

BIRMINGHAM AREA CABLE BOARD MEETING MINUTES – March 20, 2024

Gugni called the meeting of the Birmingham Area Cable Board to order at 7:45 AM. in the Village of Beverly Hills Municipal Building at 18500 W. Thirteen Mile Road.

Present: Eick, Abraham, Cleary – Birmingham
Kamoo, Dobies, Henry, Gugni – Beverly Hills
Also Present: Gojcaj – Attorney for the Cable Board
Black – Director, Community Relations, BCTV
White – BACB Executive Director
Absent: Brown, Shand - Birmingham; Hagaman – Bingham Farms; David- Franklin

APPROVE MINUTES OF CABLE BOARD MEETING HELD November 15, 2023

Gugni stated there had not been a meeting in January because there was not a quorum.

Motion by Eick, seconded by Kamoo to approve the minutes of the Cable Board meeting on November 15, 2023.

Motion passed unanimously (7-0).

PUBLIC COMMENTS

There were no comments from the public.

ADMINISTRATIVE GRANTS; ALLOCATION OF LATE PAYMENT FROM VILLAGE OF FRANKLIN, PROPOSED CHANGE IN ADMINISTRATIVE GRANT POLICY AND PROPOSED PAYMENT OF ADMINISTRATIVE GRANTS FOR FY 22-23

Rick David, BACB Treasurer, prepared a memo, dated January 8, 2024, addressing three (3) 2023 Administrative Grants. In his absence, Gugni presented each Grant:

Item #1 - Franklin did not pay its 2022 fiscal year Franchise fees in a timely basis. Therefore, BACB delayed its payment of an administrative grant to the Village. White agreed with the figures David provided: totaling an Administrative Grant of \$35,222 (95% of the late payment).

Motion by Eick, seconded by Henry to accept the figures as proposed in David’s January 8, 2024 memo be paid to the communities, as follows: Birmingham \$5,719, Beverly Hills \$2,913, Franklin \$25,828 (reflects the 0 payment in the prior year), and Bingham Farms \$762.

Roll Call Vote

Dobies Aye
Abraham Aye
Cleary Aye
Eick Aye
Henry Aye
Gugni Aye
Kamoo Aye

Motion Passed (7-0).

Item #2 - Proposed percentage fees BACB will give back to the communities.

White presented this item explaining that due to an increase of residents dropping their cable subscriptions, David recommended a change in the policy of paying back to the communities 95% of the franchise fees revenues. He proposed that the refund rate be reduced to 50% for the recently concluded 2023 fiscal year. This would still provide some revenue for the Birmingham Public Schools, Bloomfield Community TV (BCTV), and the regular updating of the remote broadcast vehicle.

Gugni suggested that this policy should be discussed each year.

Motion by Henry, seconded by Kamoo to reduce the refund rate for the recently concluded 2022-2023 Fiscal Year to 50% of the unspent franchise fee revenues for each community.

Henry agreed that an annual review of this matter be reviewed annually and reminded the Board Members that the website of the BACB strategic plan does not mention that one of the goals was to give a maximum amount of money to our four (4) member communities. Since this information is on the BACB web page it was suggested that this subject be addressed every year.

Roll Call Vote

Abraham	Aye
Cleary	Aye
Eick	Aye
Henry	Aye
Gugni	Aye
Kamoo	Aye
Dobies	Aye

Motion Passed (7-0).

Item #3 – Proposal of how to distribute the franchise fees at 50%.

In the Board’s packet, David has included a recommended distribution of the administrative grants.

White explained that for the previous fiscal year Bingham Farms was in the same situation as Franklin. Its payment of fees did not occur until September which is past the end date (June 2023) of the fiscal year. When Bingham Farms pays its share, the Administrative Grant will be adjusted.

Motion by Kamoo, seconded by Eick to approve the recommended 2022-2023 Fiscal Year administrative grants, as follows: Birmingham \$99,756, Franklin \$8,857, Beverly Hills \$30,287, and Bingham Farms 0 (note: this will be adjusted next year.)

