

BIRMINGHAM AREA CABLE BOARD MEETING MINUTES – July 17, 2019

Present: Abraham, Eick, Fenberg, McLain - Birmingham
 Delaney, Gugni, Shand – Beverly Hills
 Ettenson – Bingham Farms

Absent Borgon, Bresnahan – Beverly Hills
 Stakhiv - Franklin

Also Present: Currier – Attorney for Cable Board
 Rota – Bloomfield Community Television

McLain called the meeting to order at 7:47 AM in the Village of Beverly Hills Municipal Building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES OF CABLE BOARD MEETING HELD June 19, 2019.

Motion by Fenberg, seconded by Gugni to approve the minutes of the Regular Cable Board Meeting on June 19, 2019, as presented.

Motion Passed (8-0)

PUBLIC COMMENTS

None

MUNICIPAL SUPPORT SERVICES GRANT REQUEST FROM FRANKLIN-BINGHAM FIRE DEPARTMENT

In Stakhiv's absence, White presented the Fire Department's request to cover Comcast internet access at the fire station for \$114.90 per month and Verizon Wireless internet access EMS incident reporting for \$79.98 per month. For the fiscal year starting July 1, 2019, the total would be \$2,338.56. White added this would be a Municipal Support line item. It has been done in the past and there was money in the Budget.

Ettenson agreed and stated that BACB has been doing this since he's been on the Board and thought this was a good investment.

Motion by Fenberg, seconded by Ettenson to approve a **Municipal Support Grant** request from the Franklin-Bingham Farms Fire Department in the amount not to exceed \$2,338.56/yr. to the Franklin-Bingham Farms Fire to cover the internet connectivity for Comcast fire station internet service and for Verizon Wireless internet access for EMS incident reporting for FY2019-2020.

Roll Call Vote:
 Motion Passed (8-0).

PEG GRANT REQUEST – FRANKLIN PUBLIC LIBRARY

In Stakhiv's absence, White presented this request from the Franklin Public Library for a grant of \$1,618.80 to cover its internet bill through FY2019/2020. The Cable Board has granted this in the past.

Ettenson noted that Bingham Farms has reciprocity with the Franklin Library.

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Delaney addressed Currier with a technical question of where the BACB agenda was posted and when. White stated the agenda was posted outside the Beverly Hills Village Office and Currier added that it was posted at least 18 hours prior to the meeting which White verified.

Motion by Fenberg, seconded by Gugni to approve a PEG Grant request in the amount not to exceed \$1,618.80/yr. to the Franklin Public Library for internet service for FY 2019-2020.

Roll Call Vote:
Motion Passed (8-0).

ANNUAL ELECTION OF OFFICERS

Shand nominated and Ettenson seconded the nomination of Elaine McLain to continue as Chairman of the Cable Board. There were no further nominations. McLain closed the nominations. McLain accepted the nomination.

Roll Call Vote:
Motion Passed (8-0).

Eick nominated Gil Gugni for the position of Vice Chairman of the Cable Board. There were no further nominations. McLain closed the nominations. Gugni accepted the nomination.

Roll Call Vote:
Motion Passed (8-0).

Ettenson nominated and Gugni seconded the nomination of Michael Fenberg to continue as Treasurer of the Cable Board. There were no further nominations. McLain closed the nominations. Fenberg accepted the nomination.

Roll Call Vote:
Motion Passed (8-0).

Gugni nominated David Eick to continue as Secretary of the Cable Board. There were no further nominations. McLain closed the nominations. Eick accepted the nomination.

Roll Call Vote:
Motion Passed (8-0).

George Abraham volunteered to be the Cable Action Committee Chairman, in absentia Bob Borgon will continue as PEG Committee Chairman and Gil Gugni volunteered to be Personnel Committee Chairman.

McLain thanked everyone for volunteering.

COMMITTEE REPORTS

Cable Action Committee

Eick stated there had not been a July meeting and, therefore, nothing new to report.

The next Cable Action Committee meeting would be Thursday, August 1 at 4:30 PM at the Baldwin Public Library in Birmingham.

PEG Committee

McLain noted that Borgon was not in attendance and there had not been a meeting in July, however, there were some PEG issues to be discussed later in this meeting.

