



AGENDA
PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) CHANNEL COMMITTEE
SPECIAL MEETING
FEBRUARY 15, 2021
5:30 PM
CITY COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF MINUTES**
- 5. OLD BUSINESS**
 - 5.1 PEG Channel Broadcast Policy
- 6. NEW BUSINESS**
- 7. PUBLIC COMMENT**
- 8. NEXT MEETING DATE**
- 9. ADJOURNMENT**

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired). All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the City Attorney.

RESOLUTION 2009-109

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ADOPTING A PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) CHANNEL BROADCAST POLICY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City is operating a Public, Educational and Government access channel; and

WHEREAS, it is necessary to develop a broadcasting policy to govern the usage of the channel; and

WHEREAS, the City of Fernandina Beach's PEG Channel Broadcasting Policy will provide the requirements and rules for acceptable program content for the City's PEG channel 29 and 264.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, THAT:

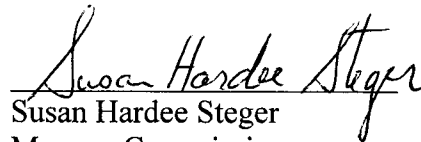
SECTION 1. The City Commission hereby adopts the City of Fernandina Beach Public, Educational, and Government (PEG) Channel Broadcasting Policy for the City's PEG Channel, attached hereto as Exhibit A.

SECTION 2. The City Manager is hereby authorized to execute all aspects of the policy.

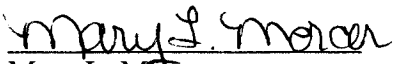
SECTION 3. This Resolution shall take effect immediately upon adoption.

ADOPTED this 21st day of July, 2009.

CITY OF FERNANDINA BEACH


Susan Hardee Steger
Mayor - Commissioner

ATTEST:


Mary L. Mercer
City Clerk

APPROVED AS TO FORM:


Tammi E. Bach
City Attorney

City of Fernandina Beach Public, Educational, Government (PEG) Channel Broadcasting Policy

I. Purpose and Goals

The purpose of this policy is to specify the appropriate use of the City of Fernandina Beach's municipal cable access channel, hereinafter called the PEG (Public, Educational and Government) channel. By effectively utilizing this channel, the city will strive to meet the following goals:

- Inform the public about City services, programs, events, and deliberations of local government;
- Broadcast meetings of the City Commission and other city boards and committees;
- Broadcast in a timely manner emergency related information before, during and after the emergencies;
- ~~Enhance and complement local communication venues, methods and opportunities by working with other government agencies, educational institutions and community based not for profit organizations to expand PEG programming when feasible and appropriate.~~
- To cooperate with other governments and government agencies to share information about other government activities that may be of interest to residents served by the PEG channel;
- To provide limited programming time slots for pre-approved public and educational content on a first come, first serve basis.

II. Administration of the PEG Channel

The City Manager is responsible for programming, technical operations, policy enforcement and monitoring, liaising with the cable franchise holder, and coordinating all related activities within the City of Fernandina Beach. The City Manager may delegate this responsibility in whole or in part to a committee, individuals employed by the City as employees, independent contractors, or a company.

III. Programming and broadcast priorities

First priority shall be given to broadcasts, live or taped, of municipal business of the City of Fernandina Beach. Municipal business shall include, but not be limited to, municipal service and event information, public meetings of the City Commission and other City ~~polymaking~~ boards and commissions, City job postings, emergency management information, and municipal-related statistics and data. City-appointed boards, committees and commissions may also submit material to be considered for broadcast on the PEG channel.

Second priority. While priority will be given to shows produced by the City of Fernandina Beach staff, other programs may also be shown if they fall within the criteria established in this section. The following types of programs (in order of priority) ~~will~~ may be aired on the PEG Channel:

- Other local, state and/or Federal government information and programs;
- Policy-compliant programming likely to be of interest to the City of Fernandina Beach that has been produced by other government entities or agencies; ~~PEG entities or non-religious-based not-for-profit organizations~~;
- Other policy-compliant and pre-approved programming produced by organizations or individuals.

