

Present: Abbott, Kuhne, Laidlaw and Spivak - Birmingham
Borgon, Janks and Lowmaster - Beverly Hills
DiSessa - Franklin
Leckie - Bingham Farms

Absent: Devereaux - Birmingham

Also present: Hagaman - Cablecasting Board Administrator
Currier - Attorney for Cablecasting Board
Martinico - Director of Technology, Birmingham Schools
Colgan - Municipal/Library Access Channel
DiMaria - MediaOne representative
Pfeifer - Beverly Hills Council representative

Kuhne called the meeting to order at 7:50 a.m. in the Rotary Room of the Baldwin Public Library at 300 W. Merrill Street.

APPROVAL OF MINUTES

MOTION by Janks, supported by Kuhne, that the minutes of a regular Cablecasting Board meeting held on March 19, 2000 be approved as submitted.

Motion passes unanimously.

ELECT CHAIRPERSON

Spivak nominated Lex Kuhne for the position of chairperson of the Cablecasting Board. Janks supported the nomination.

Abbott nominated Bob Borgon as chairperson. The nomination was supported by Lowmaster. There were no other nominations. Borgon received three votes and Kuhne received four votes. Lex Kuhne was elected chairperson of the Cablecasting Board.

Members DiSessa and Laidlaw entered the meeting after the election of chairperson.

PEG ACCESS

Janks stated that board members have received several pieces of information from the PEG access committee. There is a memo dated May 8, 2000 explaining the process that the committee has undertaken over the last several years to arrive at its recommendation relative to PEG channel programming. The board is also in receipt of supporting information including an Executive Summary/ PEG Access Committee Report dated April 16, 1997; a revised PEG Committee Report dated June 4, 1997; a memo from Brian Janks dated April 19, 2000; and a proposed Public, Educational and Governmental Cable Access Agreement, which has been drafted by the board's legal counsel.

Colgan referred to the PEG Access Recommendation memo dated May 8, 2000 and indicated what he believes to be inaccuracies in the operating costs reported for Alternative 1, which is for the consortium to operate its own public access and government access studio. The operation numbers are a compilation of costs for four different channels rather than three. The equipment cost would decrease if Channel 3 was excluded.

Colgan added that there were no efficiencies of running more than one channel at any time built into the numbers. He mentioned that the figures provided to the PEG committee reflect the cost of analog equipment even though digital equipment will probably be purchased and is less expensive than analog equipment.

Janks stated that the PEG access committee has recommended that the consortium partner with Bloomfield Community TV. The member communities will be able to use a "state-of-the-art" studio for \$90,000 a year. Janks does not think that the consortium could build and equip its own studio for that amount of money.

Borgon commented that MediaOne has a state-of-the-art facility that the consortium can use for six months at no charge. He questioned why the consortium should hasten to pay \$90,000 for a facility.

Kuhne remarked that it appears from the research done on public access during the negotiation process that people are not using the MediaOne studio. There have been comments made that the facilities are inadequate and unfriendly, and that the training has been poor. Kuhne maintains that, the sooner the consortium initiates a new set of resources, the sooner it can reinvent PEG to make it more accessible to people.

Borgon questioned the makeup of the PEG Access Committee. He was informed that the committee consisted of Brian Janks as chair, Dave Devereaux, and Dave Leckie.

Lowmaster asked when the document entitled, "Scope of Work" was written. Haganman stated that this material was taken from information that was prepared when the board solicited proposals for the operation of the municipal/library channel about five years ago. The document was updated by the PEG Committee in February of 2000.

Janks stated that board members were furnished with background information on the history of PEG access as requested at last month's meeting.

Lowmaster referred to a letter dated May 1, 2000 to the board from former board member William Saunders. Saunders is concerned about the PEG committee recommendation being made without any discussion with Bob Colgan from Create Tech.