Roll Call Vote

Cleary	Aye
Eick	Aye
Henry	Aye
Gugni	Aye
Kamoo	Aye
Dobies	Aye
Abraham	Aye

Motion Passed (7-0).

PRESENTATION FROM CARRIE LeZOTTE (BCTV) RE: PEG CURRENT LEGISLATION AND FUTURE FUNDING

The Director of Cable & Community Relations, Bloomfield Township gave her report, titled: “THE FUTURE OF PEG CABLE STATIONS IN A BROADBAND WORLD”. In October she attended the National NATOA Conference where she was honored to receive several awards, including an Award of Distinction for Social Media Recruitment campaign and an Award of Honor for the Best Use of Video on social media. These awards related to recruitment campaigns which involved working with the Police Department. LeZotte presented a slide show about some of the discussions at the conference. She referred to her blog, CARRIELEZOTTE.COM.BLOG, and encouraged the public to read the two entries: “The Future of PEG Cable Stations in a Broadband World” and “Breaking Through: A Guide for Impactful Police Marketing”.

Four (4) of the informational slides of her presentation were titled, “**FUNDING DECREASES AS STREAMING GAINS POPULARITY**”; “**CONFLICTING PRIORITIES**”; “**IN THE CONTEXT OF CABLE TELEVISION**... The Franchise and Peg Fees are key expressions of the Federal Government’s Commitment to Media Localism and Diversity.”; and “**THE IMPORTANCE OF PEG TELEVISION**”. The next slide was entitled, **RECENT LEGISLATION**. She explained H.R.907: **Protection Community Television Act** in February of 2023; H.B. 4965: Bill before Michigan legislature that would amend the **Uniform Video Service Act**; and H.R.3557: The **American Broadband Deployment Act**, introduced in May 2023. LeZotte showed a letter which was written and signed by Bloomfield Township Officials (Clerk, Treasurer, and Supervisor) against H.R. 3557 Bill urging that the proposed legislation not be passed.

The next slide was entitled, **FUTURE FUNDING POSSIBILITIES** and she mentioned examples of some being used in the country. In her opinion LeZotte stated this was the most interesting, impactful, and most well-attended session at NATOA. She concluded with a final slide, **NEXT STEPS** outlining her hopes for future development and educating the communities. One consideration might be a name change from BCTV to Bloomfield Community Studios. She listed other possibilities for the communities.

APPROVAL OF QUOTE FOR CABLECAST RENEWAL

White explained this came from BCTV and is a quote from Advanced Lighting & Sound.

The quote of \$1,850.00 is for BACB’s annual cost of the playback services and streaming services on Roku and Apple TV +. BCTV will pay an additional \$1,050.00. This is an annual cost.

Motion by Kamoo, seconded by Cleary to pay \$1,850.00 to Advanced Lighting & Sound for annual Cablecast renewal.

Roll Call Vote

Eick	Aye
Henry	Aye
Gugni	Aye
Kamoo	Aye
Dobies	Aye
Abraham	Aye
Cleary	Aye

Motion Passed (7-0).

COMMITTEE REPORTS

Cable Action Committee

Abraham stated there will not be a meeting today after this Board meeting. If anything comes up in the future Board Members will be notified. Potentially there will be a meeting after the next Board meeting,

PEG Committee

Kamoo stated there was not a meeting after the last meeting. However, there will be one immediately following this meeting.

Personnel Committee

Eick has a recommendation to the Personnel Committee; therefore, there will be a meeting following this Board meeting.

Gugni suggested the PEG Committee be the first meeting today followed by the Personnel Committee meeting.

EXECUTIVE DIRECTOR’S REPORT

White reported there were 6 new complaints this month which she listed in her report. All of them except one have to do with wires down and needing repair. The one that didn’t was from a Birmingham resident who had lost power. In trying to restore her cable herself she pulled the cable from the modem. A WOW technician replaced the connector and her service was restored. This complaint is closed. She noted that the complaint from Birmingham Woods Condominium Association has been resolved. A truck had run into a Comcast cable and pulled it down. The

Comcast escalation team resolved this complaint.

