

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: October 3, 2005

SUBJECT: Radio Broadcast on HVTV-11

ATTACHMENTS: Yes

SUMMARY OF REQUEST:

Attached are copies of the letter that were issues to WHKP and WTZQ concerning the broadcast criteria. Attached are the responses that we have received from the local radio stations.

COUNTY MANAGER'S RECOMMENDATION/BOARD ACTION REQUIRED:

The Board should review the responses and provide direction to staff concerning a radio broadcast on HCTV-11. I have also attached a memo, per your request, on how Henderson County would disseminate emergency information if there was no radio signal on our channel.

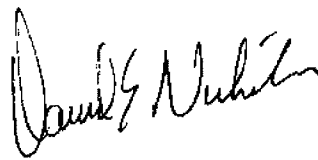
MEMO

TO: Board of Commissioners

FROM: David E. Nicholson
County Manager

DATE: October 3, 2005

SUBJECT: Emergency Information



At your September 21, 2005 meeting, the Board requested that staff provide its thoughts on how emergency information would be disseminated should there be no radio signal on HCTV-11.

HCTV-11 We would utilize the character generator to provide written messages. We utilized this method extensively last year during the storms to provide information on health and safety, the location of emergency shelters and on road closures. (We have also used it to provide information from the City of Hendersonville on water outages and associated safety issues.) Once the character generator is updated, the information is almost instantly provided to the community. The character generator is located in the County Office Building and can be accessed remotely through a notebook computer.

Website As in the past, we would establish a link from our home page to an emergency information page. This information can be updated from a County office or a remote location by computer.

Radio Stations Staff, through visits, telephone calls and press releases, would update the listeners of the local radio stations in Henderson County and surrounding communities. We do not believe that this will change should the Board eliminate the radio signal from HCTV-11.

Broadcast Television Stations Though direct contact or by press release, we would also provide emergency information to the all of the local television stations.

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
Hendersonville, North Carolina 28792-5097
Phone: 828-697-4808 • Fax: 828-698-6183
TDD: 828-697-4580
www.hendersoncountync.org

WILLIAM L. MOYER
Chairman
CHARLIE MESSER
Vice-Chairman

SHANNON BALDWIN
CHUCK MCGRADY
LARRY YOUNG

September 23, 2005

Randy Houston
WTZQ Radio 1600 AM
P. O. Box 462
Hendersonville, NC 28793-0462

Dear Randy:

I am writing on behalf of the Board of Commissioners concerning the use of a radio signal on HCTV-11. We have established the attached criteria for the selection of a station that could be aired over our cable channel when we are not broadcasting programming. As you will see, the criteria are broken down into two categories. The first being prohibited programming and the other are services that Henderson County would like to see in any proposal.

The Board would like to receive a proposal from you, based on these criteria, for consideration at our Monday, October 3, 2005 meeting. In order for us to include your proposal, we will need your response no later than the close of business on Thursday, September 29, 2005.

Sincerely,



William L. Moyer, Chairman
Henderson County Board of Commissioners

WLM/DEN: abm

Attached

Cc: Members, Board of Commissioners

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SHANNON BALDWIN
CHUCK MCGRADY
LARRY YOUNG

September 23, 2005

Richard Rhodes
WHKP 1450 Radio
P. O. Box 2470
Hendersonville, NC 28793

Dear Richard:

I am writing on behalf of the Board of Commissioners concerning the use of a radio signal on HCTV-11. We have established the attached criteria for the selection of a station that could be aired over our cable channel when we are not broadcasting programming. As you will see, the criteria are broken down into two categories. The first being prohibited programming and the other are services that Henderson County would like to see in any proposal.

The Board would like to receive a proposal from you, based on these criteria, for consideration at our Monday, October 3, 2005 meeting. In order for us to include your proposal, we will need your response no later than the close of business on Thursday, September 29, 2005.