Kuhne stated that the PEG Committee was charged with the authority to research the need and the resources that would be necessary for this board to provide PEG services for the four communities in the context of the new franchise agreement. The PEG committee has prepared a report, which was distributed to the board in the material received for this meeting. Last month the board members

passed a motion authorizing negotiation of an agreement between the Cablecasting Board and Bloomfield Community TV. Board members have received a copy of a proposed agreement. Kuhne recommends that the Agreement be referred to the board's legal counsel for review as part of the process of negotiating an agreement/contract with BCTV.

Lowmaster stated that the PEG Access Agreement distributed to the board is a contract and not a proposal that outlines specifically what Bloomfield TV will and will not do as part of this agreement. It does not say that BCTV will devote a certain number of hours to public access or training. Lowmaster wants to know exactly what they are going to do to provide public access to the communities. These issues have not been placed in writing and presented to the board for full consideration. Lowmaster contends that the board should review the details of the arrangement with BCTV before a contract is signed.

Janks mentioned that Mr. Colgan's contract for the operation of MLAC-15 does not include these specifics either.

Currier addressed a question about Hagaman's signature being required on the contract. He stated that the Interlocal Agreement gives this board the authority to contract. As Administrator for the Cablecasting Board, Kathryn Hagaman is the designated representative to sign on behalf of the board if the board approves the contract.

Abbott asked Janks to elaborate on what the PEG committee has discussed with Bloomfield Community TV.

Janks stated that the PEG committee has had ongoing discussions with Bloomfield TV. BCTV is willing to provide Government/Library and Public Access programming for \$90,000 a year. This includes televising council and commission meetings and producing a number of municipal and library programs. The studios will be available on a first come, first served basis. Training will be provided for public access producers. Janks remarked that the operation and training program of BCTV is well known for its high quality. Considering the alternatives and the limited funds available to this consortium, the PEG Access Committee concluded that partnering with Bloomfield TV was the best alternative.

Colgan related that he was contacted earlier this week by June Taylor-McGregor, chairperson of Birmingham's "In the Park" concert series. She was making inquiries about the production of the upcoming summer concerts in Shain Park. Colgan stated that he was informed by Hagaman that Create Tech should proceed with its operation of MLAC-15 since other arrangements have not been approved by this board.

Kuhne referred to the May 1, 2000 letter from Bill Saunders, who was the first chairperson of the Cablecasting Board. He writes that he was surprised to find out that the PEG Committee made its recommendation without having any discussion with the incumbent MLAC-15 management group, Create-Tech. Saunders feels that the board owes it to itself and to Create Tech to see what they could do with the budget negotiated with MediaOne. Create Tech is in its second three-year contract term

with the BACB and was unanimously reappointed in 1998. Saunders feels that Create Tech deserves a chance to submit a proposal.

Kuhne thinks that it is the sense of the board that Bob Colgan on behalf of Create Tech be invited to prepare a proposal to provide PEG access programming for this consortium. He asked that this be done in a timely manner so the proposal can be distributed to board members prior to next month's meeting. Colgan indicated that he is interested in submitted a proposal.

Abbott stated he went through the public access training offered by BCTV when he lived in Bloomfield Township. He also received training through Booth in the 1980s. Abbott stated that it was difficult to have a public access program produced in the 1980s without advanced scheduling. He questioned whether this would occur with the BCTV studio considering that the four communities would add to its backlog.

Janks stated that he has discussed this with BCTV representatives and was informed that they are in the process of expanding their studio and constructing one or two additional edit suites. Bloomfield TV had plans for this expansion before this consortium talked to them about partnering.

Lowmaster reiterated that the consortium should not be giving public money away without knowing hard facts and answers to questions.

Borgon expressed the view that it does not seem logical to continue negotiations with BCTV since the board has asked Mr. Colgan to submit a bid on the PEG access operation. He would like to see a contract prepared on a generic basis for the operation of PEG access programming. Three alternatives for the operation of PEG programming have been outlined by the PEG committee. Borgon questioned whether the board should open the bidding process to any entity that is interested in providing PEG access for the consortium.

