

PROCEEDINGS OF THE CITY OF NEW BERLIN
COMMUNICATIONS COMMITTEE
Wednesday April 16, 2008 5:00 PM

NEW BERLIN CITY HALL
3805 S. Casper Drive
Common Council Chambers

Please note: Minutes are unofficial until approved by the Communications Committee at the next regularly scheduled meeting.

Call Meeting to Order

Alderman Ken Harenda called the meeting to order at 5:03 PM.

Roll Call; Declaration of Quorum and Public Notice

Members Present: Alderman John Hopkins, Alderman Ken Harenda, Kris Scalzo and Bruce Peterka. Also present: Information Technology Director Nick Roethel, Deputy City Clerk Sherry Grant and City Attorney Mark Blum.

This meeting was noticed on Wednesday, April 9, 2008 in accordance with the Open Meeting Law.

Minutes

Motion by Alderman Hopkins to approve the November 28, 2007 minutes as printed. Seconded by Kris Scalzo and carried unanimously.

At this time Information Technology Director Nick Roethel requested to discuss the AT&T U-Verse TV Service within the City of New Berlin & Government Channel Access Requirements and Associated Costs as he is most familiar with this topic. The other topics will be discussed when City Attorney Blum arrives.

NEW BUSINESS:

AT&T U-Verse TV Service within the City of New Berlin & Government Channel Access Requirements and Associated Costs

Alderman Harenda has stated that Nick and staff members met with AT&T with respect to the service that they provide to New Berlin. There was discussion regarding what is necessary for AT&T to provide service to New Berlin.

Nick Roethel explained that under the new franchise agreement, New Berlin is required to transmit our broadcast signal to the appropriate signal as required by the franchises. Time Warner has provided the infrastructure for New Berlin. AT&T, because they are new to the franchise, require us to provide equipment to transmit our broadcast signal to the appropriate signal as required by the franchises to get the video signal to the head end. We found out that we have a number of requirements that must be met including purchasing equipment that can only be used for AT&T systems. We will need internet streaming equipment. We thought we could also use this to stream video to our website, but were told we would need a multi-channel device because AT&T requires a proprietary signal. We requested a subscriber count and AT&T has told us that information is proprietary. They have failed to communicate with us regarding any kind of numbers as we had requested. Based on AT&T's failure to communicate with us and the small revenue checks we have received I recommend not purchasing the equipment at this time. It would cost \$10,582.00 for equipment to put our cable channel on U-Verse.

At this time the City Attorney thinks there could be revocation of the use of the cable channel based upon the usage.

Nick Roethel informed the members that cable companies are getting control of how we provide our media. Maybe we need to consider moving in a different direction as to how we use our website to provide this service and not worry about the cable channel. We will not have the ability

to broadcast on Dish TV or Direct TV. Therefore, we are not reaching 100% of our audience in New Berlin but we currently are not at this time either.

Discussion would be necessary regarding the School Board based on which direction we go in the future. We would have to review how and if we could support their needs.

City Attorney Blum spoke regarding Act 42 and the requirements of 40 hrs per week and 60% locally produced to maintain the peg type programming. You need to certify that you can produce those transmission requirements. We will have to check to see if we do not immediately act on this that we can act on it at a later date as long as we comply with their requirements.

State Franchise Agreements – Impact of New State Law

The City Attorney had nothing new with respect to Act 42 beyond his letter of January 31. Right now the Act provides for the statewide franchising and both AT&T and Time Warner have received interim franchise agreements. Our current franchise Ordinance can either be terminated because it is no longer applicable or we will need to modify it. It is appropriate for the city to consider issues such as the location of the boxes. They cannot impede vision or impact motorists in anyway. Also the overflow of storm water must be considered. Discussion of aesthetics in the right of ways cannot be a consideration. The franchise agreement does allow equipment boxes to be placed in the right of way. We have 60 days to take any action regarding the access otherwise it is deemed approved.

If there is competition for either company we cannot regulate issues of transmission quality. If there is no competition you can incorporate by reference the FCC regulations in this area.

City Attorney Blum suggested we review the records to determine how the franchise amounts are received. We should be doing a periodic request of the bills and records to substantiate that the fees are being assessed correctly.

To date the local regulation of complaints regarding cable providers has come through the city offices. Then we would work with the cable company to try to resolve those issues. We need to put a mechanism in place to be an agency to get people to the Department of Agriculture, Trade and Consumer Protection Agency as they are now handling these matters.

There is currently a different way they calculate the fees from the City agreement and the State franchise agreement. There will be an impact in these fees and what we receive in the future.

All batteries have been replaced in the U-Verse cabinets as AT&T feels that this has been the cause of the exploding cabinets. Time will tell if this was the real problem.

City Attorney Blum also reported that the Communications Committee should be working with the Engineering and Planning departments regarding the right-of-way revisions. We may be starting from the beginning considering the requirements in the franchise agreement.

New State Franchise Agreements – AT&T and Time Warner

Last renewal expires on April 27 or 28th. The effect of the law is that it terminated the current relationships as soon as they received the franchise agreement. Nothing further needs to be done.

OLD BUSINESS:

City of New Berlin Web-site Update

Four teams have been developed to give feedback regarding the website. There is an intranet team which is for the internal website used here. The contributor tool team is how we upload our data. The technical team will oversee the movement of the information from the old website to the new website. And the big team is the web development team. This is made up of people who either live in New Berlin or have a business in New Berlin and also staff members.

This project does not have a timeline because we do not want to rush to settle for something just to stay on track. We are looking for a fall roll-out. You will be given a good idea of how it will look sometime in the summer.

As far as the scope we are only allowed so much in the budget and we must remain within that scope. We are also looking at several ideas that will make staff more efficient and make their jobs easier.

Networking of City Structures – Fiber Optics – Time Warner Contract.

Motion by Bruce Peterka to drop this item from the Agenda. Seconded by Alderman Hopkins and carried unanimously.

Responsibilities of the Communications Committee/Structure/By-Laws.

No action taken.

Discussion on electronic (paperless) agenda packets - Council E-Packet System & Paperless Initiative.

No action taken.

Nick Roethel informed the Committee that a test run is scheduled for May. A slight amount of training is still needed. A fully digital packet is to be done in June.

Discussion on Franchise Agreements – Federal Level (FCC).

Motion by Kris Scalzo to drop this item from the Agenda. Seconded by Alderman Hopkins and carried unanimously.

Discussion regarding request from AT&T for New U-Verse TV Service within the City of New Berlin.

Motion by Bruce Peterka to drop this item from the Agenda. Seconded by Alderman Hopkins and carried unanimously.

Adjourn

Motion by Alderman Hopkins to adjourn at 5:48 PM. Seconded by Kris Scalzo and carried unanimously.

Respectfully submitted:

Sherry Grant, CMC/WCMC
Deputy City Clerk