

**City Council of Peachtree City
Workshop Meeting Minutes
October 4, 2011**

The Mayor and Council of the City of Peachtree City met in workshop session on Tuesday, October 4, 2011, in City Hall Council Chambers. Mayor Haddix called the meeting to order at 6:30 p.m. Council Members attending were: Vanessa Fleisch, Doug Sturbaum, Kim Learnard, and Eric Imker.

City Manager Jim Pennington noted that there would only be one item for discussion that evening, the discussion of private streets.

City Engineer Dave Borkowski gave an overview of the issue, noting that Peachtree City had 22 single-family and multi-family residential neighborhoods (including condominiums but excluding apartments) with streets that were privately owned by the respective Home Owner Associations (HOAs).

The City's Land Development Ordinance prohibited the construction of any additional private streets in single-family residential neighborhoods as of January 3, 2008. The ordinance also indicated that, if a neighborhood so desired, they had the right to petition the City to take over the private streets through a formal request signed by all co-owners of the street, and they had to deed the right-of-way to the City and revise the final plat. Haddix asked if the bank could sign the petition for a home in foreclosure.

Borkowski said all ordinance requirements for the streets would also have to be met. That requirement had prevented any petitions from proceeding to date. The specifications included 50 feet of right-of-way, cul-de-sacs with adequate right-of-way, maximum and minimum grade design, and a 22-foot pavement width. The Design Standards also included level intersections, horizontal curvature requirements, and visibility requirements. Curb and gutter were also required, and developers (or neighborhood owners) would have to make the signage meet the Manual of Uniform Traffic Control Devices (MUTCD) standards.

Drainage systems were also required to reflect the latest edition of the Georgia Stormwater Management Manual and were subject to inspection, and streets had to meet adopted standards as far as the depth of the pavement and base. Coring tests would be required.

Borkowski then used the Village Park neighborhood as an example of the difficulties in meeting the requirements. The neighborhood had streets in a 46-foot utility and ingress-egress easement. To meet the City standards, the right of way would encroach into the yards, meaning the building setbacks (previously based on the curb) then extended into the existing homes.

Borkowski said that smaller building setbacks had been one of the advantages of keeping streets private. Sturbaum asked if the City taking over would require some type of blanket variance. Borkowski said they would need to discuss it with the City Attorney because, if a fire occurred, the home could not be rebuilt on a non-conforming lot.

Learnard said, at first blush, it looked like the example street could not be brought to City standards. Haddix expressed concern about setting a precedent that other neighborhoods could take advantage of.

Borkowski said that, if a petition were submitted, staff would have to do a detailed review of the streets, the neighborhood would have to pay to correct any deficiencies, all property owners would have to sign over property, and the City would have to address non-conforming lots.

Borkowski continued that taking over the private streets would add nine miles of streets, 3,880 feet of storm drains, and 27 catch basins to the City's maintenance responsibility. He added that the storm drain inventory might be low because staff had not done a full inventory of private storm drains.

Borkowski then said, by taking over the streets, the City would assume the liability for any stormwater problems the neighborhood would have if the easements were not already dedicated to the City.

Learnard asked if the City would be obligated to take the streets if all the criteria were met. Borkowski said the decision would still be up to Council. Learnard asked what had brought the issue forward, and whether it was a matter of neighborhoods now needing to repair streets.

A resident of Village Park said they had a conscientious HOA and had recently replaced their streets. She paid the same taxes as other neighborhoods that had their streets repaved and their street lights paid for by the City. She also asked what happened if another neighborhood did not maintain the roads and the roads deteriorated to impassibility.

A Cypress Point resident said they repaved half their road, and saved funds for the other half.

A resident asked if the City had any liability for a private road. Pennington said the City currently had no liability if the road was private. The Village Park resident asked if the City was willing let roads and neighborhoods decay. Learnard noted that other residents, who were also taxpayers, felt the agreements had been made when the neighborhoods were developed and the homes were bought, and the City should not take on the additional costs.

Haddix noted the liability issue was a big concern. In the cases of individual homes, the City did not repair problems but required the owners to fix them. He understood both sides of the argument, but felt it would require careful study by the Attorney.

Al Yougel, a resident of Cypress Point, said the history of how the private streets came to be allowed should be explained. He purchased one of the first houses in Cypress Point, and the builder/developer would not release the covenants until more houses had sold, so he did not know the streets were private when he bought the home.

Yougel continued that staff's presentation outlined the position of the past. He noted that the City had to take over stormwater management, and the Water & Sewerage Authority had to take over the sewer treatment company.

Haddix said he had received an email from developer Scott Bradshaw indicating the private streets had been allowed to reduce the cost of development. Yougel said he did not like the defensive position that the City "couldn't" take over private streets. It could be done, but the City needed to rewrite the ordinances. The issue of the taxes paid by residents of private streets was not fair. Yougel acknowledged that some private streets would cost a considerable amount to bring up to acceptable standards. Haddix said he saw a huge range of issues related to the question.

Another resident asked, if the property was turned over in top-notch condition, if it could be considered starting from scratch. A lot of the HOAs were getting behind in maintenance due to the economy, with members getting behind in their dues leading to less maintenance.

