

Present: Armitage, Heldt, McLain, Thorsby - Birmingham  
Heyman, McFadden, Pfeifer, Verdi-Hus - Beverly Hills  
Ettenson – Bingham Farms

Absent: Lurie, Urcan – Birmingham  
Eads – Franklin

Also Present: Currier - Attorney for Cable Board  
Florance - Bloomfield Community Television representative  
Dr. Hoffman - Birmingham Schools representative  
Brogan – Comcast representative  
Armstead – Wide Open West representative  
Doughty – AT&T representative  
Glenn - Birmingham staff representative  
Prew – Beverly Hills Council liaison

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/AMEND AGENDA**

Motion by Pfeifer, second by Ettenson, to amend the agenda to remove the item to discuss Equipment Purchase, and add a Closed Session for Attorney Client Privileged Communication following Board Comments.

Motion passed (8 – 0).

#### **APPROVE MINUTES OF CABLE BOARD MEETING HELD OCTOBER 20, 2010**

Motion by Heldt, second by Ettenson, that the minutes of a regular Cable Board meeting held on October 20, 2010 be approved as submitted.

Motion passed (8 – 0).

#### **PUBLIC COMMENTS**

McLain acknowledged Doug Prew, alternate Board member representing Beverly Hills. Prew remarked that he appreciated everyone's efforts on the Board and looked forward to getting involved with the community.

#### **MBS PRESENTATION**

McLain welcomed Charles Kipp, Vice President of Multi-Bank Securities Inc., an institutional fixed-income securities broker-dealer. Kipp proceeded with an overview of MBS and how it has served the Cable Board for the last five years.

Kipp explained that, initially, MBS clients were principally banks and credit unions that required individual FDIC insured Certificates of Deposit from as many institutions as possible in order to maximize their safety and liquidity needs. MBS brokers the relationship between the people who have money and the people who need money. It does this only for institutions; MBS is not a retail firm. It works with banks, credit unions, municipalities, money managers, insurance

companies, school districts, hospitals, etc. MBS does not handle mutual funds or stocks. Its product line is FDIC or NCUA insured CDs and government bonds. MBS offers a full array of fixed-income investment products. There is an occasional municipal bond when that is appropriate and corporate bonds for a small number of clients that are legally allowed to buy them.

Kipp outlined the work that MBS has done with the Cable Board for the past five years in order to maximize the safety, liquidity and yield of its investments. He mentioned the fact that banks are now limiting their lending and will not be offering competitive rates. Public Act 20 allows MBS to offer a U.S. Government Agency Bond completely guaranteed with no risk to principal or interest. This Government Bond is issued by the Federal Home Loan Bank System. Kipp asked the Board to consider this option at some point.

Kipp addressed questions from Board members regarding rating agencies used, the ownership and capital structure of MBS, and risk factors. He explained the firm's relationship with Pershing LLC, a subsidiary of Bank of New York Mellon, with regard to protecting the securities in the Board's account.

Currier referred to the Non-Corporate Resolution Form before the Board for consideration and particularly to the language authorizing the establishment and maintenance of accounts. He recommended replacing paragraphs (a) and (b) with language authorizing investments pursuant to the Birmingham Area Cable Board Investment Policy for the reason that the current wording contains transactions that are not allowed by this Board. He suggested deleting the two paragraphs and attaching the Board's Investment Policy by reference.

Kipp remarked that Pershing provides the form, which is required by the Securities and Exchange Commission. State Policy (Public Act 20) outlines what this body can and cannot do. The Birmingham Area Cable Board is allowed to be more but not less restrictive than PA 20. The Institution itself determines what gets invested, not the forms. MBS refers to Public Act 20 and the Cable Board's Investment Policy. Kipp will make sure that the form indicating who MBS may take instructions from is on file at the earliest convenience. He added that the Board's bonds are safe and portable. There is no contract with MBS, and there are no fees.

McLain thanked Chas Kipp for his presentation.

