

RULES AND PUBLIC POLICY COMMITTEE

DATE: July 29, 2008

CALLED TO ORDER: 5:30 p.m.

ADJOURNED: 6:09 p.m.

ATTENDANCE

ATTENDING MEMBERS

Robert Lutz, Chairman
Bob Cockrum
Ed Coleman
Angela Mansfield
Lincoln Plowman
Mike Speedy

ABSENT MEMBERS

Monroe Gray, Jr.
Joanne Sanders

AGENDA

DIGITAL GOVERNANCE AWARD FOR LEADERSHIP IN DIGITAL ACCESS – Rick Maultra, Director, Telecom & Video Services Agency

PROPOSAL NO. 348, 2008 -amends the Code to restrict the use and discharge of consumer fireworks

“Amend and Postpone” until August 7, 2008

Vote: 6-0

PROPOSAL NO. 141, 2008 - adopts a new Ethics Code for City and County agencies, officials, appointees and employees

“Postpone” until August 7, 2008

Vote: 6-0

RULES AND PUBLIC POLICY COMMITTEE

The Rules and Public Policy Committee of the City-County Council met on Tuesday, July 29, 2008. Chairman Robert Lutz called the meeting to order at 5:30 p.m. with the following members present: Bob Cockrum, Ed Coleman, Angela Mansfield, Lincoln Plowman and Mike Speedy. Monroe Gray, Jr. and Joanne Sanders were absent. Attorney Jon Elrod was in attendance, on behalf of General Counsel Robert Elrod, representing Council staff.

Chairman Lutz asked each committee member to introduce themselves and indicate which district they represent. He asked for consent to move Proposal No. 141, 2008 first on the agenda. Consent was given.

PROPOSAL NO. 141, 2008 - adopts a new Ethics Code for City and County agencies, officials, appointees and employees

Chairman Lutz said that the original agenda did not include this item, and it was added at the last minute. He said that some individuals communicated with him that they are not ready to address the issue since it was added at a later date and not on the original agenda. He said that an additional Rules and Public Policy Committee meeting has been scheduled for Thursday, August 7, 2008 at 6:00 p.m., and he would like to see this proposal postponed until that meeting.

Councillor Plowman moved, seconded by Councillor Mansfield, to "Postpone" Proposal No. 141, 2008 until August 7, 2008. The motion carried by a vote of 6-0.

DIGITAL GOVERNANCE AWARD FOR LEADERSHIP IN DIGITAL ACCESS – Rick Maultra, Director, Telecom & Video Services Agency

Mr. Maultra introduced Channel 16 Station Manager Ken Montgomery, who will navigate the website presentation. He said that the Telecom and Video Services Agency (TVS) received second place in the national Governance Award for Leadership in Digital Access for their webcast solutions and use of online archiving and video archiving. The awards will be given out during an event on August 6 and 7, 2008 sponsored by Microsoft in San Francisco, which celebrates government entities for using technology in efficient ways. He said that TVS has produced and provided several video-on-demand training programs, such as training for poll workers, where a couple of thousand people were trained online at their convenience. He said that these training webcasts were produced at TVS's facilities, and volunteers accessed the training through the website of the Clerk's Office. He said that he believes these webcasts contributed to a smooth election day process. Since launching the service for

video-on-demand in February of 2007, they have had over 110,000 online hits through July of this year of people viewing public meetings, such as Council meetings, committee meetings and neighborhood forums.

Mr. Montgomery gave a quick presentation of the website and showed a webcast of a Parks and Recreation Committee.

Councillor Mansfield said that she is excited about some features of the webcast, like being able to go directly to the discussion regarding a certain proposal in the meeting without listening to the entire meeting. Mr. Montgomery showed how to skip to a certain portion of a meeting. Chairman Lutz said that he also uses this function quite often, as he cannot attend all the meetings, but is interested in certain proposals that might be more controversial or have more public interest.

