MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
AUGUST 18, 1994
7:00 P.M.

The Mayor and City Council of Peachtree City met in regular session on Thursday Night, August 18, 1994 at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those in attendance in the pledge of allegiance. Present were Mayor Robert Lenox, Councilmembers Annie McMenamin, Edward Bradford, Robert Brooks and Caroline Price.

No items were added to the agenda.

Announcements, Awards, Special Recognitions

Mayor Lenox presented a fifteen year service pin to Hamby Adams, Sign Technician in the Public Works Department.

Mayor Lenox presented a ten year service pin to Jack Routon, Firefighter Paramedic.

Mayor Lenox presented the "Employee of the Month Award" for July to Claudia Stapleton, Police Department.

Mayor Lenox proclaimed August 20, 1994 as "Family Day in Peachtree City" and urged all residents to attend The Last Fling at the Amphitheater.

Department Reports

Mayor Lenox announced that Department Reports were available for review at City Hall.

Minutes

McMenamin made a motion that the minutes of the August 4, 1994 City Council meeting be approved as presented. Bradford seconded the motion. Motion carried unanimously.

Old Agenda Items

7-94-8 <u>Public Hearing - Consider rezoning of 18.6 acres from LI to GC - Design Food Site</u>

Mayor Lenox stated that the item to consider the rezoning of 18.6 acres of property on the corner of Highway 54 and Highway 74 would be conducted as a public hearing. Mayor Lenox read the rules for a public hearing and stated that each side of the issue would have 45 minutes to make their presentation. Mayor Lenox asked to hear first from the applicant.

Mr. Jerry Peterson, Peachtree City Development Corporation (PCDC) came forward and stated that the request was to rezone 18.6 acres of land on the corner of Highway 54 and Highway 74 from LI Limited Industrial to GC General Commercial. Mr. Peterson stated that the land had two ownerships, and while not a part of the rezoning request, an adjacent 7 acre site was already zoned GC General Commercial and was a part of the plan for the property. Mr. Peterson went on to say that the property had been the site of Design Foods and was the first business in Peachtree City. Mr. Peterson stated that demolition of the building had begun. Mr. Peterson stated that the owner of the building had approached PCDC to see if a plan could be worked out for the property. Mr. Peterson described the land and stated that the entire parcel consisted of 26.5 acres. Mr. Peterson stated that the reason for the request to rezone was that the market did not merit marketing for Limited Industrial, that the market value of the land was higher than normally paid for Limited Industrial in the Industrial Park and it was felt that it was a prime corner of the City and should be developed as commercial. Peterson stated that it would not impact the current commercial locations as it would be a different type of commercial property. Peterson stated that it would not cost the City industrial land, that the acres per year that were being developed was 20 per year and that would leave plenty for the City at build out. Peterson stated that the owner of the building had attempted to market the land for industrial and had not received any interest. Peterson stated that the City staff had recommended to the Planning Commission that three conditions be met as follows: a traffic study of the area be done and Mr. Peterson stated that the traffic study would be done; a cartpath connection be made to the property, Peterson stated that they did not feel the type commercial property that would be developed would require a cartpath connection and that they did not feel it should be a condition for the zoning. Peterson stated that staff felt the utilities should be buried. Peterson stated that they had talked with the utility companies and that it was felt the utilities were too large to locate underground. Peterson stated that they did not feel that should be a condition for rezoning. Peterson ended his presentation by saying that this was the time to plan the corner of Highway 54 and Highway 74 and that existing problems could be corrected with the right usage. Peterson stated that it could be made a gateway for Peachtree City.

Mayor Lenox asked to hear from anyone else in favor of the rezoning and Mr. Skin Edge, Attorney for the joint applicant, Jebco Ventures Inc., came forward and stated that the area needed to be rezoned for a more harmonious development. Mr. Edge stated that the General Commercial would be in the best interest of Peachtree City, and that one-third of the land was already zoned General Commercial. Mr. Edge stated that this would be a very important economic decision for one of the busiest intersections in Peachtree City. Mr. Edge stated that his client had a great deal of money invested in the property and had not been able to market the property as industrial. Mr. Edge went on to say that if the property could not be rezoned to General Commercial that his client could possibly have to put something on the land that would not be very pleasing to Peachtree City in order to get a return on his investment. Mr. Edge asked that Council consider three factors: the surrounding areas already being General Commercial, an attempt had been made to market the property as limited industrial and that there were already seven acres adjoining the property that were General Commercial and would be a part of the plan for the corner. Mr. Edge stated that thirty years ago the area was suitable for industrial property but that today General Commercial was the ideal zoning for the property. Mr. Edge stated that he wanted to enter a constitutional objection as part of the record on behalf of his client, Jebco Ventures, Inc.

