



**City of Bloomington
Office of the City Clerk**


CLERK'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the January 18, 2006 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I
hereunto set my signature as Clerk
of the City of Bloomington on the
date set forth below, 2016.



Nicole Bolden
City Clerk
City of Bloomington, Indiana

Date: 6/29/16

The attached copy of the minutes for the January 18, 2006 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the 29 day of June, 2016.



Andy Ruff
President, Bloomington Common Council
City of Bloomington, Indiana

Please note that if the Council made any motions for corrections for this set of minutes, the changes will be noted on the back of this certificate, rather than in the minutes themselves.

In the Council Chambers of the Showers City Hall on Wednesday, January 18, 2006 at 7:30 pm with Council President Chris Sturbaum presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
January 18, 2006

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

ROLL CALL

Council President Sturbaum gave the Agenda Summation.

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Chris Sturbaum gave a report on the future of the Von Lee Theater by showing an artist's rendering of the exterior of the building after renovation into IU offices and a restaurant. He showed a picture of Herman B Wells' fraternity noting that the building has a demolition permit filed on the house.

REPORTS:

- COUNCILMEMBERS

Mayor Mark Kruzan gave his unique perspective on the legislative actions in Indianapolis. He acknowledged the actions of our state legislators and former Mayor Tomi Allison who was present. He reported that he and other mayors across the state had signed a letter to be sent to the Indiana General Assembly opposing Senate Bill 245 and House Bill 1279. He assured the Telecommunications Council that the city was actively opposing this measure in principle and practice. Would strip governmental units of the ability to deploy telecommunications infrastructure and removes authority to regulate local video franchises and places that authority with the state. He noted the irony of the governor's statements on empowering local government while actually this legislation would reverse 'home rule.' He noted that at the end of the present cable agreement the local company could opt to enter into an agreement with the state rather than local governmental units. He added this would eliminate any revenue from this agreement that is currently used in supporting Community Access Television Services, the taping and broadcasting of governmental meetings. Kruzan noted that taking the agreement to the state level would also change the customer complaint process now handled by the local Telecommunications Council.

- MAYOR and CITY OFFICES

He noted that Representative Matt Pierce was working for the defeat of this bill, and that we should applaud his efforts.

Beverly Calendar-Anderson, Director of the Safe and Civil City program gave details about the upcoming city Black History Month and named the sponsors of the month's activities. She highlighted events to be held during the month in city hall, Banneker Center, and the Monroe County Public Library.

Safe and Civil City Report

Duane Busick, President of the Bloomington Telecommunications Council, led the council's report by its members Suzann Owen, Eric Ost, Jesse Stryker and Carl Zager on legislation proposed at the state level that would have effects on Cable TV, Public Access, channels.

- COUNCIL COMMITTEES

Telecommunications Council

Busick said that the bill was based on legislation passed in the Texas legislature, but had never been proposed or discussed in Indiana. He noted that he and Owen had attended a hearing that day on the House Bill. He reported that the representative from the governor's office had stated that now was the time for reform in the telecommunications

industry and that local franchising process was a burden that gets in the way of the development of technological services and advances in the state. He also reported that he was allowed to testify at the hearing, and then noted lobbyists and citizen groups that had appeared at the hearing including two vice presidents of a communications firm in Texas. He concluded that the TC was united in their efforts to change this legislation or defeat it.

Suzann Owen reported that in light of the next day's state senate vote on their version of the bill, the Telecommunications Council had sent a message to each person in the senate asking them to remove the video services segment. She said that this legislation was the product of telephone companies that wanted to aggressively market other broadband and video services. She noted that Verizon and SBC lobbyists had themselves aggressively approached many state assemblies in order to pass the legislation state by state. She noted that legislation should be based on needs of the citizens of the state and local communities, and not national corporations.

Eric Ost reviewed the elements of the bills including the deregulation of phone rates, generous tax breaks for telecommunications companies, creation of new infrastructure to regulate state video certificates, and the creation of prohibitive barriers for local governments to provision broadband and telecommunication services. He said claims that this legislation would reduce prices or empower consumers were wrong. He asked the council to help raise the level awareness of this issue.

Jesse Stryker, VP of the Telecomm Council, the proposed bill would limit local entities from development of their own broad band. He questioned the quick hearing and passage of this legislation noting that if, indeed, Indiana was so far behind in development of the infrastructure, that more care needed to be taken in the debate of this issue.

Sabbagh asked what the Telecomm Council what action was desired from the Common Council. Busick said a letter opposing the legislation would be in order.

Carl Zager said this report was not just to provide some details of the legislation itself, but to examine the overriding philosophy of the creation of this legislation. He noted the irony of a state that would support local home rule, but advocate for this legislation that would eliminate those local decisions. He asked why this shift would take place, and then quoted from *All the President's Men* saying "follow the money."

Michael White, Director of Cable Access Television, spoke of the application of the access channels and the franchise fees saying that in some communities these fees support something other than governmental PEG channels. He noted that fifty cents for each cable subscriber in Indianapolis goes to the Pacers as part of their control over their trademarks and broadcasts.

Matt Pierce, District 61 State Representative and former council member from District 3, spoke about the rapid movement of this legislation. He said that this bill would completely deregulate local telephone rates by allowing them to increase by \$1. per year from 2006-2009, and then no regulations after that. It would take control of the local cable television franchising out of local control and place it in hands of the Indiana Utilities Regulatory Commission and would not require, as present agreements, that the entire community be served. He noted that emergency override, customer service protection, buried

cables would not be included. It would prohibit local governments from providing services in local communities if there were existing service, or if it were promised within three months. It prohibits local governments from using general revenue or bonds to provide services while allowing tax abatements to private firms to do this same thing.