Kuhne proposed that the board defer discussion on the BCTV agreement considering that Create Tech has been asked to submit a proposal for PEG access programming. The board will give Create Tech or anyone else the opportunity to submit a proposal.

Colgan stated that he will prepare a proposal and have it ready for distribution 10 days prior to the next board meeting.

Currier commented that, if it is the decision of the board to go out for bids, it would be appropriate to develop a Request for Proposal (RFP) so that all vendors are bidding on the same requirements. He suggested that Kuhne and he with the input of the PEG committee develop a Request for Proposal to be published and distributed as appropriate. Currier suggested that Bloomfield Community TV should have the opportunity to resubmit a bid and should not be held to any cost it has negotiated with the board on the basis that the other parties have seen what BCTV is willing to provide for a certain price.

Janks informed the board members that this is his last meeting. He wished the Cablecasting Board luck in its future endeavors.

Laidlaw commented that he hopes that the representatives of company's bidding on the PEG operation will be present at a board meeting to answer questions.

Currier responded that governmental entities can invite people to discuss their bids. He noted that a representative of Bloomfield Community TV was not asked to attend a board meeting.

DISCUSS POSSIBLE REVISION TO INTERLOCAL AGREEMENT

Kuhne stated that the Interlocal Agreement, a document that governs the Cablecasting Board, has not been updated and revised since the beginning of the franchise. A subcommittee will be appointed at an upcoming meeting to review the Interlocal Agreement with the assistance of legal counsel in order to determine what revisions can be made to make it more effective and responsive to the needs of our constituency. The committee will make recommendations for consideration by the entire board.

Hagaman will provide board members with copies of the current Interlocal Agreement for their review.

Currier commented that he is aware of requests made to consortium communities by competing cable entities to provide cable service. Currently, competition is lacking due to Ameritech's withdrawal from the cable market. The Interlocal Agreement should address the current state-of-the-art as well as new technology. It should describe the board's duties with respect to the MediaOne franchise and its duties with respect to competing cable franchises. The board should consider recommendations to its member communities regarding telecommunications, both cable and wireless. Individual communities are receiving requests for permits or franchises to enter their municipalities, and they are being treated differently. Consideration should be given to whether these vendors should be required to deal with the consortium rather than individual communities. Wireless communication is entering our communities and should be given careful consideration.

Another topic of discussion will be the board's authority to enter into contracts. It is a broad authority under the current Interlocal agreement. These are topics that the board may want to review and consider recommendations for action by its member communities.

There was a consensus that the board should develop bylaws for its operation in conjunction with reviewing and updating the Interlocal Agreement. Currier proposes that the committee develop a recommendation for consideration by the board as a whole and to the communities.

FRANCHISE RENEWAL

Currier related that the Village of Beverly Hills Council approved the franchise renewal agreement at its May 15, 2000 meeting. Birmingham and Bingham Farms approved the franchise renewal

documents last month. The Franklin Village Council will consider the ordinance and franchise renewal agreement at its June 12, 2000 meeting.

Kuhne commented that he is gratified on behalf of the negotiation subcommittee and the legal subcommittee that the work done by those bodies and by the board in reviewing this franchise has been acknowledged by the member communities.

Laidlaw stated that he watched the Beverly Hills Council meeting when it held a second reading of the Cable Ordinance. He questioned the nature of the errors Council member Pfeifer found in the Beverly Hills Ordinance.

Pfeifer stated that there were errors that occurred in the translation of the Birmingham ordinance to the Beverly Hills ordinance format. No changes were made in the content of the ordinance.

MEDIA ONE RELATED TOPICS

Subscriber Complaints

Hagaman stated that subscriber complaints have decreased; however, complaints about the non-availability of Internet service have been replaced by complaints about the Company's initiation of a federally mandated Emergency Alert System (EAS), which requires the cable provider to interrupt all programming when the EAS is activated. This new system provides for both audio and visual alerts and is activated every time the National Weather Service issues the alert. Programs were interrupted continuously during a recent storm. Hagaman has received complaints about this system and MediaOne has received an inordinate number of calls on this issue. Hagaman asked DiMaria to explain the situation and the steps MediaOne has taken to correct it.

