

Present: Armitage, Decker, Heldt, Lurie, McLain - Birmingham  
Heyman, McFadden, Pfeifer, Verdi-Hus – Beverly Hills  
Ettenson – Bingham Farms  
Eads – Franklin

Absent: Thorsby, Urcan – Birmingham

Also Present: Borgon – Executive Director  
Currier - Attorney for Cable Board  
Rota - Bloomfield Community Television representative  
Dr. Hoffman - Birmingham Schools representative  
Brogan – Comcast representative  
Peterson – AT&T representative  
Kiste – Wide Open West representative  
Glenn – Birmingham staff representative

Chairperson McLain 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 OF REGULAR CABLE BOARD MEETING HELD JULY 21, 2010**

Motion by Pfeifer, second by Eads, that the minutes of a regular Cable Board meeting held on July 21, 2010 be approved as submitted.

Motion passed.

**PUBLIC COMMENTS**

Southfield resident Pamela Gerald stated that the City of Southfield entered into a Uniform Video Services Local Franchise Agreement with AT&T for U-verse service in May of 2007. PA 480 of 2006 states that, 90 days after entering into the franchise agreement, the company is supposed to provide the same services as the incumbent video provider, which is Comcast. AT&T has been charging U-verse customers in Southfield for service but has not been providing PEG channels. AT&T did not begin broadcasting Council meetings on Channel 99 until July 12, 2010.

The franchise agreement states that AT&T should be providing a municipal channel, education channel, and public access channel. Gerald questioned whether AT&T intends to provide education or public access channels and if residents will receive a refund if AT&T does not provide those channels. Gerald also had an issue with PEG programming being located on channel 99.

McLain commented that AT&T is meeting its requirements in the Birmingham area to provide the same programming as the incumbent provider. There was an initial delay in receiving PEG channels because the consortium was required to purchase equipment for the hookup. Wide Open West will also provide the three PEG channels. McLain added that the Birmingham Area Cable Board does not have jurisdiction over the City of Southfield. It was indicated that the Southfield cable board has been disbanded.

AT&T representative John Peterson said that it was his understanding that AT&T just began covering government programming for the City of Southfield within the Channel 99 application. It has been three years since AT&T launched its U-verse service in the City of Southfield. Much of the delay was due to continued discussions with the city regarding its responsibility to purchase equipment and data lines and to stream content to AT&T. The parties finally worked through that process, and government programming is now being aired. Peterson is not familiar with other programming available in Southfield in terms of educational and public access. He talked about the reasons and benefits of the Channel 99 application used for AT&T customers.

With regard to PEG fees, Peterson said that setting fees is a function of the franchise application process. It is typically consistent with what other providers charge in a community. The AT&T charge to subscribers for PEG programming is 3.94%, which is the same fee that Comcast customers are paying.

Gerald argued that the franchise agreement requires that PEG service be provided by the company 90 days after entering into the franchise agreement. She did not think it was fair to charge the customers for three years to accumulate the money to purchase equipment.

Peterson responded that the franchise agreement language reads that, upon execution of the franchise, the provider must be ready to provide PEG service to the customer. AT&T was ready. The delay experienced in Southfield was a function of the community not utilizing PEG fees to purchase the necessary equipment to transport content to its customers. Peterson suggested that Gerald's question be directed at the city, because it did not submit the request that AT&T provide PEG within that 90 day window.

Gerald related that the franchise agreement with AT&T was never signed by City of Southfield officials. Currier indicated that, if a city does not respond to an application for a franchise agreement, PA 480 states that it automatically becomes a franchise agreement with the provider within 30 days. He remarked that Ms. Gerald is articulating some of the arguments that this Board had in opposition to Act 480.

Gerald said that she had submitted questions in writing to the City of Southfield Council in February and has not received a response from the city attorney or council, nor have her questions been answered by AT&T representatives.

McLain recommended that Gerald follow up with the AT&T representative covering the City of Southfield. John Peterson will provide her with that contact information. McLain was sorry to hear that the City of Southfield does not have a cable board.

### **ELECT BOARD OFFICERS**

McLain opened the floor for nominations to the office of chairperson. Heldt nominated Elaine McLain to serve another year as chair; McLain accepted the nomination. There were no further nominations. McLain was elected chairperson by acclamation.

Nominations for the position of vice-chairperson of the Cable Board were accepted. Ettenson nominated John Decker, who declined the nominations for the reason that he will not be seeking

re-election to the Cable Board upon expiration of his term due to professional commitments and obligations.

