

Present: Decker, Heldt, McLain - Birmingham  
Heyman, Woodard, Pfeifer – Beverly Hills  
Ettenson – Bingham Farms  
Eads - Franklin

Absent: Abbott, Armitage - Birmingham  
Verdi-Hus – Beverly Hills

Also Present: Borgon - Executive Director  
Currier - Attorney for Cable Board  
Rota - Bloomfield Community Television representative  
Martinico - Director of Technology, Birmingham Schools  
Glenn - Birmingham staff liaison

Vice-Chairperson Ettenson called the meeting to order at 7:45 a.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. Ettenson welcomed new Franklin Board member Lew Eads and acknowledged newly appointed Executive Director Bob Borgon.

#### **APPROVE MINUTES**

Motion by Heldt, second by Woodard, that the minutes of a Cable Board meeting held on August 20, 2008 be approved as submitted.

Motion passed.

#### **PUBLIC COMMENTS**

Sherry Suggs from Beverly Hills was concerned about the lack of options available for receiving cable television service. She lives in an area of Beverly Hills where numerous trees make it difficult to receive satellite reception. Suggs complained that she does not have much leverage when she calls Comcast to request better rates or a more favorable package deal.

Ettenson informed Ms. Suggs that AT&T has entered the market with its U-verse product that will be in direct competition with Comcast. The new AT&T product is being offered in certain areas of the four communities. People can access the AT&T web site and submit their address and zip code to find out if the product is available at their location. Information can also be found on the Cable Board web site ([www.birminghamareacableboard.org](http://www.birminghamareacableboard.org)).

McLain added that AT&T uses Internet protocol versus cable to provide its product. The Board will continue to request that other video providers come into the area.

Suggs thought that Comcast customer service representatives needed better training. She was informed that she can file a complaint with the Cable Board and was handed a complaint form. Suggs was advised that there is a vacancy on the Cable Board for a Beverly Hills representative if she is interested in applying for the position.

Hildreth Buterbaugh of Beverly Hills expressed the view that the public should be able to comment on an issue at the time it is being discussed. A question loses its impact if it is asked

after action has been taken. There is an opportunity for public comments at the beginning and at the end of the Cable Board meeting. Buterbaugh inquired about the provisions of the Open Meetings Act. Buterbaugh also commented on differences he has observed in terms of Comcast customer service practices in Royal Oak and in the Birmingham area.

Attorney Tim Currier related that the Open Meetings Act provides that there must be a spot on the agenda for the public to be able to address the Board. It does not require that the public has to have an opportunity to address every issue as it is being discussed. Many boards have placed a public comment section at the beginning of a meeting with a second public comment section at the end of the meeting, which is acceptable under the Open Meetings Act.

### **ELECTION OF OFFICERS**

A new Board chairperson must be elected due to Bob Borgon's appointment as Executive Director of the Cable Board. Ettenson opened the floor for nominations to the office of chairperson of the Cable Board. Heldt nominated Elaine McLain, who accepted the nomination. McLain was elected chairperson by acclamation. She currently holds the position of Secretary of the Cable Board.

McLain asked for nominations for the position of Secretary of the Cable Board. Ettenson nominated John Decker, noting that the Treasurer and Secretary positions have been combined in the past. Decker accepted the nomination and was voted Treasurer/Secretary by acclamation.

The new chairperson must reaffirm Board committee appointments. McLain confirmed the appointment of Jeffrey Heldt as the head of the PEG Committee. McLain said that she would continue her position as chair of the Cable Action Committee unless there was another member interested in heading that group. She acknowledged members who participate regularly at CAC meetings. Alan Heyman declined an invitation to serve as chair of the Cable Action Committee due to other commitments. McLain will retain the position Cable Action Committee chair.

The Personnel Committee was established as a standing committee after being formed to search for a new executive director. Mel Ettenson agreed to continue in the position of chair; other members of the team were Carol Woodard, John Decker, and Dorothy Pfeifer. The Personnel Committee will be charged to conduct a six-month evaluation of the executive director in March of 2009.

