

to obtain a permit. Mr. Staran noted it may create the opportunity for others interested in operating roadside stands in the City. At this time, the litigation is in Status Quo, there will be no action until the Court orders another Court date. If that happens before such time that the Ordinance may be amended, steps could be taken to put the matter over so that there are no more Court proceedings while this legislative process is moving forward.

Mr. Reaume questioned who would make these types of decisions with the taxpayer's money.

(Recess 9:10 p.m. - 9:25 p.m.)

## **10. PUBLIC HEARINGS AND PETITIONERS REQUESTS**

- 10a. Application #99-07 for Flood Plain Use Permit** - Lot 61 of "South Boulevard Gardens" Subdivision, Parcel 15-32-482-023; Mr. Prenka Ivezaj, Applicant. (Members received copy of memo dated November 03, 1999, from Kenneth Snell, former Mayor, with attachments.)

Vice President Robbins noted this matter was held over from the last meeting so the Applicant could be present to answer questions.

**Mr. Prenka Ivezaj, of 11721 McDougall, Hamtramck**, Applicant, appeared before Council.

Ms. Hill stated the information provided in the packet was complete.

Resolution 1999-0498

**MOTION** by Hill, seconded by Golden,

**Whereas**, Mr. Prenka Ivezaj of 11721 McDougall, Hamtramck, Michigan 48212, is the applicant for a Flood Plain Use Permit for property abutting the west side of Nearing north of South Boulevard, identified as parcel 15-32-482-023.

**Whereas**, the Department of Public Services/Engineering Services has recommended approval of the Flood Plain Use Permit application as submitted,

**Resolved**, that the City Council finds, after reviewing supporting documentation, the recommendation of the Department of Public Services, and all the factors outlined for consideration in Chapter 4-08.04.04B. (a) - (m) as submitted by Mr. Prenka Ivezaj, that approval of the permit application is consistent with the public health, safety, and welfare, and authorizes the Mayor to issue the permit on behalf of the City of Rochester Hills.

Ayes: Robbins, Barnett, Dalton, Duistermars, Golden, Hill, Holder

Nays: None

Absent: None

**MOTION CARRIED**

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## **11. REPORTS AND COMMUNICATIONS**

- 11 a. Reconsideration of Resolution No. 1999-0488** regarding PEG access monies. (Members received copy of memo dated November 23, 1999, from Susan Koliba-Galeczka, Council Liaison, with attachments.)

Vice President Robbins noted that additional information has been received regarding this matter.

Ms. Golden offered a motion for Reconsideration, which was seconded by Mr. Dalton.

Ms. Hill commented that information has come forward how the educational portion of the one (1%) percent is funded. The City has the option on whether or not to give a portion of the one (1%) percent directly to education, or other options.

Ms. Holder indicated she contacted Ms. Marsha Shaw, Secretary to the Director of Communications, Rochester Community Schools, and Ms. Shaw had indicated that the community schools receive free cable broadcasting and belong to the Oakland County Cable Consortium. Ms. Holder reported she additionally spoke with Mr. Tim Fortin of the Rochester Community Schools and the Rochester Community Schools has Sixty-Nine Thousand (\$69,000) Dollars to carry over because there was no Director of Media for three (3) years. If money is provided it would go to upgrade video productions and editing equipment. In the past, up to One Hundred Twenty (\$120.00) Dollars per hour was paid for editing. Ms. Holder inquired if there could be a guarantee where the money would be spent. Ms. Holder additionally contacted CMN and they advised that the Rochester Community Schools could use their editing equipment for Six (\$6.00) Dollars per hour.

The following is the vote on the Motion on the Floor:

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Resolution 1999-0499

**MOTION** by Golden, seconded by Dalton,

to RECONSIDER Resolution 1999-0488, adopted at the November 17, 1999 City Council Meeting:

**Resolved**, that the City of Rochester Hills contributes 1% of PEG access fee collected by any cable operator, be allocated to public access Community Media Network (CMN); the balance to be distributed by the City of Rochester Hills at their own discretion in conformance with the Cable Act and,

**Resolved**, that ICCA negotiate a five year contract with CMN to operate a PEG access facility utilizing the funds allocated by member communities in addition to whatever other funds CMN raises on its own, and

**Resolved**, that ICCA recommend that communities allocate PEG access monies to CMN collected for 1998 (and paid to ICCA in 1999 by TAI) under the previous franchise, in substantially equal annual payments during the five year term of the contract. A condition of this allocation is the provision of and staffing of, by CMN, two mobile vans, in addition to any other terms of the contract and

**Resolved**, that ICCA dedicates all public access equipment received from TAI to CMN after the provision of a floating equipment pool deemed adequate by government and educational users and the ICCA executive director. Excess equipment may be allocated to access users or sold under procedures determined by ICCA, and

**Be It Finally Resolved**, that ICCA shall distribute the monies received under the Settlement Agreement to member communities in conformance with the percentage of households in effect during the initial franchiser term. ICCA encourages the member communities to allocate a portion of the proceeds from this Settlement Agreement to school districts serving their community, however ICCA recognizes that this is strictly within the discretion of the member community. Members are reminded of the limitations placed on the use of these funds by the Cable Act.