Mr. Jim Williams, Director of Developmental Services, came forward and stated that the Planning Commission had recommended denial of the rezoning request, but that staff had recommended approval with conditions. Mr. Williams stated that the economical benefit to the community would be better if the property were to be developed as General Commercial. Mr. Williams stated that staff did not feel that General Commercial zoning would impact the number of acres for development of industrial property. Williams did state that staff felt that an adequate cartpath connection should be made to conform with the character of the City. Williams stated that it was necessary to have a traffic study done on the area and he felt the City should be the administrator of the traffic study. Williams stated also that the utilities should be moved, if not buried, to take them away from the street.

Mayor Lenox asked to hear from anyone opposing the rezoning and Mr. David Good, 1130 Echo Court, Peachtree City, Chairman of the Peachtree City Airport Authority and owner of Voxcom, Inc., came forward and stated his objection to the proposed rezoning. Mr. Good stated that he felt that the industrial park must be saved. Mr. Good stated that the industrial park was imperative to the tax base of the City and he felt that the industrial park was being threatened. Mr. Good stated that there were already traffic problems on the corner of Highway 54 and Highway 74 and that commercial zoning would cause more delays and traffic problems. Mr. Good stated that he did not feel more General Commercial areas were needed and that the site would be a good area for a corporate headquarters. Mr. Good stated that if the owner paid too much for the land which was zoned for Limited Industrial, that was not Council's problem. Mr. Good stated that he was on the Fayette County Development Authority and that he knew of three companies looking to locate businesses in Fayette County on that size property. Mr. Good asked Council to deny the rezoning request.

Mr. Jim Savage, Manager of Falcon Field Airport and Coordinator of the Airport Authority, came forward and read a resolution passed by the Airport Authority on July 8, 1994 (into the record) which supported land for industrial growth.

McMenamin asked that the letter from the Fayette County Development Authority objecting to the rezoning be entered into the record.

Brooks asked Mr. Peterson what improvements PCDC and Jebco were willing to make to the property. Mr. Peterson stated that the traffic study would need to be done and then they would have to see what assistance the Department of Transportation was willing to give.

McMenamin asked if PCDC had worked with Jebco to market the property as industrial. Mr. Peterson stated that they had not.

Mayor Lenox asked Mr. Edge what kind of developments Jebco had done and Mr. Edge stated that the majority of their developments had been commercial.

Mayor Lenox called the public hearing closed and called for Council debate.

Price asked the status of widening Highway 54 East and Highway 74 South and City Manager Jim Basinger stated that it would probably be in the year 2000.

McMenamin stated that she felt that fact was a major concern, that two lane roads would be impacted by commercial development. McMenamin stated that she felt certain that Jim Williams would ensure that an industrial site on the property would be pleasing to the eye.

Brooks complimented both sides of the issue on their presentation and stated that it was Council's job to represent the residents of Peachtree City to their advantage. Brooks stated that the corner was a bit of a disaster to Peachtree City now and felt that with new residential development in the area traffic would be a problem. Brooks stated that Wynnmeade residents were now having trouble getting in and out of their subdivision and while Highway 54 East was previously due to be four-laned this year, with Olympic projects taking priority, it would not be done for at least six more years. Brooks stated that if the infrastructure had been in place it would be hard not to see the property as a commercial spot. Brooks stated that he had a problem with rezoning the land to commercial and then having a traffic study done. Brooks stated that Peachtree City is a planned community and planning for the traffic ahead of the zoning would have been appropriate. Brooks stated that he felt he had an obligation to business owners regarding traffic and safety and that he could not support the proposal at this time. Brooks stated that the infrastructure needed to be in place first.

Price stated that she agreed with Dr. Brooks, that the timing was not right. Price stated that she was glad to see two property owners cooperating with one another and stated that perhaps they could work together to market the property for industrial development. Price stated that the traffic could not be ignored and that the power lines as they were now would not be acceptable to her. Price stated that the cartpath connection needed to be made so that the area could be connected to the rest of Peachtree

City. Price went on to say that two of the four corners were stabilized and that the City must ensure that the other two corners were compatible.