## **COMMITTEE REPORTS**

### **Cable Action Committee**

McFadden reported that three major elements were addressed at the last Cable Action Committee meeting. Members discussed various website enhancements designed to make the Cable Board website more user friendly in terms of accessing information. He urged anyone with inquiries about the Cable Board to reference the website ([www.birminghamareacableboard.org](http://www.birminghamareacableboard.org))

The Committee addressed updating the truck signage. They also discussed one of the goals of the Cable Board, which is to enhance its overall image. There are several outreach initiatives that are being considered. There are new State representatives in Lansing, which presents an opportunity to do some outreach on behalf of the Cable Board and its constituency on the issues of cable

television. McFadden announced that the next meeting of the Cable Action Committee will be held on Tuesday, December 2 at 5:30 p.m. at the Baldwin Public Library.

### **PEG Committee**

Heldt stated that there will be a PEG Committee meeting immediately following today's Board meeting. The initial Birmingham Public Schools athletic broadcast has taken place. The PEG Committee is going to discuss this experience and give some thought to possibilities for the next round of broadcasts.

McLain noted that the Board has PEG funds reserved for purchase of capital equipment. There will be a complete review of equipment in the studios located in schools, the Beverly Hills Council chamber, the Birmingham Commission chamber, and also at the Bloomfield Community Television facility.

Dr. Hoffman thanked the Board on behalf of the Birmingham Public Schools for sponsoring the taping and airing of three sporting events between Groves and Seaholm high schools in October. This pilot program was a success. It is being broadcast numerous times on the school cable station. Hoffman would like to discuss moving towards making future productions more instruction oriented. He thanked Steve Rota and the crew from BCTV for doing a great job working with students.

### **INVESTMENT POLICY**

Questions and comments regarding the Investment Policy were addressed by McLain and Attorney Currier. An amendment to the document was proposed in response to a concern from Pfeifer regarding the Board's oversight of the authority delegated to the Treasurer. The following sentence will be added to the paragraph entitled, "Delegation of Authority": "The Treasurer or Executive Director shall provide a monthly portfolio report to the Birmingham Area Cable Board". A correction was made in the paragraph entitled, "Authorized Investments", to change 'Act 20' to read 'Public Act 20'.

Chas Kipp related that Pershing sends out a monthly statement to the Cable Board indicating all interest payments, CDs that have matured, and a full description of any purchases that have been made. This could be serve as an overview of the investments. Kipp added that it is his practice to provide a signed declaration saying that he has received a copy of the Investment Policy; he agrees to abide by the policy, and he has formally entered it into the MBS files. Kipp was requested to submit this document to the Cable Board.

Motion by Heldt, second by McFadden, to adopt the Birmingham Area Cable Board Investment Policy with the following amendments: 1) Add a sentence to the paragraph entitled, "Delegation of Authority" as follows: "The Treasurer or Executive Director shall provide a monthly portfolio report to the Birmingham Area Cable Board". Correct 'Act 20' to read 'Public Act 20' in the paragraph entitled, "Authorized Investments".

Motion passed (9 – 0).

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

McLain gave a brief Executive Director's report in Bob Borgon's absence due to illness. The Board received a letter from Renee Cortright, BASCC Coordinator, thanking them for a grant to upgrade the Birmingham Area Seniors Coordinating Council Center with the addition of audio visual capabilities in their multi-purpose room to better meet the needs of members and guests.

The Board received a credit from the Michigan Municipal Risk Management Authority in the amount of \$1,589. This represents the Board's share of the MMRMA distribution of excess net assets for 2010.

Board members received a copy of a letter from Beverly Hills resident W.A. Zimmerman regarding how cable money is spent and the function of the Cable Board. McLain remarked that she is receiving Cable Board phone calls and complaints while Executive Director Borgon is unavailable.

### **COMCAST TOPICS**

Leslie Brogan from Comcast mentioned that there were four complaints that came to her attention this month. All of them have been resolved to the best of the escalation team's ability. Resolutions will be forwarded to Board members.

Thorsby questioned the delay between the time that a situation or complaint occurs and the cable provider is notified. McLain explained that there are times when someone will call in with a problem but then prefer to submit a written complaint on the Internet. This may take a couple of days. Brogan added that Comcast sends confirmation of complaints received as soon as possible.

Brogan announced Comcast's Annual Leaders and Achievers Program, which has been conducted through its foundation arm for the last nine years.

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

Lori Doughty commented on an innovation award received recently by AT&T for its U-verse mobile application. Doughty encouraged customers to visit ATT.com to discover the new things that are happening with U-verse service. Santa Tracker service will be back in December on Channel 98.