Mr. Maultra said that meetings can also be accessed through each department or agency's website from a link, instead of having to go to Channel 16's website.

Chairman Lutz asked who gives this award. Mr. Maultra said that Granicus is a company that serves over 400 municipalities doing like services, covering 39 states and involving 29% of the population. They asked TVS to put together a presentation because of what they were doing locally, and this is a national award that garners recognition for the city. He said that some of the top programs viewed on their website are the courts' pro-se program, jury duty notices, and the December 17, 2007 Council meeting. Mr. Montgomery added that these webcasts are available shortly after a meeting is concluded, whereas the meeting will not begin replaying on cable television until much later.

Councillor Speedy asked if meetings can be watched live. Mr. Montgomery said that they can be viewed live on the main page of Channel 16, and he showed a live webstream of this committee hearing.

Councillor Mansfield stated that there was one meeting in which the audience was being completely disruptive and she could not hear what other Councillors were saying, but she could hear all the comments clearly when watching the meeting later on webcast. Mr. Maultra said that these webcasts can help the media or clerks responsible for meeting minutes, as well, to provide a great public record. He added that the other benefit to webcasts is that if someone lives outside of Marion County or is travelling and cannot access local cable television channels, they can still have accessibility to community meetings.

Councillor Plowman asked if the video webcasts are edited. Mr. Montgomery said that they are not and are typically recorded gavel to gavel. He said that sometimes the cameras are live in the room before a meeting is called to order, but that is trimmed off of the archived webcast. He said that they do, however, leave any recesses in place on archived versions. He said that they record four different versions of the meeting as it

takes place: one to replay on Channel 16, one for Granicus, one on DVD for archival purposes, and one back-up tape. He said that state law requires them to retain these public records for 10 years, and they keep a DVD version, as well as online archived versions.

Chairman Lutz asked how far back they go with the recorded meetings. Mr. Montgomery said that they have VHS tapes from 2000, but last year began saving meetings on DVD. He said that video-on-demand extends back to April of last year. Contractually, they are required to carry archives for a year with Granicus, but they pay for that storage amount and are looking to extend. They will, however, keep DVDs available beyond that.

Councillor Speedy congratulated TVS and Channel 16 on their award and stated that it is nice to be recognized as a leader in the digital realm. Mr. Maultra added that they try to model city television like C-Span in order to deliver information to the citizens, such as evidenced with the state of the city address. He thanked the staff members of Channel 16 and also recognized the Information Services Agency for helping to push this effort forward. He said that he hopes the program continues to grow and the public is made aware of this service. He asked Councillors to share this feature with the neighborhoods and market it to constituents, to help with the Mayor's philosophy of transparency in local government.

PROPOSAL NO. 348, 2008 -amends the Code to restrict the use and discharge of consumer fireworks

Chairman Lutz recognized Councillor Coleman as the lead sponsor for this proposal. Councillor Coleman said that in the weeks leading up to July 4th, he received so many phone calls and e-mails about fireworks disturbing sleep and being a nuisance in the community, that he looked into the current regulations. He said that state law allows counties to amend the law within their county, except for certain dates. This proposed ordinance would allow for use on certain dates, which includes New Year's Eve and several days before and after July 4th. The ordinance sets up a fine if the ordinance is broken, with the first offense being \$100, going up to \$500, and then \$2,500. He said that this would not affect church groups, ball teams or large community functions, as it does not cover commercial grade fireworks, which requires a permit process through the Fire Marshall's office. He said that this only covers consumer grade fireworks.

Councillor Mansfield stated that she wholeheartedly supports the proposal and considered proposing something similar last year, but found some restrictions in doing so. She said that Senate Bill 9's passage by the General Assembly allows for this type of ordinance. She said that there does not seem to be a problem in using these fireworks for a few days for a few hours, but using them constantly or during hours when people sleep in residential areas causes the complaints. She said that there have been many violations of fireworks use, including firing them off in the street, which is against the law, and police should be called in this instance. She said that she also has a

related concern about temporary fireworks shops showing up in places that are not zoned for the sale of fireworks, and they are gone before the violations process can be enacted. She said that there needs to be discussion about how this process can be sped up, and the ordinance should be looked at more closely to eliminate some of these nuisances in the neighborhood. She said that this proposal is a good first step.