EXECUTIVE DIRECTOR'S REPORT

White referred to her monthly report dated July 12, 2019. There were three (3) complaints since the date of her last report. For a couple of months a Franklin resident had been concerned that Comcast had not been honoring his contract rate and his charges had increased. He stated that he had been given rambling responses by Comcast representatives and would like a Comcast Escalation Team member to call him. A team member contacted him and explained the fluctuation was due to changes in the broadcast fees, regional sports fees and the digital adapter rate, all of which were outside of the contract and not considered optional. Other options were discussed, such as, lowering his package, reviewing his entertainment needs and customizing a package for him, but he would not be able to lower his bill and keep the same service unchanged. This complaint was closed. The second complaint was from an unhappy Birmingham resident who wanted to meet with a Comcast technician to determine if any of the cable wires in her backyard could be relocated to a neighboring property. This complaint was pending. The third complaint was from a Franklin resident whose Comcast promotion period had ended and his monthly bill had increased \$30. After speaking with a member of the Escalation Team who discussed several package options, he has decided not to make any changes. This complaint was closed.

Since the date of this report she has received three (3) additional complaints all of which were pending and would be included in her next month's report.

Financial

The account balances for MBS, BBCU and Beverly Hills accounts as of June 30, 2019 were emailed to all Board members. This information was also provided via hard copies at the meeting.

Two (2) checks have been written on behalf of the BACB since the last Board meeting: one was to Advanced Lighting & Sound for equipment costs and the other was for a PEG Grant payment to the Franklin Historical Society which had been authorized last month.

Additional Notes

NEXT sent a very nice "Thank you" note for the PEG Grant BACB gave them.

In response to its Request for Proposals for Cable Access Management Service, BACB received one proposal from BCTV. Copies of the proposal were mailed to all Board Members.

As part of her report, White prepared and included a new Board Roster.

McLain had a comment about complaints and concerns for those residents who have automatic billing and recommended that everyone regularly review their bills. If you have promotional discounts, they do expire; please call the “Regular” service or the Retention Department for more information before the “package” expires. Once it expires the resident has less negotiating ability when you call in.

Abraham mentioned he had just experienced this with Comcast. When he spoke with the representative he was able to get individual items at a better price than the “package” deal. McLain recommended that residents take detailed notes about their conversations, including the name and ID of person helping them and the date and time of the call. Even though you are told the call was being recorded and told there were notes on your account, when your call gets transferred to another representative that information may not be transferred over to the new representative. Abraham also recommended that if the resident is asked to take a quick survey at the end of the call to say “yes”.

Fenberg asked that the process and evaluation for the RFPs be explained. McLain did so by giving a short background of the typical posting and sending out of notices of the request. There had been only one response and that was from BCTV. She showed the Board BCTV’s formal package of documents which they had returned. Initially it was thought that the proposal would be reviewed at the next PEG meeting and then moved forward with the contract. There were some intervening circumstances potentially happening at the FCC as of August 1, 2019 which could impact the revenue stream. Currier commented on these circumstances which caught everyone by surprise. It was expected that at the beginning of August the FCC would announce a ruling regarding some adjustments to the PEG and franchise fees to allow the providers to deduct from the PEG and franchise fees the cost of capital improvements, the cost of the transportation of the signal to the head-end system and potentially the cost of the channels. Because this would be pure speculation, he recommended the Board move on a “month to month” basis and to wait and see where this was going before proceeding further. Concerning the cost, he knew of other cable consortiums which don’t have the Fund balances that the BACB has and were very concerned if they would survive. McLain noted this had come up in a conversation at the NATOA meeting, of which she was a Board member, about some sort of financial news “leaking” and how it would impact the different communities. She continued by saying that this was why BACB responsibly reserved money for all these years. She continued by explaining that the Inter-Local Agreement was designed to support our four (4) communities equally for transparency in government, public meetings, etc. and our communities all agreed how much they wanted to go to the General Fund, as well. Our first mission is to continue the revenue stream for the communities.

Currier advised that a Letter of Understanding be drafted between BACB and BCTV to continue normal payments of the current agreement to BCTV until more information was obtained. There was a discussion as to hypothetical funding under different scenarios, depending on the four community consortium of Bingham Farms, Franklin, Beverly Hills and Birmingham. Responding to Eick’s question about representation of the different municipalities to the FCC

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Board, both Currier and White briefly explained the FCC process of giving public comments. Further, White explained that the FCC published “Notice of Proposed Rule Making” and there was a comment period, during which providers and municipal entities have heavily weighed in on this issue. In theory the FCC hears both sides, but do they equally listen to both sides? That may be an issue for debate.

