

REGULAR CABLECASTING BOARD MEETING MINUTES - JUNE 21, 2000 - PAGE 1

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

Absent: Lowmaster - Beverly Hills

Also present: Currier - Attorney for Cablecasting Board
Colgan - Municipal/Library Access Channel
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. He noted that Administrator Hagaman is out of town and will not be present. MediaOne will not have a representative at today's meeting.

Kuhne read a letter dated June 16, 2000 from Michael DiMaria of MediaOne to Kathryn Hagaman, which updates the board on the status of the AT&T merger and certification of nodes to offer Roadrunner service in the four communities.

The letter states that the AT&T/MediaOne merger closed as of June 15. The merger had previously received approval from the local communities, Department of Justice, and Federal Communications Commission. Details should be forthcoming in the next few days and weeks. With regard to a potential merger with Comcast, there is no definitive signed agreement between AT&T and Comcast. The communities should expect to see no noticeable change in the cable company's day-to-day operation. The MediaOne name will be used for the time being.

Rebuild certification continues to move forward. As of June 15, the completion of nodes was as follows:

Bingham Farms: All 4 nodes are complete
Franklin Village: All 6 nodes are complete
Beverly Hills: 8 of 9 nodes are certified; MediaOne expects the last node to be ready at the end of June or early July.
Birmingham: 15 of 22 nodes are certified; MediaOne has received two in the last two weeks and would expect this to continue until completion. MediaOne has moved additional crews from other parts of the state to complete the certification process.

APPROVE MINUTES OF REGULAR CABLECASTING BOARD MEETING HELD ON MAY 17, 2000

The correction was made on page 9 to add Spivak to the list of members who voted Ayes on the motion to table the contract with Bloomfield Community TV.

Borgon commented that the May minutes state that Hagaman will provide board members with copies of the current Interlocal Agreement for their review. The document has not been distributed to the board as yet.

Borgon questioned the status of the bylaws committee, noting that he volunteered at the last meeting to sit on that committee. Kuhne stated that the bylaws committee has not met.

MOTION by Laidlaw, supported by Leckie, to approve the minutes of a regular Cablecasting Board meeting held on May 17, 2000 as amended.

Motion passes unanimously.

FRANCHISE RENEWAL

Currier reported that the four communities have approved the franchise renewal agreement and cable ordinance. All documents will be signed by the next meeting.

Laidlaw mentioned that the new cable ordinance requires seven affirmative votes of the Cablecasting Board for any action to be taken. There are 12 members of the board, and a quorum is seven people. Board members should be aware that a majority of the board is needed to pass a motion as opposed to a majority of the members present.

RESOLUTIONS OF RECOGNITION

Kuhne stated that the Cablecasting Board has lost several members recently due to their retirement from the board or moving from the community. All of these members have made outstanding contributions to the board in their areas of expertise. He read four resolutions recognizing their distinguished and unselfish service to the board awarded with honor and gratitude for years of dedication and extraordinary accomplishments while serving on the Cablecasting Board. Those being recognized are as followed:

Stephan E. Hall, City of Birmingham representative from March 1981 - April, 2000

Martin M. Doctoroff, City of Birmingham representative from October, 1996 - April , 2000

Hermann Fleischer, City of Birmingham representative from May, 1985 - March, 2000

Brian Janks, Village of Beverly Hills representative from April, 1994 - May, 2000

Resolved by Spivak, supported by Borgon, to adopt the resolutions recognizing the contributions of the above listed board members. William Saunders was added to those being recognized if he has not already received a resolution of this board.

Resolution passes unanimously.

Abbott extended an open invitation to these individuals on behalf of the board to return either as Cablecasting Board members or to visit.

PEG ACCESS

Kuhne reviewed that it was agreed at last month's meeting that a Request for Proposal (RFP) be prepared for PEG access operation so that all vendors would be bidding on the same requirements. Currier has prepared a draft RFP, and copies were distributed to board members for their review. It is proposed to finalize the RFP at the next meeting so it can be distributed. Kuhne anticipates that the board will enter into a three year contract beginning on October 1, 2000.

