

Attorney Staran responded that City Council controls the process. He understands the complexity of both projects. The Attorneys urge this meeting be held as soon as possible due to the possible January trial date.

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Resolution 1999-0487

**MOTION** by Dalton, seconded by Hill,

**Resolved**, that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, on Monday, November 22, 1999 at 5:30 p.m. at the Rochester Hills Municipal Offices, Room 110, 1000 Rochester Hills Dr., Rochester Hills, MI. The purpose of the Closed Session is to discuss pending litigation that could affect the financial interest of the City, namely, **Meadow brook Associates vs. the City of Rochester Hills**, and **Oakland Hills Development vs. Lueders Drainage District and the City of Rochester Hills** and to discuss a confidential attorney-privileged communication regarding the **Rouge River Watershed**.

ROLL CALL VOTE:

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

Nays: None

Absent: None

**MOTION CARRIED**

**11b. Proposal from Intergovernmental Cable Communications Authority (ICCA) for Future Public Education Government (PEG) Funding** (Members received copy of letter dated October 28, 1999 from Jerome R. Kunnath, CMN President, Board of Directors and Marlo L. Ellis, Executive Director, with attachments)

**Ms. Marlo Ellis, Executive Director, Community Media Network (CMN)**, stated CMN is seeking the full one (1) percent of PEG Access Funding to support the community access center, the local television station for the public residents. She noted that during the past fifteen (15) years CMN was funded at the full one (1) percent and with the new franchise agreement, the CMN agreement has expired. CMN is requesting a new contract at the same level as it was before.

**Mr. Charlie Langton, Vice President, Community Media Network (CMN)**, indicated that the funding for public education has been the one (1) percent that the CMN budget has been based on for the last fifteen (15) years. Mr. Langton noted that CMN has made substantial changes in their operation. They believe they need a northern community center and want to partner with Oakland University to conduct television. Mr. Langton indicated that any funding less than one (1) percent would have a detrimental affect.

The following individuals spoke in favor of having the Rochester Hills City Council provide funding to support Community Media Network:

- **Tyrone "Keith" McKinnon, 442 Kensington Drive**
- **Carlos E. Rangel, 2685 Steamboat Springs Drive**
- **Mr. H. Jay Wiencko, Public Relations Coordinator, Community Media Network**
- **Mr. George Preisinger, 176 Texas Avenue, representing Oakland University as Manager of Production Services**

President Hill stated she favors public access television, however, it is not used by a great

number of residents compared to the large amount of money. President Hill referred to the ICCA recommendation of funding over a five (5) year period and favors one half (1/2) percent of the PEG access fee be allocated to CMN with the City deciding what to do with the other one half (1/2) percent. She noted that one (1) percent comes from total revenues of the provider. As communities have grown, the provider has earned greater revenue.

Council members continued to discuss PEG Funding including:

- Amount of contributions agreed to by other ICCA member communities
- Possible funding for the City's two (2) school districts for educational purposes
- Oakland University providing a facility
- CMN development of new projects

Mayor Somerville noted she supported a contribution of one (1) percent.

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Resolution 1999-0488

**MOTION** by Golden, seconded by Duistermars,

**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, Holder

Nays: Hill

Absent: None

**MOTION CARRIED**

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