Bradford read the definition of LI Limited Industrial Zoning for the benefit of the public. Bradford stated that the permitted uses were interesting and asked Peterson about the ratios of houses to industrial development. Peterson stated that he did not know the formulas. Bradford asked Williams about the power lines and Williams stated that he felt that they could be re-located if they could not be buried. Williams stated that he had been told that it would not be economically feasible to bury the utilities. Bradford stated that he was surprised that a joint effort had not been made to market the property as industrial and stated he did not feel now was the time to rezone the property.

Mayor Lenox stated that he was a landowner in the industrial park, and looking at the zoning from an economic standpoint, he felt the corner would generate more taxes and jobs as commercial rather than industrial. Mayor Lenox stated that while the City had a wonderful Land Use Plan, it did not dictate economic changes. Mayor Lenox stated that he did feel that the timing was wrong on the zoning, but that he could understand that the property owner would want the zoning in place before any dollars were spent on marketing. Mayor Lenox stated that the major concern was the traffic of such a major intersection of the City and he felt the cartpath access needed to be made. Lenox stated that he felt by working with the utility companies they could be improved. Mayor Lenox stated that other than the timing, he had no problem with the zoning request.

Price made a motion to deny the request for rezoning of 18.5 acres on the corner of Highway 54 and Highway 74 (Design Food Site). McMenamin seconded the motion. Mayor Lenox stated that he was opposed to denying the zoning, and could understand that the property owner would not spend $50,000 on a traffic study without zoning in place. Motion to deny the zoning request carried with McMenamin, Bradford, Price and Brooks voting aye and Lenox voting nay.

8-94-4 Consider Bids - Field House/Aquatics Center

City Manager Jim Basinger stated that Council had tabled the item to consider bids for the Field House/Aquatics Center at the meeting on August 4, 1994 to allow staff time to analyze the bids. Basinger stated that Council had before them base bids and several alternate bids on both the Field House and the Aquatics Center. Basinger asked that Council first take action on the base bid and then consider the alternates. Basinger stated that Mr. Bill Foley, architect for the Field House and Mr. David Markey, architect for the Aquatics Center were present to answer any questions Council might have. Basinger stated that the City had solicited bids from six qualified contractors for the construction of the Field House and Aquatics Center and that four firms had responded as follows:

Cooper & Company Stone Mountain, GA	$1,855,000.00
Foster & Company Stone Mountain, GA	$1,798,500.00
New South Construction Company Atlanta, Georgia	$1,868,000.00
Parker & Company Atlanta, GA	$1,678,500.00

City Manager Basinger stated that the architects had been working for over a year on the design and specifications for the Field House and Aquatics Center and while the project was $69,500.00 over budget due to the rising cost of construction in Atlanta, due to the upcoming Olympics, the architects had been working with the low bidder to make adjustments to lower the cost. Basinger stated that staff recommended that the Council award the bid to Parker & Company in the amount bid of $1,678,500.00, authorize a change order to be executed to save $27,132.00, that the $32,434 of the shortfall be funded from interest earnings from the bond monies and that the remaining $9,944 be found from the harvesting of timber from the site. Basinger stated that Parker and Company's original bid was for $1,680,000, but that the cost of the pool filter package, $8,500 was inadvertently excluded in the recording of the low bid. Basinger stated as a result the low bid was increased from $1,670,500.00 to $1,678,500.00.

Mr. Bill Foley, architect of the Field House, came forward and stated that while a reduction in the cost of the Field House and Aquatics Center was trying to be made, the designs had remained somewhat intact. Foley stated that changes that could be made were reducing the number of windows, changing the water metering system, altering light fixtures, and a few other minor alterations.

Mr. David Markey, architect of the Aquatics Center, stated that reductions in the aquatics center could be made by altering the size of the pool, from 10 lanes to 8 lanes, omitting items such as platforms which can be added at a later date. Mr. Markey stated that he endorsed the award of the facility to the low bidder and recommended that the add alternates be carefully looked at to see if they could be implemented.

Ms. Karen Betts, coach of the Pacer swim team, came forward and stated that the aquatic community was proud of the proposed facility and stated that they would like to see the alternate approved to construct the second instructional pool. Ms. Betts stated that the community would like to have the pool covered so that the Peachtree City swim program could continue on a year round basis.

