

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 - Bloomfield Community Television representative  
Martinico - Director of Technology, Birmingham Schools  
Valentine - Birmingham staff liaison  
Pfeifer – Beverly Hills Council liaison  
Johnson – AT&T representative  
Gardner – Comcast representative

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 Ettenson, that the minutes of a Cable Board meeting held on June 18, 2008 be approved as submitted.

Motion passed.

Motion by Heldt, second by Ettenson, that the minutes of a Cable Board meeting held on July 16, 2008 be approved as submitted.

Motion passed.

#### **PUBLIC COMMENTS**

None

#### **EXECUTIVE DIRECTOR SEARCH**

Borgon turned the meeting over to Vice-Chair Ettenson and left the room during the discussion of the Executive Director Search.

Ettenson, chair of the Executive Director Search Committee, reported that the committee met three times and interviewed seven candidates for the position. At its last meeting, committee members made a decision to recommend the appointment of Robert Borgon as Executive Director of the Cable Board. There were two strong candidates. The other candidate could not meet the timing requirements of the Board.

Ettenson highlighted the content of the draft contract. It is recommended that Bob Borgon be offered a two-year contract at a salary of \$30,000 per year. There is a six-month performance review. Borgon must vacate his position as Cable Board member representing the Village of Beverly Hills in order to assume the new position on September 1. It is proposed that Hagaman

would continue to hold the position for one month while she assists with the Executive Director transition. Borgon will join Board members Armitage and Ettenson at the NATOA conference in Atlanta from September 17-20.

Ettenson recommended that the Executive Search Committee become a permanent Personnel Committee of the Cable Board. The Personnel Committee would conduct the six-month performance review of the Executive Director with input from other Board members. The contract allows the Executive Director to serve at will and provides a 30-day termination clause that can be executed by either party. In answer to an inquiry, Ettenson stated that the contract includes the following responsibility, “Oversee and maintain Birmingham Area Cable Board website and such other duties as requested by the Board”.

Motion by Ettenson, second by Woodard, that the Birmingham Area Cable Board accept the recommendation of the Executive Director Search Committee to appoint Bob Borgon as Executive Director of the Cable Board effective September 1, 2008 and enter into an Agreement for Administrative Services at a salary of \$30,000.

Motion passed unanimously.

Cable Board Attorney Tim Currier related that the Bylaws of the Cable Board state that the vice-chairperson assumes the duties of the chair in absence of the chairperson. When the office becomes vacant upon Borgon’s resignation, there must be an election to replace the chairperson. That election should be held on or before the next regular Board meeting. Borgon must submit his resignation as Cable Board member prior to signing the contract for the Executive Director position. In the interim, the Board can authorize the vice-chairperson to sign the contract on behalf of the Cable Board.

Motion by Woodard, second by Decker, that the Cable Board elect a new chairperson at its September, 2008 meeting and that the vice-chairman Ettenson be authorized to sign the contract for a new Executive Director on behalf of the Board.

Motion passed unanimously.

Bob Borgon resumed the chair. Ettenson congratulated Borgon on his appointment as Executive Director effective September 1, 2008.

#### **EXECUTIVE DIRECTOR’S REPORT**

The Board received a request from the Village of Bingham Farms for a grant in the amount of \$128.75 to cover the cost of their PROTEC membership for the 2008/09 fiscal year.

Motion by Armitage, second by Heldt, that the Birmingham Area Cable Board approve the expenditure of \$128.75 to reimburse the Village of Bingham Farms for its membership in PROTEC for the 2008/09 fiscal year.

Motion passed.

The Cable Board has recommended that the municipalities join the PROTEC organization. Hagaman stated the Board has not received requests from the other communities for reimbursement for 2008/09 memberships in PROTEC. Borgon suggested that representatives of the communities discuss this with their elected officials and consider submitting a request to the Board for approval at next month's meeting.

Pfeifer stated that Beverly Hills does not belong to PROTEC currently but that the Village Council was in agreement that a membership grant be requested at the recommendation of the Birmingham Area Cable Board.

Hagaman reported that Plante & Moran is working to complete the annual audit of the Cable Board financial operations. Board members are in receipt of the final third quarter financial report and a preliminary fourth quarter report. Revenue for the third quarter is up \$70,000 from the budgeted amount.

The production truck is near completion and the manufacturer has requested information for the vehicle title. Steve Rota from BCTV reported that the truck is on its way to Roscor in Illinois, where the equipment will be installed. The Board should receive the truck by September 20. Heldt added that he has received one quote to provide signage for the truck, and will be obtaining a second quote.