Currier stated that input on preparing the RFP was received from Bob Colgan of Create Tech and from representatives of Bloomfield Community TV. He understands that Community Media Network (CMN) may also be interested in bidding on this contract. CMN is an independent PEG provider that operates in the ICCA consortium, which consists of the 11 communities south and east of here.

Kuhne stated that the PEG committee currently consists of Dave Devereaux and Dave Leckie. Borgon, Laidlaw and Spivak volunteered to sit on the committee. Kuhne named Devereaux as chair of the PEG committee consisting of Leckie, Borgon, Laidlaw and Spivak. The committee will meet before the next board meeting to review the Request for Proposal. Any revisions to the RFP will be communicated to Currier so that the document is ready for review and approval at the July board meeting.

Abbott asked if there is a liability to the communities if the RFP allows studio facilities outside of the franchise area.

Currier stated that the liability issue is that someone could be injured going to or from the studio wherever it is located. The board carries liability coverage. It is doubtful whether the communities would be liable in such a claim considering that the person is not an employee and is acting on a volunteer basis. Currier mentioned that the liability issues are the same whether the studio is in the consortium area or not.

It was questioned whether the Request for Proposal should include Public Access Channel 18. Devereaux thinks it should.

Laidlaw stated that the RFP does not include the policy guidelines for public access. That document should be available at the PEG committee meeting.

Kuhne asked if Borgon and Laidlaw are amenable to being members of the PEG committee as well as the bylaw subcommittee. Borgon and Laidlaw agreed to serving on both committees.

Devereaux stated that the PEG committee will meet prior to the July Cablecasting Board meeting. He asked board members to convey their comments on the RFP to him. The committee will review the input and revise the draft agreement with Currier's assistance for the next meeting.

MEDIAONE RELATED TOPICS

Subscriber Complaints

Kuhne stated that Hagaman continues to receive complaints relative to MediaOne technicians being “no shows” for service calls or arriving outside of the allotted four-hour window. It does not appear that MediaOne is concerned with paying a \$20 credit to the subscriber for this infraction. The board could put MediaOne on notice that penalties will be assessed once the board is notified by a subscriber of this complaint.

Kuhne stated that defaults could be issued by the communities under the Consumer Protection Ordinance. This is something that the board may want to pursue. He suggested holding this item over to next month’s meeting when a representative of MediaOne will be present to offer an explanation. Currier suggested that MediaOne be notified that this will be a topic of serious discussion at the next meeting so they are prepared with a response.

DiSessa entered the meeting at 8:16 a.m.

Update on Rebuild - Internet

This update was presented as part of a letter from MediaOne read by Kuhne earlier in the meeting. There is one node left to be certified in Beverly Hills. Two-thirds of Birmingham has the Roadrunner service available.

Monthly Subscriber Statistics

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

Monthly Access Report

Laidlaw expressed the view that there should be two separate reports prepared, a local origination report and a public access report. He suggested that the local origination report be prepared for the current month or for the future so that programming can be verified. He questioned where there is a written schedule or information displayed about the schedule for the Local Origination Channel 25.

This will be a question for the MediaOne representative at the next meeting.

Annual Report - Previously distributed

Discussion of the annual report was deferred until next month’s meeting as there is no MediaOne representative present to answer questions.

ADMINISTRATOR’S REPORT

Kuhne stated that MediaOne is prepared to turn the mobile van over to the Cablecasting Board. Hagaman and Kuhne will be coordinating this effort with the City of Birmingham since it has the facilities to store the van. It is anticipated that the community that stores the van will be able to cover the van and driver under the umbrella of its municipal liability insurance.

Kuhne reported on behalf of Hagaman that an interest-bearing money market account has been established with Franklin Bank. The account carries no fee. Two signatures are required for any transaction. Currently the signatures are that of Chairman Kuhne and the Administrator.