Ms. Elaina Strickland, 101 Sonic Court, echoed the comments of Ms. Betts, and stated that water therapy was a most important form of exercise for all citizens.

Brooks asked the dimensions of the small instructional pool and was told the dimensions were 30 x 60. Brooks asked Markey if anything had been omitted that would be difficult to add at a later date. Mr. Markey stated that most all of the alternates could be added later. McMenamin asked how much money could be saved if the instructional pool was put in at the same time as the main pool as opposed to at a later date and Mr. Markey stated approximately $120,000 - $140,000.

Price stated that the bid process for the Field House and Aquatic Center had been a long and difficult process. Price stated that she felt comfortable with the base bid and made a motion to approve the base bid of Parker & Associates in the amount of $1,678,500 with the stipulation that a change order be issued to reduce the cost by $27,132 and that the $9,944 of the shortfall be used from harvesting timber from the site and the remaining $32,424 shortfall be funded from interest earnings from the bond fund. Brooks seconded the motion. Motion carried unanimously.

After discussion on the alternate bids, Bradford made a motion to add Alternate #1 for the HVAC in the amount of $13,545.00 with the funds to come from the Council Reserve Fund. Brooks seconded the motion. Motion carried unanimously. Brooks made a motion to not consider Alternate #2 for the multi-purpose gym at the present time. Price seconded the motion. Motion carried unanimously.

There was Council and resident discussion on the air supported cover for the pool. Mr. Markey stated that the life expectancy of the cover would be about fifteen years. Brooks stated that he did not feel that four add alternates could be decided without numbers and figures on personnel costs but stated that he would be interested in trying to find the dollars necessary to build the instructional pool and cover one pool if not both and made a motion to table alternates 3,4,5, and 6 to the next scheduled meeting of September 1, 1994 to allow staff time to give more information on what the actual true cost would be. Brooks stated that Council might find none of the items could be done, but asked that the costs be explored more thoroughly. Brooks stated that the City was very close to being able to build a competitive swimming aquatics center which would also meet the needs of the senior citizens. Brooks stated that by possibly spending a little more money the City could save significant money. Brooks stated that the contingency fund was normally $100,000 and this year it was $500,000. McMenamin asked if the item should go back to the recreation commission or if Council should table the item. Price stated that she felt the main question was the funding and finding out the cost and where it could come from. Brooks stated that his motion was to table it to the next scheduled meeting to be reconsidered by Council and that he did not feel it needed to go back to the recreation commission.

Lenox stated that he felt it was the consensus that Council would like to build the instructional pool and the question was covering the pools. Lenox asked if tabling the item would delay the ability to get the project underway. Lenox stated that he saw the covers as stand alone items, the instructional pool had a solid bid which was a part of the construction process. Mr. Markey stated that representatives from Parker and Company would have to be consulted to see if the bid price would stand for two weeks. Representatives stated that they would have to get authorization the next day and could not give Council an answer that night. Council were all in support of constructing the small instructional pool and Mayor Lenox made a motion to add the alternate instructional pool in the amount of $94,000.00 with the funds to come from the Council Contingency Fund with directions to staff to explore any value engineering possibilities with the architect and contractors. Price seconded the motion. Motion carried unanimously. Brooks stated that his motion would be to table item 4 and 5 for two weeks to be addressed at the next scheduled meeting. McMenamin seconded the motion. Motion carried unanimously.

Brooks made a motion to not consider Alternate #6, flood lights, for the pools. Bradford seconded the motion. Motion carried unanimously.

8-94-7 <u>Consider Change in License Representative - Corelli's Inc.</u>

Mayor Lenox stated that Corelli's Inc. had requested a change in license representative on their alcoholic beverage license to replace Mr. Leslie Rowell. Mayor Lenox stated that Mr. Sean Craig was applying to be the license representative and asked Mr. Craig to come forward. McMenamin stated that Mr. Craig had experience in the restaurant business and asked if he had worked with alcohol and management before. Mr. Craig stated that he had worked as a bartender and was familiar with the sale of alcohol but had not worked in a management position before. McMenamin stated that all paperwork appeared to be in order and made a motion that Sean Craig be appointed as the license representative for Corelli's Inc. Brooks seconded the motion. Motion carried unanimously.