### **CABLE BOARD ANNUAL REPORT**

Board members are in receipt of the final draft of the Cable Board Annual Report prepared by Kathryn Hagaman. Modifications suggested at last month's meeting have been incorporated into the document.

Motion by Heldt, second by Ettenson, to forward the Cable Board Annual Report to the four municipalities for their review.

Motion passed.

## **COMMITTEE REPORTS**

### **Cable Action Committee**

At its last meeting, the Cable Action Committee discussed the Michigan NATOA initiative and proposal, issues related to bringing PEG programming to AT&T subscribers, and the status of the graphics generator for BAMA 15.

There are two Sundays remaining for the Birmingham Farmers' Market initiative, September 21 and October 12. Cable Board members staffing the booth communicate with the public on the digital transition coming in 2009 as well as answers questions about the function of the Cable Board and the process for submitting complaints.

McLain provided names and phone numbers for local retailers where TV converter boxes can be purchased with government coupons ([www.DTV2009.gov](http://www.DTV2009.gov)). A listing of the local stores is available on the cable board web site ([www.birminghamareacableboard.org](http://www.birminghamareacableboard.org)). McLain recommended calling these retailers before visiting the store to insure that they have the converter boxes in stock. There is a link on the BACB web site that provides information on how to hook the box up to a television. The boxes can also be ordered on the Internet.

On November 22, Bloomfield Community Television will conduct a presentation on the digital TV transition at the Bloomfield Library on November 22 at 1:00 p.m. The Baldwin Library will host a presentation on how to hook up a converter box to a television on Thursday, November 13. The Birmingham Area Seniors Coordinating Council will be scheduling a similar presentation.

The next Cable Action Committee meeting will be held on September 24 at 5:30 p.m. at the Baldwin Library.

Ettenson suggested that the Cable Action Committee in conjunction with the Executive Director mail a letter to the Board's Comcast and AT&T representatives regarding their absence without notification at today's Cable Board meeting.

### **PEG Committee**

Bob Borgon reported on his visit to Roscor Corp. in Illinois last week with Zack Florance from BCTV to monitor the progress of equipment installation in the new production truck. Borgon was impressed with the truck. Zack Florence examined and tested the equipment in the vehicle to his satisfaction. The truck is near completion and will be delivered to Bloomfield Community Television next week. Training of BCTV staff is scheduled for October 7-9. The PEG Committee will be recommending a company to do the graphics work on the truck at the next meeting.

In answer to an inquiry, it was indicated that the total cost of the production truck and equipment will be approximately \$851,000. McLain commented that the production truck was purchased with public money, and it will be used by Bloomfield Community Television and the communities. Members agreed with Pfeifer's suggestion that the Board should draft a written policy for use of the truck and equipment. The PEG Committee is working on a location to house the truck in the winter.

Heldt announced that there will be a PEG Committee meeting at the conclusion of today's Board meeting. He has been attempting to communicate with AT&T in the last month about moving forward with community access to PEG programming with the U-verse product. McLain offered to assist with this effort. Lisa Martinico remarked that she was contacted by AT&T representative Carmen Johnson, who offered to put her in contact with AT&T engineers.

McLain related that she was notified by Carmen Johnson that she is in a transition phase and will be transferring to another position. Another contact person from AT&T will be appointed to assist the Birmingham Area Cable Board.

### **Personnel Committee**

Ettenson stated that the Personnel Committee will be conducting a six month review of the Executive Director in February of 2009. He asked that members of the Executive Director search committee continue their participation on the Personnel Committee. Those members were Carol Woodard, John Decker, and Dorothy Pfeifer. Ettenson suggested expanding the purview of the Personnel Committee to become involved with filling vacancies on the Board. There are currently two Birmingham vacancies and one vacant position for a Beverly Hills representative.

### **COMCAST RELATED TOPICS**

#### **Subscriber Complaints**

McLain took photographs of a Comcast cable box located at a multi-dwelling unit. There had been an ongoing problem with the cable box being left open. Comcast has provided a remedy.

McLain mentioned that Comcast has an escalation department, but it helps if subscribers indicate a phone number where they can be contacted by Comcast. McLain intends to work on the issue of Comcast placing customers on hold for long periods of time when they try to contact the call center.

