

**Nashville Public Library Board of Trustees**  
**Minutes from Board Study Session, September 17, 2021**  
**Main Library, 615 Church Street, Nashville, TN 37219**  
**Conference Room 1A – 8:30 a.m.**

**Members Present:** Katy Varney, Keith Simmons, Robert Oermann, Adriana Bialostozky

**Library Staff:** Kent Oliver, Linda Harrison, Lee Boulie, Susan Drye, Kate Rose Collingwood

**Others:** Theresa Costonis, Attorney at Metropolitan Government of Nashville and Davidson County, Shawn Bakker, Nashville Public Library Foundation President, Kim Honiball, Account Executive, McNeely Brockman Public Relations

**I. Call to Order / Roll Call**

Katy Varney called the meeting to order at 8:32 A.M.

**II. Metro Ordinance required to be announced at all Board Meetings – Vice Chair, Katy Varney**

“Pursuant to the provisions of § 2.68.030 of the Metropolitan Code of Laws, please take notice that decisions of the Nashville Public Library Board may be appealed to the Chancery Court of Davidson County for review under a common law writ of certiorari. Any appeal must be filed within sixty days after entry of a final decision by the Board. Any person or other entity considering an appeal should consult with an attorney to ensure that time and procedural requirements are met.”

**III. Discussion of NECAT Opportunity, Kent Oliver**

- a. The Nashville Public Library has been involved in discussions with an ad hoc group originating in the Mayor’s Office pursuing options for the sustainability of Nashville Educational and Community Access Channels (NECAT). This group has been meeting with Middle Tennessee State University (MTSU) since early 2021 to assess their interest in operating the channels. The suggestion that the Nashville Public Library might be an ideal partner to operate the public access channel and studio arose this spring, and NPL was brought into informal conversations this summer. These conversations became more formal in August. Kent Oliver and Lee Boulie, Assistant Director of Collections and Technology, have been engaged in these discussions.
- b. NPL assuming this role is consistent with NPL’s mission. NECAT would provide the library a platform to produce and expand access to NPL programs on NPL Universe, which began during the pandemic, as well as enhance the quality of NECAT’s productions. Additionally, it is a logical extension of the role NPL already performs with Studio NPL by creating a hands-on learning experience of audio and video production technology.
- c. Metro Legal is currently working on Inter-governmental agreements which include:
  - i. NPL operating the public access channel while transitioning programming responsibilities of that one channel from the NECAT Board.
  - ii. Transferring Metro ITS staff currently operating NECAT to NPL.
  - iii. MTSU developing programming and operating the other two (2) channels, Education and Arts.
  - iv. Creating a structure between NPL, MTSU, and the NECAT Board for collaboration.

- v. Assigning the programming responsibilities of the NECAT Board to NPL for three years.
- d. Next steps:
  - i. Approval of a NECAT – NPL Intergovernmental Agreement by NPL Board, NECAT Board and Metro Council
  - ii. Approval of MTSU – Metro Agreement by NECAT Board, Metro Council and MTSU
  - iii. An Intergovernmental MOU between Metro ITS and NPL to address staffing, maintenance, and funds
- e. Metro Ownership of NECAT Relationship: Metro ITS has owned the relationship with the PEG Channels and NECAT's predecessor organizations since the 1990s, presumably because of the technical nature of the work. At other cities and counties, other types of organizations beyond IT manage the PEG channels and are aligned more closely with the job training/creative PEG mission. There is no legal requirement that a non-profit must run a P, E, or G channel, and there's no legal prohibition on a local government running all three types of PEG channels.
- f. Metro ITS Responsibilities: Since its early years Metro ITS's mission has evolved into primarily supporting technology solutions for other Metro departments. At the time of the creation of NECAT and its Board, and as memorialized in Metro Code, Metro ITS oversees the technical aspects of each channel and the PEG Studio, located on Nashville State Community College (NSCC) campus, including the lease, and building maintenance. Metro ITS is tasked with supporting this partnership with NECAT as a job training endeavor in a technical field. Via this partnership, NECAT members learn basic skills and experience hands-on training in the field of television production, as well as a platform for their work if they so choose. In an entertainment town, as well as with the growth in social media marketing, video production jobs are still growing and relevant. Metro ITS has three fulltime employees (FTEs) that work at the PEG Studio at an annual cost of approximately \$165,000 per year. Their responsibilities include teaching the introductory TV Production classes that all NECAT members must take before they can use the Studio and equipment to ensure that it is not mishandled, as well as to teach people how a television studio works. ITS PEG Studio staff are required to be on site while the Studio is open to help NECAT members if they have questions or need a refresher.
- g. PEG Funding: Metro receives two funding streams from cable franchisees: franchise fees and PEG Capital Support funds. A subscriber's monthly portion of these funds, as well as the franchise fee itself, are delineated on Davidson County cable bills. The franchise fee itself, which is based on subscriber numbers, is 5% of a cable operator's revenue derived from the provision of cable service. For Metro in calendar 2020, the franchise fee is expected to amount to approximately \$16 million. These funds go into the Metro General Fund and are historically only allocated to PEG Studio through funding of the PEG Studio staff employees of ITS. The equipment that all the PEG channels utilize is purchased with the PEG Capital Support fund that is received annually from the cable distributors in Davidson County. These funds can only be used for capital projects, not operating expenditures. Comcast, as stipulated in their franchise agreement with Metro, provides \$200,000 each year, while AT&T and United Communications pay a pro rata sum based on television cable subscribers. Currently, the fund contains approximately \$1 million as the plan has been to maintain a balance to build a new PEG studio when the NSCC lease runs out in January of 2025. The local franchise agreement with Comcast will end in May of 2023. Metro has been informed by Comcast that they would like to renegotiate a new franchise agreement rather than use the statewide agreement negotiated several years ago by AT&T.
- h. Mr. Oliver believes that NPL has the capability to market the channel to help make it successful. It could also be an opportunity to partner with other departments on

programming (Parks, for example). NPL will look at metrics and define success. There is a 90-day escape clause in the agreement. Also, if NPL discovers after two years that this is not a good fit, we can move on.

**IV. Adjournment**

The meeting adjourned at 9:45 A.M.

*Respectfully submitted by Kate Rose Collingwood.*