8-94-8 <u>Public Hearing - Rezoning of five acres on Robinson Road from ER Estate Residential to LUR Limited Use Residential</u>

Mayor Lenox stated that the consideration of a rezoning on Robinson Road from ER Estate Residential to LUR Limited Use Residential had been requested by Ms. Rebecca Coffee-Kern. Mayor Lenox stated that each side of the issue would have thirty minutes to make their presentation and asked to hear first from the applicant.

Mr. Mike Lorber, agent for Ms. Kern, came forward and stated that Ms. Kern had five acres of property on Robinson Road that was currently zoned ER Estate Residential and that Ms. Kern wished to construct two homes on the site with each home having 2.5 acres. Mr. Lorber stated that the ER zoning required three acre lots and that the LUR zoning classification had been suggested to Ms. Kern by City staff. Mr. Lorber stated that the LUR zoning classification would conform to the area and that it would not be spot zoning. Mr. Lorber stated that the homes would be similar in size and style to other homes in the area. Mr. Lorber stated that Ms. Kern would describe the homes to Council.

Ms. Kern came forward and gave a history of the property stating that she and her family purchased the property just before the Robinson Road was paved and stated that she had sold six acres of her property to Mr. Harry Flowers. Ms. Kern stated that the homes she wished to build would share a common driveway off Robinson Road and would total 3800 and 3900 square feet of heated/air conditioned area. Mr. Lorber stated that the closest adjacent home to the property would be 300 feet away, which would be Mr. Flowers property. Mr. Lorber commended Ms. Kern on the type homes she was proposing to construct and the fact that she would be constructing them in the open area of the property, therefore preserving the trees. Ms. Kern stated that she had letters of support for the rezoning from Debra Y. Schultz, Metro Brokers, Ms. Judy Suiter, Whitfield Farms Subdivision, Mr. and Mrs. Dan Braeneur, 301 Whitcomb Hill, and Ms. Linda Russell, Whitfield Farms Subdivision. Ms. Kern asked that these letters be made a part of the record.

Mayor Lenox asked to hear from anyone else in support of the rezoning and Mr. Jim Williams, Director of Developmental Services, stated that both the Planning Commission and City Staff recommended approval of the rezoning. Mr. Williams asked that Council keep in mind while reviewing the proposal that the LUR zoning would include not only splitting the property into two 2.5 acre lots, but it would include the site plan, would include the actual homes proposed, and Williams stated that staff expected the homes to correspond to the plans submitted. Williams stated that staff did not feel the rezoning would have any adverse affects on the area.

Mr. Harry Flowers, 413 Robinson Road, came forward and stated that his home was the closest to the property being proposed for rezoning and that he had no objections to the rezoning. Mr. Flowers stated that Ms. Kern had agreed in principal to set the homes back in the trees, therefore bringing them further from the road. Mr. Flowers stated that he felt the homes were attractive and stated that he did not see any reason Ms. Kern should not be allowed to construct the homes.

Mayor Lenox asked to hear from anyone opposing the rezoning and Mr. Cary Evans, 411 Robinson Road, came forward and stated his objection to the rezoning. Mr. Evans stated that his property was adjacent to Ms. Kerns property and that he felt it would adversely affect his property. Mr. Evans stated that he did not understand Mr. Flowers statement in which he said that he and Ms. Kern agreed to move the homes back, but he believed he understood Mr. Williams to have stated that the plans submitted were set in concrete. Ms. Kern stated that she had shown Mr. Flowers the old site plan, that where the homes were shown on the plans were where Mr. Flowers wanted the homes. Ms. Kern stated that she had shown the plans to

Mr. Flowers by showing him where the power lines had been, that she had paid $9,000 to move the power lines, and that Mr. Flowers wanted the homes to be where the power lines had been. Ms. Kern stated that the homes would be constructed just behind where the power lines had been. Mr. Evans asked if the plan shown on display was correct and Ms. Kern stated that it was. Mr. Evans asked Mr. Flowers if the plans shown represented what Ms. Kern had told him and he stated that they did. Mr. Evans stated that Ms. Kerns intent at one time had been to construct one home on the property. Mr. Evans suggested that Ms. Kern purchase property from an adjacent homeowner so the homes would be on three acre tracts which was the permitted acreage for ER Estate Residential Lots. Mr. Evans stated that he did not feel there was any hardship on the property owner and felt she needed to try to obtain additional land. Mr. Evans went on to say that the area was planned for 3 acre tracts of land and saw no reason to change the zoning. Mr. Evans stated it would not benefit the City and felt that it would be an encroachment on his property. Mr. Evans asked that Council deny the rezoning to preserve the integrity of the neighborhood.

