

In the Council Chambers of the Showers City Hall on Wednesday, April 5, 2006 at 7:30 pm with Council President Chris Sturbaum presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
April 5, 2006

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Sturbaum gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Chris Gaal noted that the previous Saturday, April 1, was the first Farmer's Market of the year. He urged citizens to make the market a routine stop on Saturday mornings.

REPORTS:

▪ COUNCILMEMBERS

Timothy Mayer welcomed Daylight Savings Time to Indiana and said he would learn to like it.

Chris Sturbaum noted that his hammer (which substituted for the missing council gavel at this meeting) was used the day before at a home where the roof was blown off a home during high winds and storms. He noted that we all should listen to warnings and sirens and take them seriously during this storm season.

James McNamara, Deputy Mayor, introduced Jeff Barlow who introduced Captain Steve Coover and Sergeant Brandon Hudson who were deployed as part of FEMA's response to Hurricane Katrina. The firefighters presented a video that was sent to them by folks that they are still in contact with in Slidell, Louisiana. They spoke about their life changing experiences with the residents, their work during the recovery period and what still needs to be done in the devastated area. They thanked the fire chief and the mayor for allowing them to take a leave of absence to do this work.

▪ MAYOR and CITY  
OFFICES

Volan noted that the video represented what is still happening in the area. Coover and Hudson noted that the lines for food and requests for help are too taxing for the faith-based organizations which are now closing because of lack of money.

Sturbaum noted the loss of resources, infrastructure and social services that have been totally destroyed in the storm, and noted that it will take a long time and more resources to rebuild the area. He thanked the firefighters for serving in the name of the City of Bloomington.

McNamara thanked the firefighters, also.

Duane Busick, president of the Telecommunications Council, gave an update to the council regarding Public, Educational and Government (PEG) Access Channels and the statutory directives to the Telecommunications Council.

▪ COUNCIL COMMITTEES

- Report from the Telecommunications Council

Busick noted that House Act 1279 would do away with local cable TV franchises and he was concerned that the new option of cable TV companies to have a statewide certificate rather than a local franchise agreement would effectively end the PEG channels. He added that communities that have benefited from the franchising process will no longer have any say in the local services that a video service provider will offer. If Insight, our local cable provider, decides to terminate the local franchise and obtain a state certificate, it's not clear if they will be obligated to provide the two additional PEG channels allowed under the current franchise agreement.

Busick said that at the TC meeting the night before, the Monroe County Public Library presented an application for both of the unused access channels that are allowed by the current cable TV franchise. He also said that as part of the TC policy dealing with PEG channels, they will not take action regarding the library's proposal until they've given other community organizations the opportunity to apply for these PEG channels. He then announced that any interested party should submit an application for the PEG channels to the Board of Public Works by May 4, 2006 and be prepared to present an application to the TC at the May 9<sup>th</sup> meeting.

Busick also said that PEG channels are mandated by the Telecommunications Act of 1986 and provide public education and governmental access channels for non-commercial programming for constitutionally protected free speech.

Volan asked who was in charge of the PEG channels and who decided the programming. Busick said that libraries and school corporations would fall under the 'educational' aspect of the act and described programming on the four current PEG channels. When Volan asked who should be making these decisions, Busick replied that the public works board was the franchising body for the city, and the ultimate decision lay with them. He said the TC would hear the application requests and make a recommendation to the board.

Rollo asked about the legislation in Texas that was similar to the new Indiana law. Busick said that there were court challenges to this Texas bill. He told of the PEG situation in San Antonio, Texas, where the local cable operator would no longer provide equipment for the channels, and the government hired an outside firm to provide equipment and personnel to maintain coverage of governmental meetings. He said the cost was \$400,000 for six months of service. Sturbaum and Busick noted that the relationship with the local cable company, Insight, was a long and good one, but that the bill would allow them to drop the PEG channels. Busick said that the PEG channels enhanced the value of the cable product. He thanked the council for their work in opposing the bill as it passed through the state legislature.

Busick reported that the good part of the new law was that it put no restrictions on municipalities building infrastructure for and offering broadband services. He hoped that would be the role of the TC with regards to the Bloomington Digital Underground.

He noted a study that determined that while the BDU was an asset to the city, steps could be taken to realize its full potential. He added that the study recommended the TC take over the role of strategic direction for the BDU as it was more transparent and established by ordinance to oversee these issues.

Busick noted that Bloomington had been broadcasting governmental meetings since the PCB issue in the mid-1970s and kept the public informed on governmental issues. He also noted that Bloomington, through Hoosiernet was the first municipality in the United States to offer true video on demand streaming capabilities for its governmental meetings. He said that the TC continues to keep abreast of the telecommunications developments that affect the city and the members believe that it's time the city update the responsibilities of the TC to better reflect the rapid changing communications environment.