Bob Colgan has indicated that an additional concert has been added to Birmingham's "In the Park" concert schedule. Last month the board approved an allocation of up to \$3,000 for Create Tech to produce the series. Colgan has estimated that the cost will be \$3,250.35 due to the additional concert.

There was further discussion of the mobile van. It is understood that MediaOne is responsible for providing public access for six months after the approval of the franchise renewal even if the van is transferred to the Cablecasting Board. It is anticipated that liability insurance coverage will be provided under the umbrella of the community that agrees to store the van.

Currier commented that the timing of the transfer of the mobile van is an issue. MediaOne wants to transfer the van as soon as possible because of its merger with AT&T. The cable company is required to provide public access service for six months. There may be some benefit for the board to delay the transfer to keep the van under MediaOne's control and insurance until such time as the board has all the details worked out with respect to storage of the van and liability insurance. In response to a comment, Currier stated that he does not care which mobile van MediaOne uses during the six month period, as long as it provides public access service.

Kuhne stated that this month's customer complaints will be deferred to next month since there is no representative from MediaOne present to respond to them.

MLAC 15 REPORT

Colgan presented highlights of the June production report.

Colgan related that a concert in Shain Park performed by the Birmingham Bloomfield Symphony Orchestra was taped last Thursday. The tape was edited on Friday and was scheduled to be replayed on Friday, Saturday and Sunday. Colgan informed the board that he received a phone call late on Friday from the president of Pontiac Musicians Association, the union that represents the musicians in the Birmingham-Bloomfield Symphony Orchestra, claiming that there was no taping agreement in their contract. He stated that the union would file a lawsuit if Create Tech aired or sold the tape of the concert.

Colgan contacted June Taylor McGregor, who is in charge of the "In the Park" concert series, and was informed that the taping clause was left out of the contract in error. Colgan was advised to pull the tape, and he replayed an earlier concert. The June 15 Concert will not be offered for sale.

Currier commented that the Birmingham-Bloomfield Symphony Orchestra receives a contribution from the City of Birmingham and that Shain Park is made available for their concert at no charge. In addition, the Symphony Orchestra received \$2,500 in payment from Birmingham for that concert. Kuhne will contact the individual who talked to Colgan and attempt to resolve this matter. He feels that this is a piece of programming that people in our franchise area would like to view.

MOTION by Borgon, supported by Spivak, to allocate an additional \$250.35 to Create Tech to cover the cost of an additional "In the Park" concert this summer.

Motion passes unanimously.

NEW BUSINESS

Abbott stated that this consortium is anticipating the acquisition of MediaOne by AT&T. He questioned how this affects the franchise agreement and also how a possible change in ownership from AT&T to Comcast would affect the franchise agreement.

Currier stated that every community in the consortium has consented to a transfer of the cable franchise from MediaOne to AT&T subject to AT&T assuming all the obligations and liabilities of MediaOne. With respect to a future transfer to Comcast, that has not been presented to the communities.

Currier understands that some communities have already passed resolutions opposing this transfer by AT&T to Comcast as part of the settlement of the MediaOne buy out. Other communities that have Comcast as their cable operator have not been satisfied. Comcast appears to be trying to change its ways in some respects realizing that it has a large public relations problem.

Currier stated that Jon Kreucher who started with MediaOne is now a Comcast employee still operating in the area of the former AT&T systems. It appears that a number of the MediaOne employees are going to transfer to Comcast. Currier emphasized that AT&T has agreed to assume the obligations and liabilities of the prior operator. If a transfer to Comcast comes before the communities for approval, Currier anticipates that it will either be rejected or that there will be severe terms and conditions imposed on any consent for transfer. Comcast would have to assume all the obligations and liabilities of the prior operator.

Laidlaw made a motion that the Cablecasting Board Administrator shall not conduct any business of the Cablecasting Board from the Village of Bingham Farms office without a written agreement between the Birmingham Area Cablecasting Board and the Village of Bingham Farms.