Sincerely,



William L. Moyer, Chairman
Henderson County Board of Commissioners

WLM/DEN: abm

Attached

Cc: Members, Board of Commissioners

Programming that is not permitted

- * Programs containing slanderous, lewd, obscene or violent material
- * Programs containing copyrighted materials will without proper copyright authorization.
- * Programs which promote, endorse, or advertise any nonprofit agency, private business, commercial service or product, profit-making activity, political candidate or partisan cause
- * Programs pertaining, directly or indirectly, to lotteries or other programs involving prize or chance (*Note – does not apply to a State lottery under the authority of State law.*)
- * Programs which solicit donations of any kind
- * Programs advocating a personal viewpoint

Items to be considered for inclusion in radio programming proposal

- * Contact person on call at night to break into network programming for emergencies
- * Cut-ins for local emergency news
- * Station would provide all necessary equipment required to broadcast radio signal on HCTV-11, and upon relocation of cable head-end, station would provide additional equipment as needed, based on the county's equipment standards
- * Station would supply engineering support for troubleshooting problems, and repair or replace station equipment in a timely manner
- * Hourly local news briefs at predetermined time
- * Daily community calendar listing of county meetings and events at predetermined time
- * The opportunity for elected and appointed officials to participate in community programming that would allow for citizen questions.
- * Promotion of county's government channel including programming schedule
- * Twenty 30-second ads per month to be used at county's discretion
- * Free county use of other station advertising outlets – message boards, websites
- * Unlimited public service announcements for county events or programs with no paid sponsorship
- * Some amount paid to county for use of the channel to be set aside for capital expense of video equipment.



September 28, 2005

William L. Moyer, Chairman
Henderson County Board of Commissioners
100 North King Street
Hendersonville, NC 28792

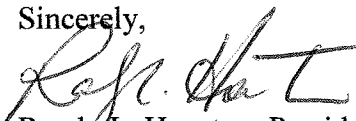
Dear Mr. Moyer,

I'm writing on behalf of WTZQ in response to your letter (attached) dated September 23, 2005 requesting our proposal for use of radio signal on HCTV -11. Based on your established criteria (attached) we will be able to meet all of the criteria as described.

In addition to your items to be considered for inclusion in radio programming, WTZQ will be available to provide technical assistance and consulting for the establishment of an on-site emergency communication control-room located in your emergency operations center. In state of emergency situations, this would allow the proper authorities to communicate via 1600-WTZQ and disseminate information directly to citizens. WTZQ will also provide broadcast personnel for this facility during these times of crisis.

We look forward to working closely with you in the future in your endeavors to better inform the citizens of Henderson County.

Sincerely,


Randy L. Houston, President
WTZQ Radio

H O U S T O N B R O A D C A S T I N G , I N C .

P.O. Box 462 • Hendersonville, NC 28793-0462
828 692-1600 • Fax 828 697-1416



AM 1450 WHKP

P.O. Drawer 2470 - Hendersonville, NC 28793

www.whkp.com • (828) 693-9061 • Fax (828) 696-9329 • 1450@whkp.com

9/29/05

Dear commissioner,

I wanted you to be aware..the equipment,and computer WHKP will need to purchase will have to be ordered once we get your go ahead.

Once said equipment arrives it must be installed,and made operational by our engineer...so there is a time process involved.

WHKP is willing to make the investment,and invest also the time in re-programming our system to make it work.

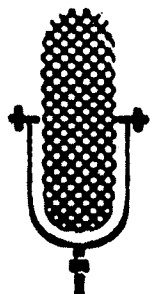
We however can not move ahead until we get your approval.

We are submitting this proposal with the understanding this equipment will do what the company says it will do,and that it will mesh with our equipment to make it happen.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Rhodes".

Richard Rhodes
Vice President



Where the Heavens Kiss the Peaks

WHKP PROPOSAL TO REMAIN IN CHANNEL 11

WHKP has read and understands the 18 items listed on the document we received on Tuesday September 27th.

It is WHKP's position we can comply with the requests, but we have questions that must be answered, and definitions that must be given on several of them.

WHKP also notes...according to your page 1..broadcast policies, and procedures...

I note you are not limited to Mediacom's public, educational, and government access rules.

If fact as Mediacom has told both the county, and WHKP they can not tell you what you can or can not put on your channel 11.