Volan noted that the message was received. Busick noted that the TC had presented some proposed changes in the TC mission to the council about four years ago. He said that this change would update the ordinance to expand the responsibilities, and noted, too, that the

Telecommunications  
Council Report (*cont'd*)

mandate for the BDU Advisory committee and the TC overlapped in mission. He continued to refer to the study done on the BDU by saying that the study had recommended that the TC was better positioned to make the decisions because they were visible, involved the public in their decisions, and that the members were appointed by both the mayor and the council. He added that the study noted how the development of the BDU had stagnated because it was not as visible as it could be.

Sabbagh noted that he was 'bloody' from this battle four years ago, and that more discussion should be had on this subject. He said that perhaps the TC should be expanded to include more members to deal with the explosion of the communications field. He said he welcomed a discussion on this, and also on the continuation of the BDU.

Banach noted that his goal was to get the process started, and that quick, but right action was needed.

Sturbaum asked if the appropriate step would go back to the aforementioned language, and asked Dan Sherman, council attorney, to comment.

Sherman noted that there was history on this issue and that the council may want to include some input from the mayor's office. He also suggested it was too early to determine how the council should proceed at this point.

Volan asked what steps should be taken to address the concerns that the Telecom Council had brought forth. Gaal noted there were no actions that could be taken at this meeting, but thanked Busick for bringing this issue to the council to begin the discussion.

Sabbagh said that this would not be a quick discussion.

Sturbaum asked Busick to submit a formal request to the council to begin the discussion.

Scott Tibbs noted that at this point in the meeting it was 8:30 pm and the regular agenda items had not yet been reached. He asked the council to consider moving their reports to the end of the meeting so that the public and city staff would not have to wait until the end. He also noted that in the realm of storms we are shown how insignificant we are as human beings with relation to the power of God.

▪ PUBLIC INPUT

Buff Brown, representative of the Bloomington Transportation Options for People group, stated their mission was to educate the public on issues that would enhance the alternative transportation options in Bloomington by giving people an option other than driving cars. He noted that BTOP was hosting a speaker, Dr. Donald Shoup, UCLA Urban Planning professor, who would speak on Monday, April 17, 2006 at 1:30 pm in the council chambers. He also noted that Dr. Shoup would conduct a public forum on parking that would take place from 7-9 pm the same day and invited citizens, city and county staff, businesses and merchants to attend these presentations.

It was moved and seconded that the following reappointments be made:

BOARD AND COMMISSION  
APPOINTMENTS

Dorothy Salzman	Commission on the Status of Women
Jim Rosenbarger	Bike and Ped Safety Commission
Heather Reynolds	Environmental Commission
Kelly Boatman	Environmental Commission
Deb Backhus	Environmental Commission
Emily Bowman	Human Rights Commission

Rev. Byron Bangert	Human Rights Commission
David Walter	Redevelopment Commission
Mike Szakaly	Redevelopment Commission
Jesse Stryker	Telecommunications Council
Suzann Owen	Telecommunications Council
Eric Ost	Telecommunications Council
Tom Coleman	Tree Commission
Patrick Murray	Board of Zoning Appeals
Sidney Smith	Traffic Commission
Jim Rosenbarger	Traffic Commission
Bill Hayden	Traffic Commission
Buff Brown	Traffic Commission
Mike Avila	Traffic Commission

BOARD AND COMMISSION  
APPOINTMENTS (cont'd)

All reappointments were approved by a voice vote.

There was no legislation for final action at this meeting.

LEGISLATION FOR SECOND  
READING

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST  
READING

Ordinance 06-07 To Amend Title 2 Entitles "Administration and Personnel"- Re: Amending Chapter 2.21 Entitled "Department of Law" to Include "Gender Identity" as a Protected Class.

Ordinance 06-07

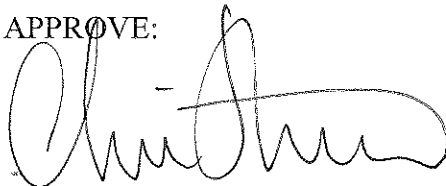
Tim Bailey, while not exercising his intent to speak to Ordinance 06-07, made comments that supported bicycle paths in the community.

PUBLIC INPUT

The meeting was adjourned 8:47 pm.

ADJOURNMENT

APPROVE:



Chris Sturbaum, PRESIDENT  
Bloomington Common Council

ATTEST:



Regina Moore, CLERK  
City of Bloomington