Ms. Kern came forward and stated that she had attempted to purchase land from adjacent homeowners but that Mr. Wendell Coffee, whose ten acres was in back of her property and Mr. Flowers, whose property was next to her property and had a driveway on the property line, were not interested in selling land to her.

Mayor Lenox asked to hear from anyone else in opposition to the rezoning and hearing none called the public hearing closed and called for Council debate.

McMenamin stated that these type rezoning proposals were difficult and stated that she felt Mr. Evans had made some very valid points.

Price stated that she felt the LUR zoning would be a valid zoning for the area and that she felt the drawings showed the homes to be well placed on the property. Price stated that she did not feel the LUR zoning would adversely affect the area and stated that she felt the applicant had worked with the concerns of the neighbors.

Mayor Lenox stated that he did not feel the rezoning would adversely affect the area and stated that if the tracts were both 3 acres and not 2.5 acres, it would not appear any different. Mayor Lenox stated that he could support the rezoning.

Bradford stated that Ms. Kern had eleven acres and could have sold only 5 acres to Mr. Flowers and retained 6 acres to be in conformance with zoning requirements for two homes. Bradford stated the he could not support reducing the size of the lots down to 2.5 acres.

Brooks stated that if he lived on one of the adjacent parcels of land he would not object to the rezoning, but that over the years he had maintained a consistency in rezoning hearings. Brooks stated that it was his job to represent the citizens and that Mr.

Evans had strongly objected to the rezoning. Brooks stated that he could not support the rezoning.

McMenamin made a motion to deny the rezoning from ER Estate Residential to LUR Limited Use Residential. Bradford seconded the motion. Motion carried with McMenamin, Bradford and Brooks voting aye and Lenox and Price voting nay.

8-94-10 Consider Bids - Kedron Fire Station Warning Signals

City Manager Jim Basinger stated that the City had received permission from the DOT to place warning signals for the Kedron Fire Station on Highway 74 North for southbound traffic approaching Crabapple Lane. Basinger stated that the light would be activated from the new Fire Station and would flash for 60 seconds upon activation, to allow time for emergency equipment to clear the Highway/Peachtree Parkway/Crabapple Lane Intersection. Basinger stated that the City had solicited bids from four qualified contractors for installing the warning signals and that two firms had responded as follows:

Terry Jackson and Associates Douglasville, GA	$ 9,370.00
R.J. Haynie and Associates Forest Park, GA	$12,257.00

Basinger stated that the low bidder amended his bid to place all cable underground and that the solicitation for bids had not been clear in that area. Basinger went on to say that even after submitting an amended proposal raising the bid to $9,370 from $8,444 it was still well below the other bidder. Basinger stated that staff recommended the contract for installing warning signals at the new Kedron Fire Station be awarded to Terry Jackson and Associates for the amount of $9,370.00. Basinger stated that there were sufficient funds in the Kedron Fire Station Public Improvement Account.

Bradford asked if the warning signal was a flashing yellow light and was told that it was. Price made a motion to award the bid for the warning signals for the Kedron Fire Station to Terry Jackson and Associates in the amount bid of $9,370.00. Bradford seconded the motion. Motion carried unanimously.

8-94-9 Public Hearing - Peach State Cable T.V. Franchise

Mayor Lenox stated that the Public Hearing on the Cable T.V. Franchise would be a general discussion to give information on the major changes in the franchise and to obtain citizen input. City Manager Jim Basinger introduced representatives from Peach State Cable which were: Mr. Sonny Seneker, General Manager; Mr. Burt Smith, Customer Service Representative; and Mr. Bruce Stewart, Attorney for Intermedia Partners, parent company of Peach State.