Another resident asked about the right-of-way requirement, saying Village Park's streets were wide enough for fire trucks. Borkowski explained it was a question of ownership rather than street width. If the City was going to maintain a street, it had to own the property adjacent to the street. Yougel noted the City had easements all over town for various things. Learnard asked why it had to be an owned right-of-way versus an easement.

Haddix said his neighborhood had public streets bordered by a strip of grass, then a sidewalk and an additional strip of grass, all owned by the City. Space was needed for proper maintenance. Pennington noted that there were residents who would not allow workers on their property, even if there was an easement.

Tim Lydell, a resident of Cardiff Park, said this was a complicated subject that crossed ownership rights, covenants, and construction rights. He pointed out that some HOAs had lapsed due to inactivity and failure to renew covenants. Lydell said there were many things to be determined before Council could make a decision. He felt the City should set up a study for each of the examples to see what would need to happen, including whether the HOAs had lapsed and if the existing streets were within code. There might be a few neighborhoods that needed some type of exception, but the last thing Peachtree City needed was to allow neighborhoods to fall into disrepair. He felt the HOAs should take an active role in the fact-finding for their respective neighborhoods.

Another resident said many of the subdivisions affected were for those aged 55 and older, so they did not have children in schools or recreation, etc., but were still paying taxes to help support the rest of the community. She also indicated that many residents did not understand the meaning of "private streets" and what that term implied.

Haddix asked all those present to make sure the City had current HOA information to help the process. Learnard said none of the discussions that evening meant Council had made any type of decision or was leaning in any given direction on the issue.

Sturbaum asked what neighborhoods were represented that evening. Attendees were from Cardiff Park, Twiggs Corner, six from Brookfield, two from Village Park, two from Fairways, six from Cypress Point, and Village on the Green. Several commented that attendance was predominantly from older neighborhoods that were having problems.

Haddix said each community should provide a point of contact. The City would look at the legalities, the condition of the streets, and the standards to develop a general cost estimate. Borkowski clarified that this type of study would become expensive (requiring such things as video inspection of storm drains and borings of streets). Public Services Director Mark Caspar asked how in depth staff should research, or whether they start with the active HOAs. Learnard said she did not want the City spending a lot of money it did not have and suggested working with active HOAs first, with perhaps a visual inspection.

Learnard said she did not see why the City should spend staff time and tax dollars, both of which were limited, in the preliminary stages. Having the neighborhoods that wanted to give up their private streets paying for the study made more sense to her, but she stressed it did not guarantee the City would take over the streets.

Lydell noted that the City did not have to act immediately, and asked Council to look at budgeting and scheduling for the studies over time.

Fleisch said there might also be neighborhoods or neighbors who did not want the City to take over the streets. Getting neighborhood consensus might be the first step.

Haddix asked those attending to find out if their neighbors would be willing to dedicate the land necessary for the right-of-way as a first step. That would prevent the City moving forward with staff time and funds if the neighborhood could not get consensus.

Haddix then asked for comments from Peachtree City's Public Safety departments. Police Chief H. C. "Skip" Clark noted that the City could not enforce parking and some traffic laws in private neighborhoods, but there were others they could enforce through an agreement with the HOA. Fire Chief Ed Eiswerth added that some neighborhoods on the list had streets that would not accommodate fire engines, and he was concerned that taking ownership of those streets could make access the City's responsibility.

A resident asked if the City performed its own paving or contracted the work. Caspar said it was a combination of both. Two citizens suggested that the City provide guidelines for HOAs and assist with obtaining discounts on paving services. Caspar suggested they contact Public Works to assist in the specifications for paving bids.

Learnard said she thought this type of issue was why the Peachtree City Civic Association had formed, to advocate for all neighborhoods. She encouraged membership. Lydell noted that the organization only had real interest when there was a crisis.

Learnard asked staff to post the information from the meeting on the City's web site.

Imker said before the City pressed on, he wanted some background information, such as if all the public streets met the design specifications. Borkowski said they had been required to meet the criteria in place when they were built. Imker said his concern was whether the City was failing to maintain public streets, which took priority over the private street issue.

Imker said there had been lawsuits regarding local governments taking over private streets, and recommended that the HOAs find out if any succeeded and why or why not. He said the HOAs should take the responsibility to provide a list of 100% owner support before any staff time was spent, and then share in the cost of the evaluation.

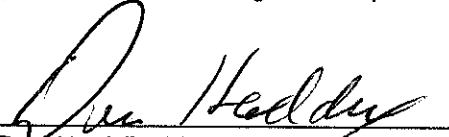
Imker then noted the complaint that residents with private streets had paid taxes that paved other neighborhood streets. He said residents buying the same home on a public street had paid more for the same home because they were paying for the larger lot and the public streets.

Imker continued by noting that, out of the average \$695 in annual city property taxes, only about \$75 went toward street maintenance. While he wanted residents of neighborhoods with private streets to be satisfied and getting good value from their taxes, he wanted the same thing for the rest of the citizens. Imker said he sympathized and wanted to help, but the City and the HOAs needed to do their homework before proceeding.

Learnard asked whether a neighborhood with a private pool had the same issues (lapses in dues, etc.) and could not pay for maintenance, should be able to turn to City to take over pool.

Several in the audience said no, but that the streets were a different issue. Learnard felt there were parallels in the example.

Haddix thanked those who attended and adjourned the meeting at 8:43 p.m.


Betsy Tyler, City Clerk
Don Haddix, Mayor