

**PROCEEDINGS OF THE CITY OF NEW BERLIN
COMMUNICATIONS COMMITTEE**

**Wednesday, June 17, 2009
5:00 PM**

**NEW BERLIN CITY HALL
3805 S. Casper Drive
Common Council Chambers**

Please note: Minutes are unofficial until approved by the Communications Committee at the next regularly scheduled meeting.

Call Meeting to Order

Alderman Hopkins called the meeting to order at 5:00 PM.

Roll Call; Declaration of Quorum and Public Notice

Members present: Alderman Hopkins, Alderman Seidl, Alderman Moore, Bruce Peterka and Kris Scalzo. Also present: City Clerk Marilyn Gauger, City Attorney Mark Blum and Information Technology Director Nick Roethel. Alderman Wysocki arrived at 5:26 PM.

Minutes

Motion by Alderman Seidl to approve the May 20, 2009 minutes as printed. Seconded by Kris Scalzo and carried with one abstention – Alderman Moore.

New Business

None.

Old Business:

Advertising on City website

IT Director Roethel and City Attorney Blum reviewed correspondence written by City Attorney Blum on April 21st regarding this item and answered questions from committee members. Attorney Blum's letter cautions the city about going into this. He indicated there are not a lot of cases out there with advertising in municipal setting/website. When designating something as public forum; how can you regulate and still be in compliance with 1st amendment rights. The question is are our decisions non-discretionary and content neutral. This was an issue when setting policy for use of this room (Council Chambers) and our cable system. Some groups may not be considered content neutral. Potential exists that the minimal dollars gained (approximately \$1,800 per year) would not offset a potential claim.

Alderman Seidl indicated his intent for this agenda item was wanting a tab where persons go and get answers as to why do I want to live in New Berlin; what do you have for restaurants, businesses; what does New Berlin have with regards parks; school systems etc. I do not want inappropriate content; no political groups.

Attorney Blum indicated you may want more filters or constraints depending on the type of business and that is when the issue regarding the 1st amendment rights may come in.

Alderman Seidl indicated he would like to move forward with this but perhaps we may want to limit in structure. We need to generate revenues other than taxes.

Committee member Bruce Peterka will send a website to IT Director Roethel to review from a company that sets up the advertising for municipalities.

Motion by Alderman Seidl to table until the July Communications Committee meeting with the understanding IT Director Roethel will look into. Seconded by Bruce Peterka and carried unanimously.

Web streaming and video on demand for City meetings

IT Director Roethel will set up a demo for review by committee members. This item will remain on agenda.

Responsibilities of the Communications Committee/Structure/By-Laws

No action taken.

City Clerk Gauger read the following:

Motion to go to Closed Session

- **The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85 (1) (g) of the Wisconsin State Statutes.**

Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, specifically involving Time Warner Cable Franchise Fees Settlement Agreement.

Motion by Kris Scalzo to go to Closed Session at 5:35 PM. Seconded by Alderman Seidl and carried unanimously per roll call vote.

Motion to reconvene to Open Session

Motion by Alderman Seidl to reconvene to Open Session at 5:58 PM. Seconded by Bruce Peterka and carried unanimously.

Discussion and possible action regarding claim against Time Warner Cable

Motion by Alderman Seidl to recommend to Common Council approval of the Release and Settlement Agreement with Time Warner Cable. Seconded by Bruce Peterka and carried unanimously.

Adjourn

Motion by Alderman Moore to adjourn at 6:00 PM. Seconded by Kris Scalzo and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCPC
City Clerk