DiMaria stated that the EAS rules were put into affect in 1998, but there was a significant backlog of equipment needed to implement the system. It has recently been installed by MediaOne. The equipment allows national, state, and local agencies to send an alert that overrides the cable company's system. On the evening of a recent storm in this area, there were 13 national weather service alerts in 3 hours and 10 minutes. Subscribers were receiving alerts from other counties as well as Oakland County. The alert messages would continue for five minutes with multiple repeats.

MediaOne immediately starting working on doing things to effect some change at its end and still stay in compliance with the rules. The first experience MediaOne had with that system being activated was on the evening of the recent storm. There is a software issue with respect to watches versus warnings. MediaOne has made sure that the interruptions are made only at the warning level.

MediaOne will purchase equipment at a cost of an additional \$200,000 to zone out other counties and provide a regional configuration. The Company will be doing a full screen override that will be limited to the proper zones. In addition, MediaOne has initiated discussion with national and state agencies about what repeat messages do to the system. DiMaria remarked that the cable company wants subscribers to be fully informed of storm warnings, but it wants the warnings to be reasonable as well. They are looking at a way to reduce the warnings to a two-minute message.

DiMaria informed the board that there are bylaws in the federal act that allow broadcasters to opt out of this alert. MediaOne has received no correspondence from any broadcasters requesting to opt out at this point. DiMaria expects that the fix will occur in the next two to four months. New equipment will be installed that limits the warnings to zones and removes alerts for storm watches.

In an effort to explain this situation, MediaOne is sending to the clerk of each municipality an EAS handbook, which contains the FCC bylaws and the corresponding sections of the Cable Act. Hagaman has received information from DiMaria on this issue.

Hagaman received a complaint from Dale Prentis of Birmingham relative to insufficient scrambling of inappropriate material for younger viewers. Hagaman questioned whether FCC rules require total scrambling of audio and video upon request.

DiMaria stated that MediaOne provides traps free of charge to customers so that they can block certain channels completely. Channels can be blocked by a block on the pole or through the cable box. The FCC rules state that the cable company must provide the capability to do that. DiMaria has contacted the subscriber with this information.

Ms. Maryl Balgenorgh of Birmingham voiced a complaint about being charged for programming that was not ordered. DiMaria will follow up on this and report back.

Update on Rebuild - Internet

DiMaria stated that MediaOne has brought its crews from Livingston County back to this consortium area to complete the certification of the Birmingham area system. All of Bingham Farms is completed; eight of nine nodes have been certified in Beverly Hills; six of seven nodes in Franklin; and 14 of 22 nodes in Birmingham are fully capable of high speed Internet service. MediaOne crews are replacing cable in an effort to complete the certification process.

Monthly Subscriber Statistics

There were no comments on the system statistics for this month.

Monthly Access Report

DiMaria commented on the sporting events listed in the local origination report for May, 2000 and talked about what to expect next month.

Laidlaw expressed the view that a public access report should be prepared by MediaOne. DiMaria will discuss this request with the public access supervisor for MediaOne.

Laidlaw suggested that the local origination report should indicate when there are outages and when meetings were not broadcast live.

Annual Report

The Annual Report will be a topic for next month's meeting.

ADMINISTRATOR'S REPORT

Hagaman received notification from the director of the Baldwin Library that the Rotary room will not be available in November for the Cablecasting Board meeting due to the annual book sale. Hagaman will request use of the Beverly Hills meeting room.

The board is in receipt of current revenue and expense reports for the Cablecasting Board and the Cable Administrator. A major expense that has not been recorded is the last invoice from Don Gillis covering legal fees from January through March, 2000. The report shows the reimbursement of \$6,400 in February from MediaOne for costs incurred during the transfer process. Questions from board members on this report were addressed by Hagaman.

MLAC-15 REPORT

Colgan presented highlights of the May production report.