Delaney inquired as to how the information and/or decision would be disseminated to the BACB. Currier said White would send it to all the Board Members, City and Village Managers before the next BACB meeting. If desired BACB could hold a special meeting to discuss the FCC decision. McLain identified the restrictions of PEG funds in the Inter-Local Agreement. If a special meeting was needed, the Board would do it.

PROVIDER RELATED TOPICS

a. Comcast

Kyle Mazurek, Comcast Representative was unable to attend; however, he shared some information with White to share with the Board. Comcast would be adding the streaming service, Hulu sometime in late 2019 or early 2020. Comcast has a program “Leaders and Achievers” which awards scholarships to students. This year a total of \$82,000 was distributed to 33 Michigan high school seniors, and noted this included a student from Birmingham.

b. AT&T/Uverse/Direct TV

There was no representative present.

c. WOW

There was no representative present.

BAPA/BAMA REPORT

Rota referred to his memo to BACB dated July 11, 2019. He listed the completed **BAMA** Programs which were seven (7) regularly scheduled municipal meetings, the BACB meeting, the Parks and Recreation meeting, Zoning Board of Appeals meeting, Baldwin Public Library Board meeting and two (2) City of Birmingham Special meetings.

For the **BAPA** Programs, from the BACB area individual producers and organizations, twenty-five (25) programs were taped, all of which he listed.

PRODUCER WORKSHOP - BCTV is offering a one-on-one session for those who are interested in producing their own show and for those who want to volunteer and experience “behind the scenes”, as well as do some programming. Please call 248-433-7790 and BCTV will schedule a date and time for you.

TEST RUN – There have been discussions in the past about covering the Bingham Farms Council meetings. McLain attended last month’s meeting to discuss future taping of them. Ettenson reported that it had been approved and now the Council Members would like to see a test run as some technical issues had been identified and needed to be resolved. As soon as this meeting was over, Rota would be meeting with Ken Marten, Bingham Farms Village Manager, to set up the equipment to show him and re-create what it would look like if a meeting were to

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happen at that moment. Ettenson said that at the August meeting the Board would see the result of the “test run” and estimated the September meeting should be recorded.

McLain informed the Board that Rota had been doing this for several years and it was not part of the BCTV contract. She noted that he has gone above and beyond and thanked him.

Referring to the contract, Rota stated that in the past the PEG Chair has met with Greg Kowalski, BCTV General Manager, about various extensions, etc. and he thought it best if Borgon, PEG Chair, should be involved in these discussions about the contract extensions, whether it best to extend on a monthly basis or quarterly basis.

Fenberg thanked Rota for the extremely comprehensive proposal. Rota replied it was a staff team effort and gave credit to those individuals.

McLain advised the Board members to review the policies and procedures with BCTV because BACB accepts them and adopts them.

Rota referred to White’s Financial Report pointing out the payment to Advanced Lighting & Sound for the cost of additional new equipment. The problem was an extension of the original problem with the Beverly Hills Council meeting which had been discussed last meeting and has now been resolved.

OLD BUSINESS

Currier explained what had happened and the action the Birmingham Mayor took at last Monday’s Birmingham Council meeting which BCTV had recorded. Responding to Abraham’s inquiry, Currier further explained that an advocacy of a candidate or a ballot issue may not be discussed in televised meetings.

McLain read Section 8.3 of the Policies and Procedures that BACB adopted from BCTV called “Prohibitions”.

McLain announced that Stakhiv would no longer be participating on the BACB, effective July 31, 2019. She read Stakhiv’s resignation letter into the record.

NEW BUSINESS

None

PUBLIC COMMENTS

Ettenson noted that his term was up at the end of September after almost 20 years and he may be getting a replacement. He reminded the Board that his goal was to get the Bingham Farms Council meetings televised and he has achieved that goal.

BOARD COMMENTS

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McLain noted that the National meeting of NATOA will be in September in Florida. Because of everything going on with the FCC, as of yet she has not opted in. She didn't think it responsible to spend public money unless and until the certainty of the future was known. She suggested that she and the Board wait to make a decision about her attendance.

There being no further business, the meeting was adjourned at 8:49 AM.