Ettenson referred to complaint #08-56 about removing channels halfway through a promotion period. Comcast's response was that the CSR made two failed attempts to reach the customer and that the complaint was closed. Ettenson questioned how a complaint could be resolved when Comcast did not talk to the customer.

McLain responded that the Board would follow up with Comcast on that complaint. She said that her follow up calls to customers who have filed a complaint often reveal that the issue is not resolved. While the Board cannot tell Comcast how to do business, it can encourage them to do business better.

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

McLain stated that the Cable Board is concerned about moving forward with the AT&T PEG product. The intent is to have a meeting with AT&T representatives on this topic and to include the School District in these discussions.

McLain recapped a recent AT&T complaint involving someone who received false information from their marketing person, which resulted in problems with installation and service. She will follow up on this with AT&T.

### **EXECUTIVE DIRECTOR'S REPORT**

Borgon reported that Bingham Farms has submitted a request for reimbursement for its membership in PROTEC. The Cable Board had recommended that the municipalities join the PROTEC organization.

Auditing firm Plante & Moran has been provided with pertinent information and has completed the first phase of the Cable Board audit. Borgon will communicate with Treasurer John Decker on a question from the auditors on the Franklin Bank Account. The fourth quarter financial report is being finalized. Decker is working on converting the system to Quicken software. The report will be presented to the Board at its October meeting.

Borgon informed the Board that he will work on drafting a policy for the use of the new production truck.

Borgon reported that the laptop computer and the four-in-one printer, copier, fax and scanner used by the Executive Director are in good working order, but the cell phone needs to be replaced. Borgon requested that the Executive Director's cell phone be upgraded to a Blackberry with Internet service. He would like to have continuous access to Cable Board related messages at home and on the road.

Included in the equipment he received from the former Director were two digital answering machines and a cordless phone that are no longer used. Borgon suggested donating those items to an upcoming garage sale sponsored by BASCC (Birmingham Area Seniors Coordinating Council).

Borgon attended a PROTEC meeting with Mark Armitage and Leslie Helwig from BCTV on September 9. Armitage will report on this meeting next month. A copy of the PROTEC Annual Report was distributed to the Board.

The Birmingham Senior Men's Club has requested that a representative of the Cable Board be the guest speaker at one of their November meetings. Borgon volunteered to work on a presentation but suggested that new chairperson Elaine McLain make the presentation. McLain proposed attending the event with vice-chairperson Ettenson and Borgon.

Borgon referred to a September 9, 2008 USA Today article about Wilmington, North Carolina becoming the country's first all-digital TV market.

Board member Eads informed Borgon that the Franklin Village Council approved going forward with a membership in PROTEC.

Board members discussed the Executive Director's request to purchase a Blackberry cell phone with Internet service. There was agreement that the Board should update its policy regarding expenditures by the Executive Director.

Motion by Heldt, second by Ettenson, to authorize the purchase a Blackberry cell phone for use by the Executive Director at a cost not to exceed \$200 and to authorize the

Director to enter into a two-year contract for Internet service. The Director is further authorized to donate obsolete or unnecessary equipment (answering machines and cordless phone) to charity.

Motion passed unanimously.

### **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 August 21, 2008 through September 17, 2008).

BCTV will conduct a volunteer camera workshop on Tuesday, October 14. There is a 10:00 a.m. class and a 6:30 p.m. class. Interested individuals can call 248-433-7790.

The Birmingham Farmers' Market program has been taped. Rota thanked the vendors who participated and Elaine McLain and John Decker for their involvement. Rota reported that AT&T Technical Specialist David Clark contacted BCTV a few weeks ago and talked to Zack Florance about transmitting PEG channels to their U-Verse product.

Rota met with Mel Ettenson last week to demo the wide angle lens in the Bingham Farms office to determine if it would be satisfactory for taping municipal meetings. The footage was reviewed by Bingham Farms representatives. Ettenson remarked that the tape was very successful and had good quality audio and video. One additional vote from a trustee is needed to request the taping of Bingham Farms meetings.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

Decker commented that he has received comments from the public about the need for competition from video providers. He asked about the latest communication between this Board and Wide Open West in terms of their interest to provide service to one or more of the consortium communities.