IV. Content guidelines

All programming must comply with all applicable Federal, State and local laws and regulations and meet community standards for decency. Live or taped broadcasts will be considered unacceptable and will not be broadcast by the City if in the opinion of the City Manager they contain any of the following:

- Any advertising material designed to promote the sale of commercial products or services, including advertising by or on behalf of candidates seeking public office;
- Any obscene or indecent material, including but not limited to sexual content;
- Any advertisement of or information concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part on chance; ~~except where it is run by and completely for the benefit of a City of Fernandina Beach department; or a city-based not-for-profit organization~~;
- Use of unauthorized copyrighted material;
- Any ~~direct~~ solicitation of funds; ~~that would benefit the user or his/her agent except where the funds would be completely for the benefit of the City of Fernandina Beach or a Fernandina Beach not-for-profit~~;
- Material that defames any racial, ethnic, sexual, age or religious group;
- Material primarily designed to promote, proselytize or otherwise recruit members to religious organizations or causes or to promote membership in political, racial, ethnic, age or sexual advocacy groups;
- Any avocation of violence or fighting words which are designed to invoke violence;
- Any slanderous, defamatory or libelous materials;
- Any deliberate misinformation, unfair competition, invasion of privacy or publicity rights which may result in harm to any individuals or organizations.

V. General Operating Conditions

A. PEG Channel use limitations will be applied only in cases where the public interest is not being maintained, as determined by the City. It is not the intent to inhibit access to the public channel, but to ensure in as fair a manner as possible, that all persons and groups wishing to use the public access facilities have an equal and fair opportunity to

take advantage of communication potentials in public access. The Fernandina Beach City Manager, or his/her designee, shall determine whether content proposed for broadcasting on the PEG channel complies with published policies. Any material submitted for broadcast on the PEG channel may be modified, edited or denied as deemed appropriate to assure compliance with these policies. No material shall be broadcast on the PEG channel except in strict compliance with these policies.

B. The uploading and maintenance of content onto the PEG channel shall be the sole responsibility of the City, unless otherwise noted in PEG channel related contracts that the City may establish with outside organizations. All material posted on the PEG channel shall be limited to available broadcast space.

C. The City reserves the right to fully preview all material submitted for public access to determine compliance with the requirements set forth in this Policy, and to reject any materials, which do not comply. In the event any material is deemed by the City to expose it to an unreasonable risk of liability, the material may either be rejected or, after receiving satisfactory assurances of indemnification, accepted.

D. Indemnification — As a precondition to use of the public access channel, any person who submits material for broadcast must agree to defend, indemnify and hold harmless the City of Fernandina Beach from and against any and all claims, demands, causes of action, liabilities, judgments, cost and expenses (including legal attorneys' fees) arising out of the use of the access channel. Furthermore, the City of Fernandina Beach will not assume responsibility for answering any complaints that may be received from the general public as to the quality or contents of such programming. Any person submitting material for broadcast on the access channel will be expected to assume full and complete responsibility for and to answer any inquires which are received from any regulatory body, including the Federal Communications Commission, respecting such programming.

E. Request for channel time will be processed on a first come first served basis, once the broadcasting needs of the City have been met.

F. The applicant is responsible to assure that materials are not copyrighted or that the appropriate copyrighted clearances have been obtained. Written documentation of copyright clearance may be required.

G. File format conversions are the responsibility of the party submitting material for broadcast.

H. The city will establish and promulgate specific procedures for submission, scheduling and reservation of time; however, all non-city broadcast slots are subject to change based upon business needs of the city and/or emergency situations.

I. Should an individual or organization be found in violation of city policies, sanctions may be imposed up to and including a ban on future broadcasting privileges.

J. Appeals. Any individual or organization that has been denied broadcast privileges may appeal such decision in writing to the City Commission within thirty (30) days of denial. The City Commission shall hear the appeal within sixty (60) days of receipt of the appealing party's written request for appeal and their decision is final.