FINANCIAL

White provided the details of the financial account balances for the MBS, Michigan United Credit Union and Beverly Hills accounts as of February 29, 2024.

She wanted to give the Board Members hard copies of these documents at the meeting but had difficulty with her printer.

CHECK DISBURSEMENT

White wrote eleven (11) checks since the date of the last meeting and identified them in her report. She made note of several: the Charter Township of Bloomfield for the BCTV quarterly contract payment of \$77,075.00 and \$11,500.00 to Plante & Moran for the FY 2022-2023 audit. Membership dues were paid, as well as municipal support grants to the Village of Bingham Farms and the Village of Beverly Hills which the Board had approved.

ADDITIONAL NOTES

Copies of the Cable Board Annual Report for Fiscal Year 2022-2023 were attached to her distributed report. This report has been sent to all four (4) communities.

BCTV received a statement from the National Association of Telecommunications Officers and Advisors (NATOA) indicating it supports the FCC's Proposed Final Rules to Adopt "All-In" Pricing. The proposed rules would eliminate confusion on hidden fees in cable and satellite TV billing. White will provide an update on its possible passage.

House Bill 4965 that LeZotte referenced in her report is stalled in the Senate.

In her report, White provided some fee data that NATOA had collected in four (4) metropolitan areas indicating the trends in sports broadcasting and regional sports networks.

Gugni asked Gojcay, Attorney for the Cable Board, to research and briefly explain the details of HB 4965 which is in the Senate. "If passed this bill will kill all funding for PEG in the State of Michigan. According to the MICMA (Michigan Community Media Association) website, ***"HB 4965 is poised to rewrite PA 480 which has clearly defined language that all commercial Video Services offered, in whole or in part, in our public right of ways, is subject to Franchise (5%) and PEG fees (2%). This includes streaming services over IP based delivery systems including services like Netflix, Disney+, Google TV, HULU etc. This bill will give away over \$100 million in local revenue that will impact EVERY community in Michigan."***

Gojcay is of the opinion that the Cable Board cannot not provide any funds for lobbying efforts, for or against. Discussion ensued regarding what the BACB and other organizations can do to try to defeat such legislation.

PROVIDER RELATED TOPICS

a. Comcast

There was no representative present.

b. AT&T/Uverse/Direct TV

There was no representative present.

c. WOW

There was no representative present.

BAPA/BAMA REPORT

Rota presented two (2) memos from December 2023 to March 2024 which he combined in his report. For this time period all regularly scheduled BAMA municipal meetings were completed, as well as a few special meetings and workshops Birmingham and Franklin had put on in the last four (4) months. Regarding the BAPA programs for the same period of time, BACB area individual producers and organizations taped a total of 47 programs. This includes those from the studio, the podcasts, on-location lectures, the concerts and completed the BACB Winter Sports (girls and boys hockey, wrestling, girls and boys basketball and swim and dive).

One-on-one Producer and Volunteer Workshops will continue to be offered if people are still interested. If interested call 248-433-7790. As LeZotte had mentioned, the goal is to use the studio space more effectively, thus she has organized orientations which is the first step to producing individual shows. The Board will be notified when the next Orientation Session is scheduled. In 2024 five (5) new shows are being produced by local residents.

BACB Spring sports will be covered: Baseball, Softball, Girls and Boys Lacrosse, Water Polo and Girls Soccer.

OLD BUSINESS

There was none.

NEW BUSINESS

There was none.

PUBLIC COMMENTS

There were none.

BOARD COMMENTS

Eick thanked Rick David for the important document he put together.

Gugni expressed the need for another representative on the BACB Board from the City of Birmingham.

There being no further business, the meeting was adjourned at 8:47 AM.

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