Hagaman related that there was an incident whereby a woman attending the Birmingham Concert in the Park was injured after tripping over cables on the lawn. The cables were covered. A police report was filed and an incident report was filed with the Board's insurance carrier as a precaution.

Comcast has asked the Federal Court to place the issue of PEG channel location back on its docket. There was a hearing on this matter yesterday at which time the judge took the matter under advisement.

Hagaman reported that two outstanding Comcast complaints have been closed. Comcast appears to have initiated an additional step whereby recurring complaints are sent to management for review. John Gardner representing Comcast explained that this occurs when there is a situation that the escalating team thinks need extra attention from management.

Four new complaints were received since the last Board meeting and were submitted to Comcast for resolution. One is Internet related, another is a combination of Internet problems, phone problems and cable TV problems. There is another complaint from Graefield Condominiums about an open cable box.

Hagaman informed the Board that she and Mel Ettenson met with representatives from AT&T as an initial step to discuss equipment, cost, and quality issues relative to bringing PEG programming to AT&T subscribers. Another topic was the interrelationship of the municipalities and Birmingham School District. AT&T will report back to the Board on cost and timing issues.

In response to an inquiry on the estimated cost for the municipalities to receive PEG channels, AT&T indicated that two encoders would be required at \$3,000 each as well as two T1 lines at a cost of \$589/month. This did not include costs for Birmingham Public Schools.

Ettenson stated that, considering the ongoing rollout of the U-verse product, the company was asked to provide the number of AT&T subscribers in the four communities in order to determine if that number would warrant the investment required. The response was that the information was proprietary. Ettenson estimated that there are probably only a couple hundred subscribers in the four communities. This will be a consideration when AT&T comes back to the Board with a final report and cost figures. AT&T has indicated that the Cable Board has collected \$7,000 from AT&T in PEG fees for a one-year period ending June 30, 2008.

Borgon asked Currier about the use of PEG fees received from Comcast and from AT&T. Currier responded that, once PEG funds are received, the money can be used for PEG channel purposes and does not have to be segregated.

Lisa Martinico, representing Birmingham Public Schools, emphasized that the 'E' in PEG stands for Education. She encouraged the Board to include Birmingham Public Schools in their conversations with AT&T about hooking up the communities for access to PEG programming. It was indicated that a separate T1 line would be needed for the school district.

Heldt assured Martinico that Birmingham Public Schools is an integral part of the PEG operation. He suggested that PEG access programming on the AT&T U-verse product could be discussed further at the PEG Committee meeting following the Board meeting.

Hagaman provided Board members with a draft of the Birmingham Area Cable Board Annual Report for fiscal year 2007-2008. Any modifications suggested by PEG or Cable Action Committee members will be incorporated into the final report, which will be distributed to each of the member municipalities.

#### **MICHIGAN NATOA – PA 480**

Armitage stated that it has come to his attention that the Michigan Public Services Commission (MPSC) is due to report in the next few months on the implementation and effectiveness of Public Act 480. Some of the other cable boards are discussing how they can participate in that process to make sure that the state of affairs and cable matters in general are accurately reflected. Armitage suggested that the Birmingham Area Cable Board appoint a committee to work with others as well as consult with Attorney Currier on the approach and content of their effort to raise awareness of the consequences of Public Act 480.

Motion by Armitage, second by Ettenson, that the Cable Board appoint a subcommittee within the Cable Action Committee with the function of participating and coordinating with external groups on a public relations strategy to inform the public about the effects of Public Act 480 on cable consumers. The subcommittee will consult with Cable Board Attorney Tim Currier and report back to the Board.

McLain remarked that there are active members of the Cable Action Committee who could undertake this important initiative. Armitage volunteered to join the Cable Action Committee.

Committee meetings are held on the fourth Wednesday of each month at the Birmingham Public Library.

Motion passed unanimously.

## **COMMITTEE REPORTS**

### **Cable Action Committee**

McLain stated that, at its last meeting, the Cable Action Committee reviewed letters received from the communities authorizing the Cable Board to move forward with AT&T on exploring the technical specifications to receive PEG programming with the AT&T U-verse product. The committee agreed that the involvement of Bloomfield Community Television and Birmingham Public Schools at the outset is critical.

There was also discussion at the meeting regarding the Michigan NATOA initiative relative to PA 480, which has been consolidated under the Cable Action Committee.

BCTV will be taping a program at the Birmingham Farmers' Market this Sunday, weather permitting. McLain displayed a booklet that contains all of the informational handouts that are available to the public at the Farmers' Market.