K. This policy shall be subject to periodic revision by the City of Fernandina Beach.

approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

RESOLUTION #2008-12 AUTHORIZING THE CITY GRANTS ADMINISTRATOR TO SUBMIT A MAXIMUM OF ONE GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, FOR THE EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE (EMPA) GRANT: According to the agenda support documents, this Resolution approved a grant application for Fire Stations 1 and 2 to install storm shutters and a generator to better prepare the City in the event of a disaster. Staff recommended approval of Resolution #2008-12. A motion was made by Commissioner Sapp, seconded by Commissioner Walker, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

RESOLUTION #2008-13 APPROVING THE FIRST AMENDMENT TO THE SUBLEASE BETWEEN RENAL TREATMENT CENTERS – SOUTHEAST, LP, AND GIL A. CU, M.D.: According to the agenda support documents, this Resolution amended the terms of the Sublease to extend the initial term through and including November 30, 2008, and amends Sections 3(a) and 3(b). Staff recommended approval of Resolution #2008-13. A motion was made by Commissioner Sapp, seconded by Commissioner Walker, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

REQUESTS FROM THE PUBLIC TO BE HEARD ON ITEMS NOT ON THE AGENDA: There were no requests from the public to be heard on items not on the agenda.

RESOLUTION #2008-14 AMENDING SECTION 307.1 OF THE CITY OF FERNANDINA BEACH PERSONNEL POLICY AND PROCEDURE MANUAL, ENTITLED "PAID TIME OFF": A motion was made by Commissioner Walker, seconded by Commissioner Sapp, to approve Resolution #2008-14. Vice-Mayor Gerrity requested clarification of this Resolution. City Manager Czymbor explained that in 2005 the City Commission authorized "paid time off" that allows an employee to use that time at their discretion. He clarified that this Resolution gives the employee some more flexibility to use time and the City benefits because there is no liability when they leave as a result of paying the amounts of "paid time off". He pointed out that "paid time off" was less than what an employee would accrue for sick time and vacation time based on the years of service. He related an example of an exempt employee with a year or less of service they would only get seven days of "paid time off" where vacation and sick time they earn seventeen days. There was some further discussion to clarify this system. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.



RESOLUTION #2008-15 ADOPTING A PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) CHANNEL BROADCAST POLICY: City Manager Czymbor explained that pursuant to the franchise agreement it recommends that the City adopt rules and regulations governing the use the public, educational, government channel. He pointed out that staff recommended the proposed policy to specifically designate the type of acceptable uses to allow on the channel and designate unacceptable uses that the City didn't believe benefit the general public. Mayor Leeper questioned if this would prohibit any of the current uses. City Manager Czymbor replied yes and pointed out under unacceptable programming (G) included religious programming. He explained that there was one religious denomination that does extensive programming and what staff was suggesting was that they pay for leased access through Comcast. Commissioner Sapp briefly explained that in the early franchises the people who furnished cable had to provide the equipment and the studio. He stated that

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now it all shifts over to the City of Fernandina Beach and the taxpayers have to provide the equipment. He pointed out that constitutional restrictions like the first amendment separation issue wouldn't apply to Comcast, but it applies to the City. He commented that it relieves the franchisee from all of the financial considerations. He noted that State law has come into play in a lot of this, but he hated to see any organization who have been providing programming to the citizens of Fernandina Beach to now not be able to do so. City Manager Czymbor explained that this channel was an informational, government, and education channel not a political driven, religious driven, or commercial driven channel. Commissioner Sapp questioned how a person that wanted to make a political statement would make their statement. City Manager Czymbor explained that there were not any rules or regulations. Commissioner Sapp questioned after the rules and regulations. City Manager Czymbor replied that they would have to go to Comcast and ask to buy a leased access. He stated that they would buy leased access not on the PEG channel. Commissioner Sapp commented that then it really isn't a community access channel. City Manager Czymbor explained that this was a public, education, and government channel and if it doesn't benefit the public either through information or education then it would not be played. After some discussion about the proposed Resolution, Commissioner Malcolm questioned if this has been misused or a difficulty. He commented that there haven't been people lined up to take advantage of this channel at this point. City Manager Czymbor explained that since he has been here there has been one other religious institution that would like to do programming. Commissioner Malcolm referred to political or civic issues and questioned if there has been a problem or the channel had been misused in any way. City Manager Czymbor stated that he didn't believe that it had been misused. He related a couple of examples and explained that without rules and regulations the City would have to run those tapes. There was further discussion about having rules and regulations for the channel to define what is appropriate and what is not appropriate. It was noted that the channel was underutilized at this time by the City, the County, and the school district.

City Attorney Bach explained that there was a State Statute that required that franchisee cable companies have at least one PEG channel available and that is no longer a requirement. She pointed out that there are constitutional issues, because it is either have all religious, political, and all these other groups that are now broadcasting or none. She stated that the constitutional issue has come before the courts where religious organizations have fought these policies saying that if you are going to have educational and government that they have to be allowed as well. She explained that it was found that you don't have to and if you have a PEG policy and a PEG channel rather than a community access channel you can indeed do that. She pointed out that not every city has them and they are not required. She stated that it was before the City Commission for a decision, but they are very standard. Commissioner Malcolm briefly commented that times change. After some deliberation about how to proceed with the proposed Resolution, Commissioner Walker questioned if there was an expense for the First Baptist Church to run their programming on the channel. City Manager Czymbor replied no because they have a direct feed to Comcast, but they will not have that when their new building is complete because Comcast no longer allows that. A motion was made by Vice-Mayor Gerrity, seconded by Commissioner Malcolm, to table Resolution #2008-15. Commissioner Sapp explained that he would vote against a motion to table because he had no problem with it being a community access channel. Vice-Mayor Gerrity pointed out that if you support the motion to table then it goes on the way that it is. After a brief discussion, Vice-Mayor Gerrity withdrew his motion.

City Manager Czymbor welcomed the City Commission's suggestions for improvements to the policy. He explained that his main concern was if an issue was to come up where a group asks to play something then the City does not have the authority to say that it cannot be played.

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Commissioner Sapp pointed out that there has been a community access channel since the late 1970's and to his knowledge there has been no conflict or controversy. He explained that if there begins to be a concern or a problem with organizations asking for time on the access channel then the City should look at that. Commissioner Walker agreed and explained that if the City incurred any expense he would like to recoup that expense. No motion was made regarding this Resolution.

RESOLUTION #2008-16 AUTHORIZING THE AWARD OF BID #07-37 FOR THE MARINA FUEL SYSTEM PROJECT AT THE FERNANDINA HARBOR MARINA TO MECO OF NORTH FLORIDA, INC; AUTHORIZING THE USE OF RC DEVELOPMENT GROUP, INC. TO ASSIST CITY STAFF WITH QUALITY CONTROL AND INSPECTIONS DURING THE TANK INSTALLATION PROCESS: According to the agenda support documents, this Resolution awarded Bid #07-37 to MECO of North Florida, Inc. in the amount of \$365,532.00 and approving the proposal from RC Development Group, Inc. in the amount of \$5,000.00. Marina Director Coleman Langshaw presented a PowerPoint presentation that included answers to some frequently asked questions (i.e. Why does the Marina need a new fuel system? The State of Florida rule requires that underground storage tanks be compliant with 2009 regulations requiring double walled fuel tanks and the City currently has two single walled fiberglass tanks that were installed during the early 1990's by the Fernandina Joint Venture.). Vice-Mayor Gerrity questioned the down time of two weeks. Marina Director Langshaw explained that when it gets to the point to connect to the dispensers the outdated existing dispensers would be removed and run new piping to connect the new system. He pointed out that if it reverts to the existing location then everything shuts down because all of the old lines and tanks have to come out of the way before starting with the new system. He explained that if the project were to commence right after the Shrimp Festival the biggest impact would be during the slowest time. Commissioner Sapp inquired if the underground tanks would be able to be left there. Marina Director Langshaw replied that they could be abandoned underground or they could be removed. He pointed out that Aerostar Engineering had been hired by the State to monitor the tanks around the City and they are specialists in tank closures and contamination monitoring. He explained that staff would have to talk with them about the viability and the costs of one methodology over the other. There was a brief discussion about what would be done with the existing tanks if there were left in the ground.

Vice-Mayor Gerrity questioned if this would be a good argument for not burying the second set of tanks. He commented that they have to be filled in or dug up. Marina Director Langshaw pointed out that having them underground has its benefits, but if for some reason the City wants to do something out there and they have to be moved later on then that is a consideration of more cost if they have sand in them. Mayor Leeper questioned if they would be required in the future to be above ground tanks. Marina Director Langshaw stated that he had not heard about future requirements for that. He pointed out that underground storage tanks are not exposed to the weather and are less prone to vandalism and other issues exposed tanks are. He presented a picture of the south end and noted that some people suggested putting the tanks there. He explained that location is very far away from Marina operations and makes it problematic to make sure security is good and it was further away from the fuel dispensers. He commented that above ground tanks are what they are and they will obstruct the view. He explained that the City has had a very successful operation with underground storage tanks. He provided further details of the answers to the frequently asked questions as contained in the agenda support documents. Vice-Mayor Gerrity questioned if staff was proposing quadrupling the current capacity. Marina Director Langshaw clarified that the City currently has two 10,000 tanks and was proposing to double the capacity to 40,000. Vice-Mayor Gerrity inquired if the Marina runs out of fuel during the Shrimp Festival. Marina Director Langshaw replied yes every year. He explained that they get deliveries as close to the festival, but as things set up they are unable



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: Resolution 2009-109
Adopting the Public, Educational and Government (PEG) Channel Broadcasting Policy.

DEPARTMENT: City Manager's Office

ATTACHMENTS: ☐ Ordinance ☒ Resolution
☐ Support Documents ☐ Other

SUMMARY: The City of Fernandina Beach has been granted the use of a Public, Educational and Government (PEG) Channel through out Cable Franchise Agreement with Comcast Corporation. The proposed policy will provide the rules and requirements for proper use of the PEG Channel and program content. The policy specifically states which types of programming will be broadcast on the cable channel (only city, county, or government educational programming) and unacceptable types of programming which will not be broadcast.

The City Manager previously proposed in January, 2008, a similar policy in which the City Commission took no action on the recommended policy (see attached minutes).

In addition staff previously polled the FLGISA (Florida Local Government Information Systems Association) members about the allowed/acceptable content of their PEG channels. The entire responding City's only allowed broadcasting of local government, school districts, or other government programming.

If adopted, the City Manager is proposing to solicit volunteers to serve as an advisory board to develop a robust and informative programming schedule.

RECOMMENDED MOTION: Approve Resolution 2009-109

DEPARTMENT HEAD	Submitted: Michael J. Czymbor City Manager	Date: 7/13/09
	Requested Agenda	Date: 7/21/09
FINANCE DEPARTMENT	Financial Impact ☐ Yes ☐ No	
	Budgeted: ☐ Yes ☐ No ☒ N/A	Date
CITY ATTORNEY	Approved for Form	Date:
CITY MANAGER	Approved Agenda Item for 	Date: 7/17/09

COMMISSION ACTION: ☐ Approved As Recommended ☐ Disapproved
☐ Tabled Indefinitely ☐ Continued to a Certain Date
☐ Approved with Modification

DISTRIBUTION: ☐ CA ☐ CC ☐ CM ☐ CD ☐ FI ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PR ☐ PW ☐ UD

City of Fernandina Beach Public, Educational, Government (PEG) Channel Broadcasting Policy

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The purpose of this policy is to specify the appropriate use of the City of Fernandina Beach's municipal cable access channel, hereinafter called the PEG channel. By effectively utilizing this channel, the city will strive to meet the following goals:

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Second priority. While priority will be given to shows produced by the City of Fernandina Beach staff, other programs may also be shown if they fall within the criteria established in this section. The following types of programs (in order of priority) will be aired on the PEG Channel:

- Other local, state and/or Federal government information;
- Policy-compliant programming likely to be of interest to the City of Fernandina Beach that has been produced by other PEG cities or non-religious based not-for-profit organizations;

- Other policy-compliant programming produced by organizations or individuals.

IV. Content guidelines

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K. This policy shall be subject to periodic revision by the City of Fernandina Beach.