Colgan reported that the Beverly Hills Council meeting did not air live on Monday, May 15 due to a power outage in the area. The answering machine at MLAC-15 received numerous phone calls from people inquiring about this. Colgan contacted those individuals the next day and explained the situation. The taped version of that meeting was aired the next day and the explanation was put on the bulletin board.

Colgan stated that MLAC-15 will be shooting the Memorial Day Parade and Carnival in Beverly Hills on May 29. He indicated that Create Tech will not be covering the Memorial Day service in Birmingham. Lowmaster questioned whether Colgan can subcontract in order to tape valid events that occur at the same time.

NEW BUSINESS

Carrier stated that the consortium has received the \$400,000 grant from MediaOne, which was deposited in an interest bearing account in the name of the Cablecasting Board. A report will be prepared specifying each community's share of the grant. Carrier suggested that the board consider creating a subcommittee to make recommendations on the allocation of the PEG grant as required by the franchise agreement.

Martinico stated that it is her understanding that there is a recommendation from the PEG committee on the disbursement of the \$400,000 grant. Carrier responded that he thinks the board should revisit that recommendation.

BOARD COMMENTS

Laidlaw asked how the board will proceed with establishing bylaws. Kuhne responded that bylaws for the Cablecasting Board will be discussed in conjunction with the Interlocal Agreement. These issues will be addressed as soon as the public access issue is resolved. A subcommittee will be appointed to review the Interlocal Agreement and develop bylaws at an upcoming meeting.

Currier will provide Hagaman with examples of bylaws from other consortiums for distribution to the board along with the current Interlocal Agreement.

Borgon volunteered to sit on the bylaws committee.

Laidlaw questioned the status of the transfer of the cable company from MediaOne to AT&T. DiMaria clarified that MediaOne is waiting for FCC approval. There are last minute issues to be worked out.

Martinico requested clarification on the PEG access issue. The board voted at the last meeting to accept the proposal to partner with Bloomfield TV subject to board approval of a contract. It is her understanding that Currier is going to review the Bloomfield Community TV proposed contract. Simultaneously, Bob Colgan is going to submit a proposal to the board for providing PEG programming.

Currier stated that he and Kuhne will develop a Request for Proposal for the PEG access operation for the board's review and approval at the next meeting. A time frame will be established for accepting proposals.

Kuhne added that Bloomfield Community TV and Create Tech will be given an opportunity to make their proposals comport with the RFP. He clarified that the vote at the April 19, 2000 meeting authorized the board to enter into negotiations with BCTV for a contract. The board did not grant final approval of a partnership with BCTV.

There was agreement that the board should inform Bloomfield TV that no action was taken on the proposed contract at this meeting.

MOTION by Borgon, supported by Spivak, to table the consideration of the proposed contract with Bloomfield Community TV until the Request for Proposal process is completed.

Yes - Abbott, Borgon, Laidlaw, Lowmaster, Spivak

No - Kuhne and DiSessa

Motion passes.

Kuhne and DiSessa changed their "no" vote to "yes" so that they would be able to make a motion at a future meeting to place the issue back on the table. Robert's Rules of Order state that the only people who can make a motion to remove an item from the table are the people who voted to table it.

Colgan mentioned that the first Birmingham "In the Park" concert is scheduled for early June. It was clarified that the board's contract with Create Tech does not expire until a year from June. Last year, the board authorized Create Tech to produce the Birmingham "In the Park" summer concerts in Shain Park. The coverage is a commitment in excess of the contract to produce programming for the municipal/library channel.

The board authorized Create Tech to produce the "In the Park" concerts again this year.

MOTION by Borgon, supported by DiSessa, to approve the expenditure of up to \$3,000 for Create Tech to produce the Birmingham "In the Park" concert series for 2000.

Motion passes unanimously.

PUBLIC COMMENTS

Pfeifer thanked members of the board, Hagaman, and DiMaria for attending the Beverly Hills Council meetings to assist in the discussion of the ordinance and franchise agreement.

The meeting was adjourned at 9:35 a.m.