Borgon responded that the Cable Board has sent multiple written requests to Wide Open West, Charter Communications, and Bright House Networks urging them to service our four municipalities. These companies have responded that they cannot afford the build out in the communities.

Currier reported that he had informal discussions with the general manager and general counsel for Wide Open West within the last few months. He informed them that the Birmingham Area Cable Board would welcome competition from Wide Open West. Their response was the same as it has been from the beginning. WOW does not intend to build their current system to a larger capacity. They have not built out the system since they took over Americast; their focus is on increasing the customer base in their existing markets.

Decker asked if Wide Open West has expressed an interest in wiring one of the communities but not all four of the consortium communities.

Currier provided background on the origin of Wide Open West. He related that Americast made a presentation to this Board many years ago and expressed interest in wiring Birmingham and possibly Beverly Hills but not Franklin or Bingham Farms. The communities responded that they were interested in competition, but the service had to be extended to all of the communities. Within 30 days of their presentation to the BACB, Americast announced that it had decided to sell the system. Americast was sold to a private company called Wide Open West. WOW has never expanded their system. The concern was that a larger company would make an offer to their investors and buy them out.

Ettenson concurred that the Board owes it to the subscribers to continually invite competition into the communities. Decker urged the Board to request competition from other providers and make it clear to any of those companies that the Board would consider the option of providing service to one or more communities if it was an option. He understood that this would be a change in policy for the Board.

Decker related that he reviewed the Interlocal Agreement. It states that it is the duty of this Board to facilitate the deliver of best quality service at the lowest possible cost. This Board must use every power granted to it under the Interlocal agreement to achieve that end. This Board may facilitate contracts with one, two, three or four of the communities. The Agreement affirms that the Cable Board has the power to administer agreements with cable providers for just one community as long as that community pays its proportionate share of the Board expenses. Decker thought that it was within the purview of the Board to take this direction if it decides to make a policy shift.

Currier related an issue that was brought up several years ago when Americast came before the Board stating that they would pay the communities a 5% franchise fee and a 1% PEG fee. There is a provision in the municipal franchise agreements that says, if a competing provider is allowed more favorable terms, those terms have to apply to Comcast. The Board anticipates arguing with Comcast and AT&T for a 2% PEG fee after the expiration of the Franchise Agreement with Comcast. This was a financial concern that the Board considered at the time it addressed the request from Americast.

#### **PUBLIC COMMENTS**

Hildreth Buterbaugh of Beverly Hills commented on a number of agenda items. He suggested that people driving the new production truck be screened. The laptop owned by the Cable Board should contain an anti-virus and an anti-spyware program. He stated that the AT&T utility boxes could be made more attractive. Buterbaugh noted that channel locations differ on analog and digital lineups. He suggested that the Cable Board depreciate its capital items. Buterbaugh expressed the view that the logos on Channel 15 and 18 are in the way.

Sherry Suggs thanked the Cable Board volunteers for their time and involvement in the community. She would like to see Cable Board news or Board vacancies publicized in area newspapers in addition to the BACB website.

**BOARD COMMENTS**

Pfeifer provided information on procedures followed by the Village of Beverly Hills for filling vacancies on its boards and committees. It is each municipality's responsibility to appoint representatives to their volunteer bodies. Pfeifer noted that the municipal code provides for the Council liaison to sit on the Cable Board when there is an absence of a Beverly Hills member on the Board.

Pfeifer stated that she brought up the Village's membership in PROTEC at the September 16, 2008 Beverly Hills Council meeting. Members of Council were in agreement that a membership grant be requested at the recommendation of the Birmingham Area Cable Board. She has obtained a copy of the application to PROTEC.

Pfeifer stated that she will inform the Beverly Hills office staff that there is video competition available from AT&T so that they can provide this information to residents. She will encourage staff to give residents the Cable Board phone number to call with complaints about their television service.

McLain stated that if residents live in one of the four consortium communities and have a cable problem, they will be heard. The Cable Board is here to reflect customer concerns and work in partnership with the providers. She thanked everyone for their participation on the Cable Board.

The meeting was adjourned at 9:26 a.m.