Pierce said that this legislation was built on a house of cards. He refuted arguments for the legislation and then gave the political perspective of this action that has been championed by Governor Daniels.

Pierce said that the public was not tuned in to the issue, the propaganda machine of the phone companies was running at full steam and in this scenario conditions were ripe for bad public policy.

Rollo thanked Pierce for his part of the report and asked about the timing of the bill. Pierce gave the status of both house and senate versions and said that the longer the bill hung around, working its way to becoming law, the greater the chances were for the public to take notice and demand something different. Pierce noted that citizens could contact the governor's office and could spread the word to contact other representatives and could read the bills themselves on the state of Indiana websites.

He noted the absence of IACT and IAC in testimony in the legislature.

Banach said he appreciated Pierce's presence and report. He recounted the debate in council from several years ago regarding the maximum franchise fee. He said the reality was that this was only one side of the argument and there are two sides. He asked if this was a party line issue to which Pierce said it was not.

Volan asked about the worst case scenario, to which Pierce said PEG channels would still be provided, that the franchise fees would still be in effect, but language was vague and convoluted in the area of contractual obligations of new providers.

Sabbagh, saying that he was not opposed to deregulations or competition, asked if there were any elements that could be salvaged to make a better bill. Pierce said for the most part it was not salvageable but wouldn't rule out revision of some sections.

Sabbagh asked if the council was being asked to make a statement to slow this process, to which Pierce said the statement to be made was "I'm outraged that home rule is being taken away, that phone rates would be deregulated without the need, and that the legislature should slow down." He said it needed to be a long process with input from citizen groups that could examine the bill line for line.

Sabbagh said he would be willing to participate in a statement to the general assembly that would ask for a slowing down of the process over concern over local control. Pierce said it would be a positive gesture to indicate that citizens were watching the process.

Diekhoff, noting that Reporter VanDerDussen was present, asked that the Herald Times keep track of the issue and report on it.

Ruff noted that it was appropriate and critical to have the conversation in the council chambers, with the cameras rolling. He said it was appropriate for the council to make a statement, but that there had been criticisms of the council in the past for making statements on issues on which they don't vote.

Sturbaum said that a statement would be circulated among council

members in an effort to reach an agreed upon statement. He thanked the Telecomm Council for their work, and thanked Pierce for his report.

Telecommunications Council report
(cont'd)

Pierce said the comments could be most relevant from the council if they centered on the video franchising and municipal broad band work.

Sabbagh said the TCC members should have input into any statement the council would make.

Volan asked about a source of information on this and suggested that the TCC put together some FAQ's. Busick said a subcommittee was in place to report on this.

Banach asked to whom a statement should be made, to which Pierce said a letter to the governor with copies to the leadership of the house and senate would be in order.

Tim Mayer gave the council sidewalk committee report. He said council members Rollo, Sturbaum, Volan and Mayer served on this committee with Council Attorney/Administrator Dan Sherman, Assistant Administrator Stacy Jane Rhodes, Public Works Director Julio Alonso, Engineering Services Manager Justin Wykoff, Long Range Transportation Manager Scott Robinson, Transportation Manager Raymond Hess and Zoning Compliance Officer Russell White, Housing and Neighborhood Housing Coordinator Bob Woolford and Parks and Recreation Natural Resource Manager Steve Cotter.

Sidewalk Committee

He said that \$200,000 was allocated for sidewalk projects and that the committee met four times beginning in October. He outlined the actions and discussions from the meetings with criteria and the process used by the committee.

The report was accepted by a voice vote.

Gabe Rivera spoke of a program he was holding and invited the council to come.

▪ PUBLIC INPUT

It was moved and seconded that the mayor's re-appointments of Carrol Krause, Jeannine Butler, and Sandy Clothier to the Historic Preservation Commission be approved by the council. The motion was approved by voice vote.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Resolution 06-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-1. It was moved and seconded that Resolution 06-01 be adopted.

LEGISLATION FOR SECOND READING

Resolution 06-01 To Approve the Interlocal Agreement Between the County and City for Sharing Costs for Replacement of Monroe County Bridge Numbers 902 and 917 Over Jordan River at Walnut and 1st Street

Resolution 06-01 received a roll call vote of Ayes: 7, Nays: 0. (Volan out of the room.)

It was moved and seconded that Resolution 06-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 06-02 be adopted.

Resolution 06-02 To Modify and Confirm Resolution 05-22 Which Designated an Economic Revitalization Area, Approved a Statement of Benefits, and Authorized a Period of Tax Abatement, - Re: Glen Magna Way, Canada Farm PUD, Phase I, Parcel E (Rogers Property Management, LLP, Petitioner)

Resolution 06-02 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 06-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 4-1-3. It was moved and seconded that Ordinance 06-01 be adopted.

Ordinance 06-01 To Vacate a Public Parcel - Re: Rights-of-Way Running North /South and East/West Between College Avenue and Walnut Street and 14th Street and 15th Street (Cedarwood Development, Petitioner)

Ordinance 06-01 received a roll call vote of Ayes: 7, Nays: 1 (Volan).

There were no items of legislation for first reading.

LEGISLATION FOR FIRST READING

There was no public comment at this time.

PUBLIC INPUT

The meeting was adjourned at 12:30 am.

ADJOURNMENT

APPROVE:

ATTEST:

Chris Sturbaum, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