Decker said that he has enjoyed his service over the years. His goal when he joined the Board in 2004 was to bring Wide Open West service into the community. Other short terms goals that have been met include transitioning of the executive director position, developing a long-range strategic plan for the Cable Board, and conducting a constituent survey. Decker thought that the next focus for this Board would be on technology and educating its public on different sources of telecommunications.

Decker nominated Ken McFadden to serve as vice-chairperson of the Cable Board. There were no further nominations. Ken McFadden was elected chairperson by acclamation.

Heldt nominated Alan Heyman for the position of secretary of the Cable Board. Heyman accepted the nomination and was elected to the position by acclamation.

McLain nominated Mike Urcan for the position of treasurer of the Cable Board. There were no other nominations. McLain said that she has been in contact with Urcan, who has agreed to continue as treasurer for the next year. Urcan was elected to the position of treasurer by acclamation.

McLain proceeded to appoint committee heads. The Cable Action Committee is being co-chaired by Ken McFadden and Lew Eads, who have agreed to continue with the arrangement. Jeff Heldt indicated that he was willing to continue as chairperson of the PEG Committee. McLain requested participation from other Board members on these committees.

Mel Ettenson agreed to head the Personnel Committee. McLain asked Dorothy Pfeifer to serve on this committee, and she accepted.

## **COMMITTEE REPORTS**

### **Cable Action Committee**

McFadden deferred to Mr. Lurie to bring the Board up to date on an initiative of the Cable Action Committee. Lurie commented that the landscape of cable television has changed over the past several years. A goal of the Cable Action Committee has been to improve communication with the community. The Committee is updating the brochure entitled “Choosing a TV provider”, which was prepared several years ago.

Lurie solicited bids to have the brochure redesigned and printed; three bids were received. He asked for Board approval of the low bid in the amount of \$650 to print 1500 copies of a new brochure. The cost includes art, printing, folding and delivery of the brochure.

Motion by Eads, second by Ettenson, that the Birmingham Area Cable Board authorize the expenditure of \$650 for design and printing 1500 copies of the Board’s informational brochure.

Motion passed unanimously.

The next meeting of the Cable Action Committee will be on Thursday, September 2 at 5:30 p.m. at the Baldwin Public Library.

### **PEG Committee**

Heldt reported that there are tentative dates in mid-October for three athletic events featuring Groves vs. Seaholm High Schools. He will meet next week with BCTV staff to define the costs for broadcasting those athletic events. A firm proposal should come before the Board for approval at its next meeting.

Heldt asked Steve Rota for an update on the operation of the production truck. Rota stated that the truck is in good working condition at this time. He will provide a more detailed report on repairs later in the meeting.

### **Personnel Committee**

Decker reported that the Personnel Committee met on August 11 with Mel Ettenson, Jeff Heldt and Elaine McLain in attendance. The Committee discussed renewal of the current two-year contract with Executive Director Bob Borgon; it expires at the end of this month. The Committee unanimously agreed to recommend renewal of the Agreement for Administrative Services for another two years in substantially the same form with several modifications. The contract would be renewed at the same compensation level.

Motion by Decker, second by Heldt, that the Agreement for Administrative Services between Executive Director Bob Borgon and the Birmingham Area Cable Board be renewed for a period of two years, subject to the following amendments:

- 2.a. “Assist the Board in overseeing cable franchise agreements and enforcing and interpreting all aspects of the franchise agreement”.
- 2.b. “Advise the Board with respect to the Consumer Protection Ordinance and advise the Board of any potential violations.
- 2.f. “Prepare an annual budget and **monthly** financial reports for the Cable Board...”
- 2.h. Omit this sentence for the reason that it is no longer applicable.
- 2.i. Change to ‘franchise agreements’.
6. The term of this Agreement shall be for two years commencing on September 1, 2010.
7. There shall be an **annual** performance review.

Motion passed unanimously.

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

Borgon stated that he has enjoyed working with John Decker on the Cable Board and wished him the best.

There were two new complaints received from AT&T subscribers. One related to problems with all three of the bundled services; the second complaint dealt with consistent problems with the municipal channel. Two Comcast complaints from the last meeting have not been resolved.

Wide Open West has been installing cable in Beverly Hills. The crew was following the direction of DTE relative to the location of buried power lines when they inadvertently cut the power lines to 47 houses in Beverly Hills. DTE had marked the old power line rather than the new lines. The power was restored within two to three hours. WOW took an extra step to hand deliver an apology note along with a bag of treats to the affected households.

Borgon related that the City of Birmingham passed a resolution to approve the Uniform Video Services Franchise Agreement with Wide Open West at its August 9, 2010 meeting. The build out will be completed in Birmingham just after the first of the year.

The Board has received a request to renew its service agreement with IDSolutions for the encoders in the amount of \$2,160. The contract and equipment will be reviewed.