McLain had a question about complaint #10-46 regarding bandwidth upgrade being tied to a change to auto-payment status. Doughty was not aware of this complaint; she will follow up on the issue.

Doughty announced that the City of Rochester Hills and Redford Township just put their municipal programming up on U-verse.

### **WOW RELATED TOPICS**

McLain informed the Board that Kathy Kiste will now go by her married name, Kathy Armstead. Armstead provided the Board with an update on construction in Beverly Hills and in Birmingham. The estimated completion date for construction and activation in Beverly Hills is the first week in December.

McLain commented that there is an ongoing complaint regarding damage to a subscriber's tree. She referred to other problems with the rollout in Beverly Hills and in Birmingham. Armstead and two other WOW representatives who were present have been in the field and have taken phone calls from residents and municipal officials in an effort to resolve issues. Problems have occurred relative to tree trimming, WOW contractors in the community without identification, and lack of courtesy.

### **BAMA/BAPA REPORT**

Zack Florance 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 October 21, 2010 – November 17, 2010).

BCTV staff has met with the Baldwin Library IT coordinator, a Comcast engineer, and the City of Birmingham IT coordinator to discuss the possibility of Baldwin Library using the City's extra fiber line. This would allow Baldwin to broadcast its meetings live and also save the Library \$10,000 to \$15,000. Birmingham has six fiber lines with only two in use at this time. Birmingham staff has no problem giving the Library one strand of fiber; everyone involved with the project is in agreement with this decision.

The next volunteer workshop is scheduled for Monday, January 10, 2011. Interested parties may call 248/433-7790 to sign up for the 10 am or 6:30 pm class. In response to an inquiry, Florance said that participants 18 and older are welcome; anyone under 16 attending the workshop must be accompanied by a parent.

Florance stated that discussion of equipment purchases and repairs will be a topic for the December Board meeting. BCTV is waiting for WOW to install equipment at their facility so that Beverly Hills residents with WOW service can view the cable channels. Comcast installed the equipment and prepped the BCTV site to go live with Baldwin Library meetings in 2011.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

Attorney Tim Currier stated that each community should have received a letter from the Michigan Public Service Commission requesting cities, villages, and townships to fill out a form with respect to the Uniform Video Services Local Franchise Act. The communities need to complete the survey by November 30 in order for the MPSC to make its annual report to the Governor about the effectiveness of the Act. Communities that need assistance filling out the survey may contact Currier's office or Chairperson McLain.

Currier noted that one of the questions on the survey asks if the franchise entity is still receiving video complaints from customers. The MPSC wants to know how many complaints the community is receiving, if the community is still attempting to resolve those complaints, and how many complaints they have referred to the MPSC. It is important that the consortium communities fill out and return the surveys. Complaints with Comcast, AT&T and WOW are

resolved solely by the Birmingham Area Cable Board and are not referred to the Michigan Public Service Commission. The Board has a cooperative effort with the cable companies, which results in a lot less money to resolve subscriber issues.

### **PUBLIC COMMENTS**

Sharon Tischler on Virmar Court in Beverly Hills related an incident involving a WOW crew that was attempting to bury a cable line in her backyard where there was no easement. No one asked permission. She questioned whether WOW staff was referring to plans to determine whether they are properly installing cable where there are easements in the communities.

Floyd Armstead, Vice President of Technical Operations, stated that WOW does not intend to install cable where there is not an easement. During the design phase, WOW receives outside sales maps from Detroit Edison. WOW tries to keep everything in the Detroit Edison easement or the public right-of-way. Armstead was not familiar with what occurred at Ms. Tischler's home, but said he would look into the matter and determine what needs to take place. Armstead gave Sharon Tischler his card.

Tischler stated that the cable was buried in the backyard of the adjacent neighbor to the rear, whose property is located in the City of Southfield. Currier asked WOW personnel to advise the Board as to the resolution of this complaint.

### **BOARD COMMENTS**

None

### **CLOSED SESSION FOR ATTORNEY CLIENT PRIVILEGED COMMUNICATION PURSUANT TO SECTION 8H**

Motion by Pfeifer, second by Thorsby, to adjourn to closed session at 8:59 a.m. to discuss attorney client privileged communication.

Roll Call Vote:  
Motion passed (9 – 0).

Motion by Pfeifer, second by Ettenson, to return to open session at 9:15 a.m.

Motion passed (9 – 0).

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