Basinger stated that the proposed revised Cable T.V. franchise agreement was the result of meetings held between the City staff and City Attorney along with representatives from Peach State and the parent company, Intermedia Partners. Basinger stated that the purpose of the meeting would be to obtain citizen input on the proposed revised agreement and for council discussion. Basinger stated that Council action on the proposed agreement had been set for the September 15, 1994 Council meeting. Basinger reported that major changes and items which staff felt might be of public interest were available for the public. Basinger asked Ms. Frances Meaders, Director of Administrative Services, to read the proposed major changes and stated that after the changes had been read the Mayor could open the floor for discussion of the proposed changes or other items of interest. Basinger stated that following the public comments, the spokesperson for Peach State would like to comment on the proposed franchise agreement since there was not agreement yet by both sides on all issues, and also respond to public comments. Ms. Meaders read a list of major changes to the franchise agreement. (attached to minutes)

Mayor Lenox opened the floor for comments from residents in attendance.

Mr. Mike Sanderson, 314 Marble Court, stated that the City needed to force Peach State to move ahead with the times in relation to their equipment and channels offered. Mr. Sanderson stated that they did not have any better system than what was in Peachtree City in 1980, although ownership of the Cable Company had changed many times. Mr. Sanderson stated that other communities close to Peachtree City received high technology Cable T.V. Mr. Sanderson stated that for all intents and purposes Peach State had a monopoly on Peachtree City. Mr. Sanderson stated that according to the cable survey results, given by the City, what the residents of Peachtree City want was not being provided. Mr. Sanderson went on to say that the City should enforce which channels Peach State must provide.

Mr. Jim Allerdice, 204 Clydesdale Road, stated that he would like to see the City negotiate a shorter franchise time. Mr. Allerdice stated that Peach State had been totally unresponsive in providing channels to Peachtree City residents. Mr. Allerdice stated that two shopping channels were on the channel lineup but that CNBC was not offered. Mr. Allerdice stated that he would like to encourage other cable companies to come into Peachtree City enabling residents to have a choice.

Mr. Jerry Morely, echoed the statements made and stated that Wometco was offering 43 channels for less money per month than Peachtree City residents paid for 32 channels.

The consensus of all residents in attendance was that more channels should be offered such as CNBC, C-Span, Comedy Channel, Learning

Channel, etc, to give Peachtree City residents the same choices those of neighboring communities have with other cable companies.

Mr. Bruce Stewart, Attorney for Intermedia Partners, came forward and stated that Peach State was not a state of the art system, that the system did need to be updated to allow for higher channel capabilities, but stated that it was very expensive to update cable systems. Mr. Stewart stated that Peach State had contracts with certain channels and that it was important to protect those contracts. Mayor Lenox asked if there were channels that paid the cable company to use them and Mr. Sonny Seneker, General Manager, stated that there were and that both shopping channels were a source of revenue, that Peach State received a portion of the profits.

Mayor Lenox stated that he felt there were three main issues that had been brought out; that Peach State's system was much smaller than most cable systems, that the channel selection was not what residents had indicated they wanted, and that the monthly fee was higher than the return the subscribers were getting in quality and service. McMenamin stated that it would be interesting to see what channels Peach State pays to use and those they are paid to use.

City Attorney Rick Lindsey stated that Peach State was a private business and that the City could not tell them what channels to put on.

Brooks stated that he felt the quality of the picture was not as high as it should be.

Price stated that in the franchise proposal it called for a yearly public hearing to gain subscriber input and asked if it was felt a yearly meeting would prevent a channel from staying on the air if the public dictated that they did not wish to have it. Representatives from the cable company were reluctant to give definite answers about channels with which they had contracts.

The representatives from Peach State stated a few of their concerns over the franchise proposal and stated that they needed a longer franchise term before they could update the system to a higher channel capacity, and they want to ensure that any other cable company coming into Peachtree City would be subject to the same franchise terms.

City Staff, the City Attorney and representatives of Intermedia Partners will continue to work toward a franchise that will be satisfactory to both parties. City Attorney Rick Lindsey stated that the final agreement was set to come before Council on September 15, 1994, but that a thirty day extension period might be required if an agreement had not been reached by that time.

No action was taken.

There being no further business to come before Council, Mayor Lenox made a motion that the meeting be adjourned into executive session to discuss a legal matter. Brooks seconded the motion. Motion carried unanimously.

Executive Session

No action was taken in executive session and Mayor Lenox made a motion that the meeting be adjourned at 12:30 a.m. Brooks seconded the motion. Motion carried unanimously.

Angie Stevens

Angie Stevens, Asst. City Clerk

Robert L. Lenox

Mayor

Attest: