

Present: Abbott, Armitage, Decker, Heldt, McLain - Birmingham
Borgon, Heyman, Woodard, Verdi-Hus – Beverly Hills
Ettenson – Bingham Farms
Goldberg - Franklin

Absent: None

Also Present: Hagaman - Executive Director
Currier - Attorney for Cable Board
Rota and Helwig - Bloomfield Community Television representative
Valentine - Birmingham staff liaison
Pfeifer – Beverly Hills Council liaison

Chairperson Borgon called the meeting to order at 7:45 a.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES

Motion by Heldt, second by Abbott, that the minutes of a Birmingham Area Cable Board meeting held on May 21, 2008 be approved as submitted.

Motion passed.

PUBLIC COMMENTS

None

EXECUTIVE DIRECTOR'S REPORT

Hagaman reported that many people were impacted by recent power outages due to severe and widespread storms. Comcast service was not available in a number of areas where power was out.

Hagaman asked Comcast representative John Gardner if subscribers were going to be given credit for the days they could not receive cable service. He responded that Comcast was not obliged to provide credit to people who were unable to receive cable service because the power outage was an occurrence outside of their control. Hagaman suggested that Comcast customers who did not lose power but had no Comcast service should call the company and ask for a credit.

In response to an inquiry, Hagaman stated that she has not heard from any AT&T subscribers relative to storm related outages.

Attorney Tim Currier stated that Comcast has taken the position in the past that customers would not receive a credit if power was not available. There were cases during the recent storms where cable was out independent of power. Currier reviewed both the Uniform Cable Act and the existing Franchise Agreement. The Uniform Act has no provisions for automatic credits due to a power outage. There are provisions in the existing Franchise Agreement that say that the company will provide cable operations under normal operating conditions, which do not include natural disasters, power outages, telephone network outages and severe or unusual weather

conditions. The cable company is required under the franchise agreement to provide emergency generators. Because the issue is not clearly defined, Currier would encourage anyone who did not have a power outage but had an outage of cable television, Internet or phone to call Comcast and request credits.

Hagaman reported that there were six new complaints in the last month and four additional complaints in progress.

Steve Rota from BCTV reported that Frontline is finishing the final stages of constructing the production truck and chassis, and the vehicle should be delivered to Roscor shortly. Roscor has received about 90% of the equipment ordered for the vehicle and will be ready to install, configure and commission all of the equipment upon delivery of the truck. Zack Florance has been in contact with the project manager and engineers during the construction.

The NATOA Annual Conference will be held in Atlanta from September 17-21, 2008. Board members Mel Ettenson and Mark Armitage will attend along with the Executive Director.

Cable Board elections will be held at the July meeting. The Board will vote on the positions of Chairperson, Vice-Chair, Secretary and Treasurer.

Handouts were prepared for distribution at the Birmingham Farmers Market. This included printing more copies of an updated TV Options brochure.

Hagaman informed the Board that the Village of Bingham Farms received a request to join PROTEC, the Michigan Coalition to Protect Public Rights-of-Way. She recalled that the Cable Board took the position to pay for the municipalities' membership in PROTEC at the time when the State Uniform Cable Act was being debated and litigated. The Cable Board would consider underwriting the cost of membership if the communities are interested in continuing their participation in PROTEC. Borgon asked members to ask for confirmation of this from their respective communities.

Ettenson expressed the view that there is still an advantage to having lobby representation like PROTEC attempt to modify existing Michigan Cable legislation. Armitage suggested contacting a representative of PROTEC to determine their agenda for the coming year and how it dovetails with Michigan Municipal League interests. Heldt did not think that there was a problem with duplication of efforts in terms of lobbying.

Currier commented on the active role of PROTEC with respect to ongoing litigation in federal court with respect to moving PEG channels to an upper tier, which would require additional expense for some customers. Negotiations between Comcast and Meridian Twp, Dearborn, Warren and Bloomfield Twp have terminated, and Comcast has asked the court to put the matter back on the motion docket.

Hagaman presented highlights of the Birmingham Area Cable Board second Quarter Financial Reports for fiscal year 2007/08 and preliminary third and fourth Quarter Revenue and Expenditure Reports. She addressed questions from Board members.

APPROVE CABLE BOARD BUDGET FOR FY 2008-2009

The proposed 2008/09 Cable Board budget anticipates total revenues in the amount of \$620,925.00 and total expenditures in the amount of \$567,400.00. Additional revenue will be deposited in a fund to save for future capital expenditures.

A copy of the draft budget was forwarded to the communities for review and comment. At the suggestion of the Birmingham Commission, a change will be implemented to break down the fund balance into a general fund balance and a designated fund balance, where money will be accumulated for major equipment purchases.

As chair of the PEG Committee, Heldt proposed modifying the budget to reflect the proposed contract extension negotiated with Bloomfield Community Television. The present contract with BCTV at an annual cost of \$155,000 expires on June 30, 2008. An amendment has been drafted that extends the contract agreement for two additional years at \$165,000 per year with the option for a third year at a cost of \$170,000. This option can be extended within 60 days prior to the end of the second year. There are no other changes to the contract. Heldt maintained that the Cable Board has a good partnership with BCTV, and he thinks it should be continued.

There was agreement to combine the following line items, “M15/PA18 Base” and “Existing Program/Playback” and indicate a total amount of \$165,000 for the new line item.

Motion by Decker, second by Heldt, to amend the budget to combine line items “M15/PA18 Base” and “Existing Program/Playback” and change the total amount to \$165,000.

Motion passed unanimously.

Questions on the budget were addressed by Hagaman and Currier.

Motion by Heldt, second by Ettenson, to adopt the Birmingham Area Cable Board budget for fiscal year 2008/09 as amended.

Motion passed unanimously.

COMMITTEE REPORTS

Cable Action Committee

Committee Chair McLain reported on preparations for the Birmingham Farmers’ Market initiative. McLain and Borgon attended the Farmers’ Market on Sunday, June 8 and staffed the Cable Board booth. They answered questions from people who approached the table and collected several complaints from subscribers. There were questions regarding the function of the Cable Board, cable rates, public access, and the digital transition. The Board will have representation at the Farmers’ Market again on June 29.

Borgon expressed the view that the Board’s presence at the Farmers’ Market will benefit the public. He recommended that all Board members volunteer for a couple hours staffing the table.

PEG Committee

PEG Committee Chair Heldt distributed copies of an amendment to the Bloomfield Community Television contract, which extends the contract agreement for two additional years at \$165,000 per year with the option of a third year for \$170,000. This option can be extended within 60 days prior to the end of the second year.

Heldt related that there is an unresolved issue in terms of storing the Board's new production truck at the BCTV facility and the status of the Bloomfield Community Television truck relative to its use by Bloomfield Schools. When the issues internal to BCTV are resolved, Heldt intends to present a proposal to the Board.

Motion by Heldt, second by Ettenson, that the Birmingham Area Cable Board approve the amendment to the Birmingham Area Cable Board contract with Bloomfield Community Television for cable access management service for a period of two years at an annual cost of \$165,000 with the option for a third year at \$170,000.

Currier stated that he has no issues with the language of the proposed contract, which is an extension of the existing agreement with BCTV. There was discussion of the wording of the paragraph that deals with production costs of programming. Questions from Board members were addressed by Leslie Helwig of BCTV and attorney Tim Currier.

Motion passed unanimously.

Search Committee Report

A committee of Ettenson as chair, Goldberg, Decker, Pfeifer and Woodard are in the process of searching for a part-time Executive Director to replace Kathryn Hagaman. Interviews were scheduled with four candidates on Friday, June 13, 2008, at which time two of the four individuals were present to be interviewed.

The position was posted on the NATOA web site, the BACB website, Michigan Municipal League website, and on Craig's List. The committee will be posting the advertisement for the position on other websites, including Monster.com. Ettenson noted that the cost of newspaper advertisements was prohibitive.

Several candidates have responded to the advertisements, and Ettenson expects to have additional candidates for the next interview session. The search committee anticipated making a recommendation on an appointment at the July Board meeting.

COMCAST RELATED TOPICS

Subscriber Complaints

McLain remarked that there are a number of people who are still having trouble getting through to Comcast by phone and are placed on hold for long periods of time. She urged subscribers to document their outages and request a credit from the cable company.

Ettenson commented on complaint form #08-33, which indicates that the issues have been resolved. He related that this customer has had recurring issues with Comcast and has now signed up with AT&T.

AT&T RELATED TOPICS

Borgon reported on the recent tour of the AT&T video hub by several Board members. They received a live demonstration of the U-Verse PEG product in Clinton Township.

Borgon stated that direction is requested in writing from each of the communities stating that the BACB is empowered to act on their behalf to request the PEG product from AT&T. Only then will the Board be able to investigate equipment, transport, and cost options that will result in the communities' connecting and providing PEG content to AT&T on its Uverse platform. These efforts should be coordinated with the communities, BCTV, the School District, and AT&T.

MLTV15/PA18 REPORT

Steve Rota from Bloomfield Community Television reported on programming taped for Municipal Channel 15 and PA Channel 18 during the last month and noted upcoming programs of interest (information included in BCTV monthly report for May 22, 2008 – June 18, 2008).

Rota stated that BCTV staff has been working with Rita Battocletti on a program featuring the 50th Anniversary of the Village of Beverly Hills. Staff is also working with producer Maureen Evans on a program about the Farmers Market. The next volunteer workshop is scheduled for July 29.

Rota thanked radio announcer Joe Donovan for volunteering to do the BAMA and BAPA spots that will be up and running soon. Borgon remarked that Joe Donovan has a great voice, and it is hoped that he will become the new voice of Channels 15 and 18. Mr. Donovan was the announcer at the Beverly Hills's anniversary celebration in Beverly Park.

Rota talked about issues related to the graphics, audio and video aspects of the new bulletin board system. He asked for feedback on the new look of the system.

Ettenson asked Rota to comment on his review of the Village of Bingham Farms facility in terms of its use for broadcasting Council meetings. Rota mentioned problems with the small size of the meeting room. Ettenson is attempting to locate a larger meeting room.

Rota stated that he looks forward to working with the Birmingham Area Cable Board for another two or three years.

OLD BUSINESS

None

NEW BUSINESS

None

PUBLIC COMMENTS

Leslie Helwig of BCTV commented that Bloomfield Township is one of the communities that has joined the Comcast lawsuit regarding PEG channel location along with Dearborn, Warren, and Meridian Township. Negotiations are at a stalemate.

BOARD COMMENTS

None

The meeting was adjourned at 9:21 a.m.