Borgon informed the Board that John Hart has prepared a 26-page Request for Proposal for the purchase of wiring and camera equipment to facilitate the recording and live broadcasting of Library Board meetings and other programming at the Baldwin Library. The Cable Board approved a grant for this production equipment at its May 19, 2010 meeting.

### **COMCAST RELATED TOPICS**

Leslie Brogan representing Comcast stated that a complaint referenced by the Executive Director from the last Board meeting has been resolved; members should have received a complaint resolution form. A customer billing issue received today will be addressed promptly.

Borgon thanked Brogan for addressing a question from Beverly Hills resident Hildreth Buterbaugh regarding why he receives different stations on various televisions in his household.

Ettenson asked if the Comcast Customer Guarantee applies to business service as well. He was informed by Brogan that it does.

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

John Peterson representing AT&T announced a couple of new feature enhancements with the U-verse product. There is now a multi-view application that allows a picture-in-picture format. A recent enhancement of the U-verse application on the iPhone allows a subscriber to program their DVR from the iPhone and watch limited TV content on their phone.

McLain had a question regarding complaint #7-33 regarding problems with three AT&T services at the same time. The problem has been resolved, but she asked that the AT&T representative look into the software issue.

### **WOW RELATED TOPICS**

Kathy Kiste from Wide Open West announced that sales consultants will begin going door-to-door on Thursday in the area where the first two nodes are active in Beverly Hills. Construction will begin in Birmingham in late September and will take 4-5 months to complete. WOW will be building out on a node-to-node basis, turning them on to make sure everything is working properly. Kiste will be in contact with Joe Valentine from Birmingham to make sure that WOW communicates effectively with residents as to where staff will be working and what residents can expect.

Ettenson asked Kiste if there is any timetable for extending WOW service to the other two municipalities in the consortium. Kiste responded that she had no information at this time.

### **BAMA/BAPA REPORT**

Steve Rota commented that the AT&T government channel experienced intermittent outages in the last month due to problem encoders. The channel is now up and running.

Rota outlined recent problems with the production truck including generator issues and equipment outages. He described trouble shooting measures in some detail. Rota related that the equipment in the truck continues to have short power outages during productions. Roscor staff has suggested that the truck needs an UPS (uninterruptible power supply) unit installed in one of the racks. They have provided a quote for this piece of equipment at a cost of \$843.25.

Board members discussed various problems with the production truck and equipment. It was suggested that the UPS unit should have been part of the initial installation of equipment by Roscor prior to delivery of the truck. It was proposed that the PEG committee be given the authority to take action to purchase the UPS unit if it is deemed appropriate.

Motion by Heldt, second by Eads, that the Birmingham Area Cable Board authorize the PEG Committee to spend an amount not to exceed \$1,000.00 for the purchase of a Rackmount UPS unit for the production truck from Roscor Corporation and to cover the cost of freight and insurance.

Ayes – Armitage, Decker, Eads, Heldt, Heyman, Lurie, McFadden, McLain, Pfeifer,  
Verdi-Hus

Nays – Ettenson and Lurie

Motion passed (10 – 2).

Rota stated that the triax has been laid in Shain Park by Sound Planning Communications to provide a cable television distribution system. They are waiting to install protector boots on the triax ends. When this is completed, the production truck will go out and test the system.

Steve Rota presented the Bloomfield Community Television report on programming taped for Municipal Channel 15 (BAMA), PA Channel 18 (BAPA), and programming from BACB area organizations during the last month (information included in BCTV monthly report for July 22, 2010 – August 18, 2010).

The next volunteer workshop is scheduled for Tuesday, September 21, 2010.

**OLD BUSINESS**

None

**NEW BUSINESS**

McLain referred to two recent newspaper articles regarding cable, one in the Eccentric and the other in the Oakland Press. She highlighted corrections to the articles that have been sent to the newspapers.

**PUBLIC COMMENTS**

Southfield resident Pamela Gerald was present advocating for public access programming. She asked if a constituent of the City of Southfield can become a member of the Birmingham Area Cable Board in order to stay informed and continue to advocate for public access.

Attorney Currier responded that the Birmingham Area Cable Board was formed through an Interlocal Agreement entered into by Birmingham, Beverly Hills, Bingham Farms and Franklin. Its members are residents of those communities that have been appointed by their governing bodies. It is not possible for a citizen of another community to become a member of this Board. However, this is a public body, and meetings are open to the public.

In answer to an inquiry from Gerald, Currier stated that a community that enters into a franchise agreement for video service is not required to establish a cable advisory board or telecommunications board.

**BOARD COMMENTS**

None

The meeting was adjourned at 9:07 p.m.