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As Approved at the January 05, 2000 City Council Meeting, as Presented.

Ayes: Robbins, Barnett, Dalton, Duistermars, Golden, Hill, Holder  
Nays: None  
Absent: None

**MOTION CARRIED**

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**Mr. George Preisinger, 176 Texas**, indicated he was employed by Oakland University and has served for many years as the Oakland University Education Representative with the ICCA. Mr. Preisinger provided information supporting the position that the Community Media Network (CMN)/Oakland University Partnership would better serve the PEG Access needs for the Northern Franchise Communities and warrants consideration for the maximum funding support. Oakland University has had a long relationship with the ICCA and has benefitted from the first fifteen (15) year Cable TV Franchise Agreement that was awarded to Tribune United, currently AT&T Cable. The initial ICCA Franchise Agreement was generous and provided a high level of community benefits. The first fifteen (15) year agreement ended approximately two (2) years ago. The ICCA looked for new ways to offer and maintain PEG services. Approximately eight (8) months ago, Mr. Preisinger stated he was contacted by Ms. Gail Whitty, Executive Director of the ICCA and was asked if Oakland University would be interested in submitting a proposal to provide PEG Cable TV access services to the Franchise Communities. Mr. Preisinger reported he had recommended to Ms. Whitty that Oakland University and CMN team in an effort to share resources and develop a strategy to offer some level of PEG services from the Oakland University Campus. The details have not been finalized, but Oakland University is offering to provide PEG Access to a television studio and a circulation service of portable video production packages from a campus facility. Oakland University is able and willing to make this commitment because of the construction of a second TV studio facility scheduled to be completed next August. The service will be available to all qualified ICCA PEG users. Mr. Preisinger believes that the development of PEG services from the Oakland University Campus would give Oakland University students outside of the Communications Department new and exciting opportunities.

**Ms. Judy Webster**, (address unknown) appeared before Council indicating she represented the American Association of University Women (AAUW) in Rochester Hills. She expressed support towards providing one (1%) percent of revenue to support Public Access Television.

**Ms. Madge Lawson, 1277 Dutton**, expressed support to continue the arrangement through CMN and Oakland University as a benefit to all community activities.

**Mr. Carlos Rangel, 2685 Steamboat Springs**, requested the City of Rochester Hills support CMN, its activities and the upgrading of its facilities.

**Mr. Charlie Langton, Vice President of CMN**, expressed support for continuing the one (1%) percent PEG Access funding. He reported that six (6) of eight (8) City Council's have voted to give one (1%) percent to CMN, Royal Oak gave three quarters (3/4) of a percent, and one was Tabled. Mr. Langton stated that CMN works with the schools and acknowledged that they charge Six (\$6.00) Dollars per hour for editing. He stated that CMN's only source of income is the Franchise Fee; schools have other sources. Mr. Langton reported that the Rochester Community Schools will get approximately One Hundred Seventy One Thousand (\$171,000) Dollars under the Cable Franchise Agreement Settlement Money. He stated CMN will provide the editing, the studio, the vans and are not in competition with the schools. Mr. Langton stated that the more money provided to CMN provides a greater benefit to all. He stated, if the money is only given to the schools, the only persons to benefit would be a small amount of students in Rochester Hills and this would have a harmful effect on CMN's relationship with Oakland University.

The following individuals appeared before Council to discuss the issues:

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As Approved at the January 05, 2000 City Council Meeting, as Presented.

- **Mr. Dave Richards, Director of Media Technology for the Rochester Community Schools**
- **Mr. Timothy Fortin, District Representative to the ICCA and Network Supervisor for the Rochester Community Schools**
- **Mr. Langton, Vice President CMN**
- **Ms. Marlo Ellis, CMN**

Mr. Richards stated this is a wonderful opportunity for the school districts, CMN and Oakland University. He reported that the school district has been receiving funds annually as a result of the Cable Consortium since 1984; the total has been over One Hundred Forty Thousand (\$140,000) Dollars benefits all levels of students. The high schools are currently using equipment that is at least ten (10) years old. Mr. Richards reported that the school districts are not in competition with CMN and Oakland University and have discussed partnerships in the past. Mr. Richards suggested that the entities work together to develop the budget and accountability of the use of the dollars. Mr. Richards stated the Oakland University concept is wonderful in theory, but the school districts experience time constraints and issues related to liabilities when transporting students to off-site locations.

