

RESOLUTION NO. 2024 - 102

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL AGREEMENT WITH OPTERRA SOLUTIONS, TO MOW, CLEAR AND MAINTAIN CERTAIN DETENTION PONDS FOLLOWING COLLECTION OF FUNDS FROM OWNERS OF PROPERTIES WITHIN AFFECTED SUBDIVISIONS; TO AMEND SAID AGREEMENT TO INCLUDE CERTAIN ADDITIONAL DETENTION PONDS IN COUNTRY WALK, LOST LAKES AND DOGWOOD DRIVE; TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT WITH MAULDIN & COOK FENCE COMPANY TO REPAIR AND REPLACE FENCING AT CERTAIN DETENTION PONDS FOR AN AMOUNT OF \$14,750 FOLLOWING COLLECTION OF FUNDS FROM OWNERS OF PROPERTIES WITHIN SUBDIVISION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS certain detention ponds located within the City of Powder Springs are delineated on private property and belong to single property owners, absent owners or homeowner associations who have not maintained said ponds, or homeowner associations who have requested to participate in the detention pond program ; and

WHEREAS multiple properties drain to said ponds as identified in subdivision plats, said ponds developed as required by development regulations to capture runoff from the development to pre-development levels; and

WHEREAS despite pond development for the benefit of and to capture runoff from all lots within the platted subdivision, the ponds were located on individual private parcels; and

WHEREAS individual private owners are not equipped to address the proper maintenance and functioning of detention ponds, and many ponds are owned by absent owners, which results in deficient, unmaintained detention ponds that have negative impacts on both the immediate neighborhood as well as the city wide stormwater system; and

WHEREAS the City adopted previously adopted an ordinance specifying that should the owner of stormwater management systems and facilities fail to maintain such stormwater management systems and facilities, the city may perform such maintenance as is necessary in the public interest to keep the systems and facilities functional and the cost of the City's activities shall be a special assessment against the improved properties authorized and constructed under the land disturbance permit issued for the development for which the stormwater infrastructure was installed; and

WHEREAS the City previously approved an agreement with Opterra Solutions to mow, maintain and make certain repairs within designated detention ponds, and the City desires to renew said agreement for an additional one-year term and include certain additional detention ponds within said work at Lost Lakes, Country Walk and Dogwood Drive; and

WHEREAS the City previously approved an agreement with Mauldin to repair fencing at detention ponds and the City desires to renew said agreement to complete fence repairs; and

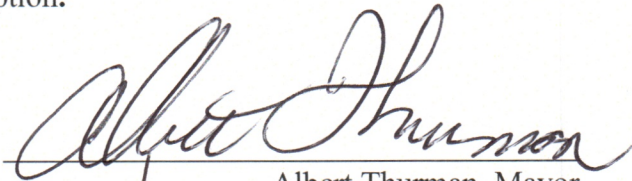
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WHEREAS the City will utilize budgeted stormwater dollars to complete the required work and impose a special assessment against the improved properties that were authorized and constructed under the land disturbance permit issued for the development for which the pond was constructed in order to reimburse the stormwater fund pursuant to City codes and regulations.

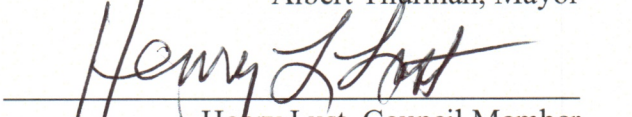
BE IT THEREFORE RESOLVED by the Council for the City of Powder Springs that it approves and authorizes the Mayor to execute a renewal agreement with Opterra Solutions at a cost of \$1215 per pond, and to amend said agreement for an additional amount of \$40,702 to complete the maintenance activities of mowing and clearing the area of vegetation and debris from the additional detention ponds in Lost Lakes, Country Walk and Dogwood Drive subdivisions, and to renew an agreement in the amount of \$14,750 with Mauldin & Cook Fence Company to complete the maintenance activities of fence repair and replacement around the detention ponds identified in the attached Exhibit "A", subject to the review and approval by the City Attorney;

BE IT FURTHER RESOLVED that the Finance Department shall include a special assessment for the pond work on the upcoming property tax billing to reimburse the stormwater fund for the costs of repairs performed by Opterra Solutions and Mauldin & Cook Fence Company as provided by City codes and regulations. This Resolution shall be effective upon adoption.

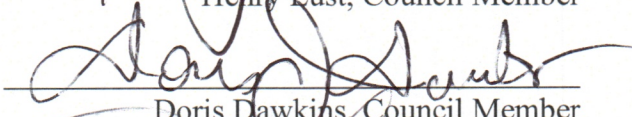
SO RESOLVED this 15th day of July 2024.



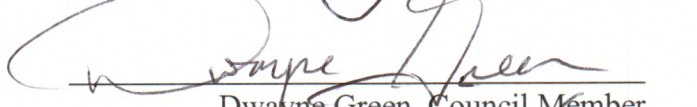
Albert Thurman, Mayor



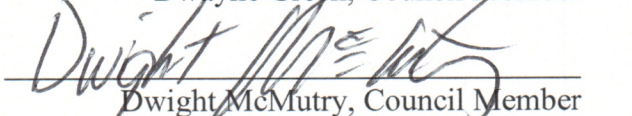
Henry Lust, Council Member




Doris Dawkins, Council Member



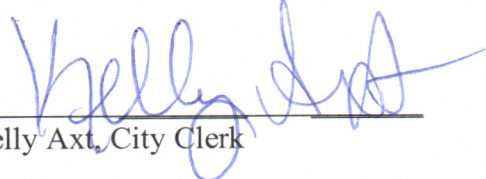
Dwayne Green, Council Member



Dwight McMurtry, Council Member



Patricia Wisdom, Council Member

ATTEST: 

Kelly Axt, City Clerk