McLain updated the Board on matters related to the upcoming digital transition and provided information on the Federal digital-to-analog converter coupon program. A recent article in the Detroit News said that area stores are having difficulty keeping the converter boxes in stock. It was noted that consumer coupons have expiration dates. McLain suggested that phone numbers of the nine retailers in the four communities be listed on the BACB website so that people can call stores to determine availability.

Currier stated that a converter box can be ordered with the coupon and directly shipped to a customer if a retailer does not have the boxes in stock. It was mentioned that there are online retailers that accept the government coupon.

Woodard announced that the Baldwin Public Library will have a program on November 13 whereby Tim Redmond from Fox 2 News will host a presentation on how to hook up a converter box to a television.

### **PEG Committee**

Heldt noted that updates on the production truck and the AT&T hookup to PEG channels were discussed earlier in the meeting. The PEG Committee will meet immediately following today's Board meeting.

## **COMCAST RELATED TOPICS**

### **Subscriber Complaints**

Hagaman reported that there were four new Comcast customer complaints received this month. One was from Graefield Condominiums regarding an open cable box. John Gardner stated that he has not received an update from the supervisor directed to investigate this issue.

Board members followed up on specific complaints. With regard to Complaint #08-47, Hagaman asked Gardner if Comcast could include a time frame for outages in its automated phone

message. Gardner responded that every outage will have different circumstances for various customers; it would be difficult to specify a time.

Complaint #08-48 involved a customer who was offered a \$3 credit for several missed appointments. Gardner had no details on this complaint. Ettenson suggested that customers be aware that they need to request a credit from Comcast.

### **Comcast Updates**

Gardner reported that the Big Ten Network was added to the Comcast lineup last Friday; it can be viewed on Channels 65 and 255. He announced that digital Music Choice is now available to limited basic customers on channel 401-448. A digital box is required.

McLain recalled that it was noted at the last meeting that there was misinformation printed on the cable bills regarding franchise authority information. Gardner responded that Comcast has made that correction.

### **AT&T RELATED TOPICS**

Hagaman mentioned that AT&T Michigan filed its first Annual Video Report dated July 18, 2008. Board members received a copy of the report.

Ettenson was informed by an AT&T subscriber that she called the customer service number with a question and experienced a long wait on the phone. He suggested that another option would be to go to a local AT&T store to have a question answered.

### **MLTV15/PA 18 REPORT**

Steve Rota from Bloomfield Community Television reported on programming taped for Municipal Channel 15 (BAMA) and PA Channel 18 (BAPA) during the last month and noted upcoming programs of interest (information included in BCTV monthly report for July 17, 2008 through August 20, 2008).

Rota informed the Board that BCTV will demo a wide angle lens at the Bingham Farms meeting facility. The effectiveness of the lens will be one factor in discussions by Bingham Farms to possibly tape their monthly council meetings. Rota commented that the graphics generator for BAMA 15 is up and running.

Five volunteers attended the camera workshop at BCTV on July 29 including Mark Armitage and his daughter.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

McLain stated that there are two open seats on the Cable Board for Birmingham representatives and one vacancy anticipated for a Beverly Hills representative. Franklin has made an appointment to fill the vacancy created by the resignation of David Goldberg from the Cable Board.

Ettenson stated that the suggestion was made earlier in the meeting that the Executive Director Search Committee become a permanent Personnel Committee.

Motion by Ettenson, second by Armitage, that the current Search Committee formed to research and select an Executive Director be converted to a permanent Personnel Committee for purposes of evaluating the Executive Director and addressing other matters that come before the Birmingham Area Cable Board.

Motion passed unanimously.

#### **PUBLIC COMMENTS**

None

#### **BOARD COMMENTS**

It was mentioned that all Board members who will be attending the September NATOA conference in Atlanta on September 17-21 will be present at the Cable Board meeting of September 17 with the exception of Armitage.

Borgon thanked David Goldberg for his involvement with the Cable Board over five months. He is resigning in order to be appointed to the Village of Franklin Planning Commission. Goldberg remarked that it has been a pleasure serving on the Cable Board.

Borgon stated that Kathryn Hagaman has been a mainstay of the Birmingham Area Cable Board since its inception. She has done an excellent job as executive director of this group and has set standards that will be difficult to maintain. On behalf of all the members, Borgon thanked Hagaman for her exceptional service on the Cable Board.

Ettenson added that Kathryn Hagaman serves as the Clerk for the Village of Bingham Farms. Not only has she served the Cable Board well, but she has been able to balance her duties as an outstanding clerk with Bingham Farms and perform both functions in an exemplary fashion.

Hagaman thanked the Board for their support. She commented on the members' expertise and involvement and said that she has enjoyed working with them.

The meeting was adjourned at 9:03 a.m.