Councillor Speedy said that these seem to be reasonable restrictions, and he thought they were already in place, so he generally supports the proposal, but wants to make sure all interested parties are aware of it. He asked if there have been any calls opposing the measure. Councillor Coleman said that he has not had any opposition calls directly. He said that he appeared on a radio show recently to talk about the proposal, and most of those who called in opposing the measure were simply opposed to more regulations and laws in general. He said that no one has approached him with the opinion that this is a bad idea. Councillor Speedy asked if the passage of the ordinance will cause an unreasonable burden on law enforcement. Councillor Mansfield stated that some of this should be considered a violation of the noise ordinance that already exists, which is not very well enforced. She said that she does not think it would be any more of a burden on law enforcement than the laws that currently exist in the noise ordinance.

Chairman Lutz stated that the statute refers to counties, and the city should probably not tread on the rights of the excluded cities to enact their own regulations. He said that he would like to see the proposal amended in Sec. 407-201 (a) to read "any place in the consolidated city" instead of Marion County.

Councillor Mansfield moved, seconded by Councillor Speedy, to "Amend" Proposal No. 348, 2008 to delete "Marion County" in Sec. 407-201 (a) and replace it with the words "the consolidated city." She added that the word "City" was left out of the paragraph in Section 1 and asked if it should read "consolidated city and county" or just "consolidated city." Mr. Elrod stated that this refers to the title of the Code and not the boundaries it affects and therefore should read "Revised Code of the Consolidated City and County." Councillor Mansfield amended her motion to include the addition of the word "City" in Section 1 after the word "Consolidated." The motion carried by a vote of 6-0.

Councillor Coleman said that he believes most people in this city are polite and considerate, and this proposal only is offered to address those few citizens who are not good neighbors.

Councillor Plowman asked if this just governs consumer fireworks and asked what is classified as consumer fireworks. Chairman Lutz said that he believes consumer fireworks are defined in the statute. Councillor Plowman asked if sparklers and snakes that make smoke are classified as consumer fireworks. Councillor Mansfield said that she did read the statute and believes that consumer grade fireworks is somehow defined by the amount of explosive material involved. Councillor Coleman said that he is not sure that the type of small fireworks thrown on the ground such as these would

even qualify, but he is not sure. He said that commercial grade are considered C-4 and above. Chairman Lutz asked if the consumer fireworks definition does include sparklers, does the committee really want to limit their use and say that citizens cannot use these types of products in birthday celebrations or other events throughout the year.

Mr. Elrod said that there appears to be a distinction in the law between consumer and other fireworks such as cone fountains, sparklers, and wheels, but it appears they might be considered banned by this proposal. He said that he can research the issue and write an exception into the proposal if the committee so wishes. Councillor Mansfield said that noisy fireworks are really the issue. Mr. Elrod said that he could provide an amendment to exclude items that are not projectile in any way, such as cone fountains, wheels, cylindrical fountains, and ground spinners. While these may make some squealing or rushing noises, they do not create the loud "pops" associated with many fireworks that disturb the peace.

Councillor Cockrum stated that he would like to see this issue researched and an amendment drafted, if needed. He said that since July 4th has passed, there does not seem to be a time sensitivity. He moved, seconded by Councillor Mansfield, to "Postpone" Proposal No. 348, 2008 until August 7, 2008. The motion carried by a vote of 6-0.

There being no further business, and upon motion duly made, the meeting was adjourned at 6:09 p.m.

Respectfully Submitted,

Robert Lutz, Chairman

RL/ag