WHKP was given 2 days from receipt of this information to formulate our proposal, and I am doing as asked even though more time is needed to thoroughly, and correctly answer your requests.

The programming items..the 6 sentences on the top of your document we feel can be met, if fact we have located a piece of equipment that would cost WHKP \$1500 that could not only eliminate some of our programming but would play back on your channel PSAs or county announcements so the channel isn't dead without audio. This equipment will need to be ordered, and installed, but it can eliminate commercials.

I feel the county needs to define many things:

#1-salanderous, lewd, obscene, and violent is open for wide interpretation..the FCC that governs radio stations states what fits in one of the categories in one county might not be considered as so in another. WHKP has never willingly broadcast any indecent material nor shall it under my watch.

#2-Copyrighted material is never re-broadcast without consent.

#3-This needs major work, I have heard all along you want to block commercials including political ads...but public service ads? This would mean 50% of the video on your channel now..including your own services would have to come down...it would also mean the 20 ads you are asking for can't be heard on your own channel!

#4-Lotteries are governed under North Carolina law non profit lotteries are legal, and can be advertised....the new state lottery as you recall was passed with a provision that it can not be advertised. The East High Band selling raffle tickets to raise money for competition would not be allowed by your rule..I feel it needs to be adjusted. WHKP will never advertise any lottery that is not a non profit agency or group.

#5-Programs that solicit donations..this one really needs work..we can comply but this would have kept WHKP, and channel 11 from broadcasting for Red Cross relief for the gulf. I again feel we need to allow non profit groups that meet true non profit status. We

have had live broadcasts to allow local non profits to help people in the county, but we would not be able to do this with this requirement as it is.

#6-Programs that advocate personal viewpoint if held up will eliminate you guys broadcasting your commissioners meetings as they are now broadcast. I have attended many of your meetings recently and I hear personal viewpoint time, and time again. If you are desiring we not carry our editorials when we have them, we can agree to that. Personal viewpoint is a wide river that needs interpretation..even as you are operating your channel now.

WHKP can and will comply with these agreements regarding programing, however we need definition...what we have been given can be interpreted many different ways.

Inclusion in radio programming.,

#1-Contact person...no problem..we are here, and in emergencies we normally know before the county, and already have it on the air. News staff private numbers may also be issued to speed up the process. Normally we call you guys 1st anyway for comment. You have never had to find a WHKP reporter..we find you.

#2-Local cut ins for emergencies..already being done.

#3-Equipment needed for quality broadcast is already installed, and working at our expense. We have invested over \$8000 in this equipment, and have never asked to be reimbursed. We are prepared to invest another \$1500 or more to block our own commercials just to show you...we don't see any financial gain in being on channel 11.

#4-We are the only radio station in town with a full time engineer, and yes he can be used to help when problems arise.

#5-Hourly news briefs..we carry the news every hour on the hour 24 hours a day. WHKP also carries 15 minutes of local news at 7:45am, 11:45am, 5:05pm, and 6:05pm...in addition to these times we also program in local news throughout the night. WHKPs 15 minutes of local news compares to 60 seconds or less at the other radio station. We incorporate Larry Freeman, Tippy Creswell, Richard Waters, and Steve Carlisle. We will broadcast 13 high school football games, 22 local high school basketball games in 2005-06.

#6-The daily community calendar airs 3 times a day over 1450 am WHKP, and is about 5 minutes in length.

#7-Open Line Hendersonville is the only program that exists in this county to offer citizens a chance to call, and ask questions. I feel every commissioner has been on this show at least once. We also host DOT officials, Federal, and State elected officials. We have had the historic courthouse committee on several times this year. We also produce

Community news and views...15 minutes of information on local events, and activities. WHKP created and hosts 3 programs a week with Henderson County Travel and Tourism as well...this program is called Fun Finder. The cable committee has been on recently answering residents questions as well on the Open Line show.

#8-We are already the only vehicle promoting your channel outside of yourselves. Upon receiving information on your programming we will get it on our airwaves.