Vice President Robbins reported that Mr. Staran suggested the Reconsideration be Tabled to a future date to allow the schools and CMN to work out alternatives.

**Mr. Don Barlow (address previously given)** inquired what amount of money was represented in the one (1%) percent.

Vice President Robbins reported it is approximately Eighty Five Thousand (\$85,000) Dollars from cable.

Ms. Hill stated the schools have received money over the last fifteen (15) years and there was separate funding for both government, education and public access; which was separate from the five (5%) percent franchise fee. Rochester Hills has run its government cable station via the franchise fees; the franchise fees are deposited in the General Fund and then the City uses those funds to support the government cable. The new agreement has no separation in funds between Public Access, government and education, but one (1%) percent of the total gross revenues of the cable provided must go toward the three (3) entities (Public Access, government, and education). Each community is now allowed to decide how to divide the one (1%) percent. The ICCA recommended that one-half (1/2%) of a percent be given to Public Access and let communities take the rest of the one (1%) percent and decide how they want to divide that up between their educational community and their governmental unit. Ms. Hill expressed support towards providing funding to the schools for use at their discretion as an enhancement to education in the community.

Mr. Barnett offered a resolution to Postpone the matter, which was supported by Ms. Golden.

It was noted that the City Council would make the final decision regarding how to distribute the funds. Representatives from CMN indicated they would provide information to the Clerks Office prior to the meeting. Both the Maker and Seconder concurred to Postpone the matter to December 15, 1999.

Vice President Robbins requested the Rochester Community Schools, Avondale Schools and CMN make a presentation to City Council at their December 15, 1999 meeting.  
The following is the vote on the Motion on the Floor:

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Resolution 1999-0500

**MOTION** by Barnett, seconded by Golden,

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As Approved at the January 05, 2000 City Council Meeting, as Presented.

to POSTPONE the reconsideration of Resolution 1999-0488, adopted at the November 17, 1999 City Council Meeting to the December 15, 1999 City Council Meeting:

**Resolved**, that the City of Rochester Hills contributes 1% of PEG access fee collected by any cable operator, be allocated to public access Community Media Network (CMN); the balance to be distributed by the City of Rochester Hills at their own discretion in conformance with the Cable Act and,

**Resolved**, that ICCA negotiate a five year contract with CMN to operate a PEG access facility utilizing the funds allocated by member communities in addition to whatever other funds CMN raises on its own, and

**Resolved**, that ICCA recommend that communities allocate PEG access monies to CMN collected for 1998 (and paid to ICCA in 1999 by TCI) under the previous franchise, in substantially equal annual payments during the five year term of the contract. A condition of this allocation is the provision of and staffing of, by CMN, two mobile vans, in addition to any other terms of the contract and

**Resolved**, that ICCA dedicates all public access equipment received from TCI to CMN after the provision of a floating equipment pool deemed adequate by government and educational users and the ICCA executive director. Excess equipment may be allocated to access users or sold under procedures determined by ICCA, and

**Be It Finally Resolved**, that ICCA shall distribute the monies received under the Settlement Agreement to member communities in conformance with the percentage of households in effect during the initial franchiser term. ICCA encourages the member communities to allocate a portion of the proceeds from this Settlement Agreement to school districts serving their community, however ICCA recognizes that this is strictly within the discretion of the member community. Members are reminded of the limitations placed on the use of these funds by the Cable Act.

Ayes: Robbins, Barnett, Dalton, Duistermars, Golden, Hill, Holder  
Nays: None  
Absent: None

**MOTION CARRIED**

~~11b. **Election of City Council President and Vice President** (Members received copy of memo dated November 23, 1999, from Susan Koliba-Galeczka, with attachments.)~~

~~**Election of City Council President**~~

~~Ms. Ida Whately, 1600 N. Livernois~~, recommended Ms. Lois Golden be elected as City Council President. Ms. Whately indicated she has served on committees Chaired by Ms. Golden and endorsed her abilities.

~~Mr. Ed Baron (address previously given)~~ requested City Council members elect a Council President with management skills and ability to handle the issues.

Vice President Robbins opened the floor for nominations for City Council President.

~~Mr. Dalton nominated Gerald Robbins.~~

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As Approved at the January 05, 2000 City Council Meeting, as Presented.