wednesday.

When I informed our attorney this was on your agenda her response was, ***"Though I have been requesting updates from both the City Attorney and Stormwater Management, they failed to inform us that this was an upcoming item that would be addressed."***

The detention ponds as well as the streets and easements were legally dedicated to the City in the 1980's by the developer and became the City's responsibility at that time.

The named detention ponds are not owned by the Country Walk Home Owners Association and they are not on HOA Common property. We object to the cost of cleanup and maintenance being charged to the HOA homeowners. These ponds lie on individual homeowner properties within easements dedicated to the City. They are and have been the City's legal responsibility to maintain.

Again, the City has not responded to the attorney's letter that outlined argument of this fact, as well as multiple emails and phone calls from our attorneys over the last several months. The plan to cleanup these ponds and charge the homeowners was put on the council's agenda tonight without the courtesy of notifying the attorneys representing Country Walk HOA even though they have requested updates. The City did not notify the All In One management company, or the Country Walk Home Owners Association Board of this being on the agenda tonight. I am requesting on behalf of all, as well as the approximately 800 homeowners whom I represent, that maintenance of the detention ponds on 4861 Saddlerun Lane and 4811 Country Walk Estates be removed from tonight's consent agenda, that this item be tabled until November, and that it be put on a general agenda for discussion, in order to give Ms. Connor, Ms. Livingston and Mr. Schnapp, and whomever else is involved on the City council, the time they need to respond to the letter from our attorneys that was sent to them over three months ago, and time for us to work together for an understanding and solution.

I have made copies of my statement for each of you, and I request that this to be made part of the minutes.

Thank you for your time and consideration.