#9-20 30 second ads..(can not be run over channel 11 if we don't change some of these suggestions) would translate to \$400 a month if you purchased the air time...that's \$4800 in addition to the \$100 plus a month for our hook up, and \$1500 for the new equipment..that means WHKPs investment would be \$7500 a year just to provide this service..which we are willing to do.

#10-This is interesting since the other station has no message board...we are the only one that could meet this. We are willing to allow our message center on 4 seasons to be used for county info, as well as our website.

#11-Unlimited is a big word..I have never known WHKP to ever turn Henderson County down for a public service announcement. It again must be noted..however they wont be on channel 11 under the current proposal you have given me.

#12-Mediacom bought and paid over \$50,000 for your video equipment, WHKP is not in the video business nor should we be asked to pay for what Mediacom has already been obligated to pay. WHKP suggest in light of the \$7500 plus a year we will be investing in airing audio when ever we aren't interrupted...you should seek Mediacom as the provider for any additional cash to operate your channel. This is what has been done in the past. I am willing to discuss this matter, but I feel prior history of how you have operated points to Mediacom as your funding source. It is Mediacom that is the only business profiting from being involved with cable tv in the county. WHKP isnt saying it wont pay..we are saying we are already paying.

I am asking for 3 things as I submit this proposal...

#1-I want to present this in person on October 3rd...as a part of the regular meeting...its too complex to be presented as public input...I will also entertain any questions at that time.

#2-WHKP is asking the county for an agreement to be the background source of this channel...a contract if you will. I feel this contract should begin when Mediacoms new contract begins, and it should end when theirs ends in 7 years. I feel this is only fair to the only radio station willing to meet your criteria. Mediacom has remained our cable provider because no one else has ever applied. I feel our history as creating cable for Henderson County, and being a constant audio voice there should be rewarded. I also feel being asked to meet all the requirements you have proposed should allow us to be given a contract with the county. I write proposals all the time..they aren't worth much without a

contract to bind..so WHKP can stop being hassled over providing a true community service at our expense.

#3-I feel the quote from the other radio station owner Randy Houston in the Times News on Thursday September 22nd states their position. "I cant see any reason we would want to be on the government channel without the ability to make money on it which is what WHKP is doing now." This outlines a clear position they aren't interested in providing a community service **we are** ! WHKP is sending a clear signal to the county we are willing at our expense to continue providing an audio source that keeps county residents informed.WHKP has never made a single dime from this service,and we are willing to invest \$7500 of our time,and money to continue the long standing tradition of WHKP on channel 11.

Gentlemen...WHKP is willing to meet your expectations,heck we will even surpass them as the continued audio service provider...by introducing a new way to put your messages on when our commercials air.I ask you represent the 90,000 citizens this day by issuing a contract to WHKP 1450 am.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Rhodes", written in a cursive style.

Richard Rhodes

Vice President

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- 12 * Some amount paid to county for use of the channel to be set aside for capital expense of video equipment.

Commissioners establish Channel 11 audio criteria

Radio stations could broadcast minus ads and political opinion

audio on the channel.

The radio stations will have until the next county meeting on Oct. 3 to respond.

The draft requirements include prohibitions against commercials or political opinion. Commissioners also asked that county staff look at including rules against religious broadcasting.

Such restraints on advertising could make it impractical to broadcast over the channel, WTZQ owner Randy Houston said.

"I can't see any reason we would want to be on a government channel without the ability to make money on it, which is what WHKP is doing now," Houston said.

WHKP Vice President Richard Rhodes said the rules could be interpreted in different ways and that the criteria are part of a draft document that commissioners might modify if

PLEASE SEE CHANNEL 7A

By JOEL BURGESS

Times News Staff Writer

New rules for Henderson County's government cable television channel might make it impractical for radio station WHKP 1450 AM to broadcast over the channel.

The Board of Commissioners voted unanimously Wednesday to give WHKP and WTZQ 1600 AM the two radio stations broadcasting from the county a set of criteria in order to serve as "audio background" on Mediacom cable Channel 11. WHKP serves as audio.

The criteria would give either radio station the chance to say whether they wanted to serve as background