Currier commented that he talked to special counsel from the Village of Bingham Farms and to Kathy Hagaman about a situation that arose at the Bingham Farms office. The Village of Bingham Farms Council came to an agreement with Hagaman as to how she is to conduct business for the Cablecasting Board and for Bingham Farms. The motion on the table may be in conflict with that agreement. Currier advises against precipitous action.

Currier thinks that it would be appropriate if Laidlaw's motion is held until such time as these issues can be addressed by Hagaman before the board. He noted that personnel matters can be discussed in closed session under the Open Meetings Act.

Laidlaw stated that he is making a motion to protect the interests of this board. The motion failed for lack of support.

Leckie, member of the Bingham Farms Council, explained that a situation arose with a disgruntled employee. It has been addressed by Bingham Farms and has no affect on Hagaman's duties with the Cablecasting Board or her duties with Bingham Farms.

Laidlaw made a motion that any time sheets by any Cablecasting Board employee are to reflect only hours exclusively worked for the Birmingham Area Cablecasting Board.

Kuhne assumes that legal counsel Currier's remarks regarding the previous motion apply to this motion.

Currier stated that Hagaman is a salaried employee of the Cablecasting Board and a salaried employee of Bingham Farms. Any time sheets she keeps are for statistical purposes and do not affect her compensation.

The motion fails for lack of support.

Laidlaw made a motion that the hours of the Cable Administrator office are to be established from 1:00 to 5:00 p.m. weekdays. The telephone will be answered on a regular basis except when the person has other business concerning the Cablecasting Board that takes them away from the telephone.

Kuhne stated that Currier's comments from the previous two motions apply to this motion. Laidlaw reiterated that his intent is to protect the interests of the Cablecasting Board based on information he has received.

Currier remarked that he discussed with counsel from Bingham Farms the issue of how one person serves as Bingham Farms Clerk and Cablecasting Board Administrator. The issue has been addressed by Bingham Farms. This information should be presented to the board before proceeding with the motions offered by Laidlaw.

Borgon asked if the responsibilities of the Cable Administrator will be a part of the bylaws.

Leckie remarked that this is a unique situation and the chance of having a village clerk and cable administrator having the same job again is remote.

Kuhne thinks that many of these issues have been addressed in Hagaman's contract with the Cablecasting Board. He stated that this board has had no complaints with regard to Hagaman's performance of her duties to this entity. Kuhne added that he is not privy to any of the information upon which Laidlaw is basing his motions.

Currier stated that Hagaman could not be present at this meeting. He thinks it is best if the board gives Hagaman an opportunity to respond to any concerns of board members. She will advise the board of the situation, how it was resolved by Bingham Farms, and how it relates to this board.

Laidlaw requested a copy of the board's employee contract with Ms. Hagaman.

BOARD COMMENTS

Abbott announced that he is moving out of the area and this will be his last meeting. He thanked everyone and said that he has enjoyed the time spent on this board. Abbott expressed concern about what will be happening with public access. He asked that everyone be diligent in their pursuit of public access programming over the next several months.

On behalf of the board, Kuhne wished Abbott the best in his new home and thanked him for his efforts and contributions to this board.

Spivak stated that it was brought to his attention that there is an oddity in MediaOne's billing procedure. He outlined complaints involving the amount of time given to pay the bill and the amount of time the payment takes to reach Cincinnati. This will be brought up at the next meeting when a MediaOne representative is present.

Borgon stated that he is disappointed with MediaOne's delay in correcting the situation with the government mandated emergency alert system. DiMaria promised at the last meeting that this would be addressed. This will be a topic of discussion next month.

Colgan stated that Create Tech received a new character generator from MediaOne last week. It was tested over the weekend and works well.

Laidlaw asked if MediaOne is going to keep its payment office open on Eton Street in Birmingham. Kuhne stated that the franchise agreement requires that the cable operator have a location in the franchise area for people to make payment.

Laidlaw commented on the commitment of the board with respect to providing government and public access programming. He does not think a local studio will be established within the cable franchise area without more commitment and energy.

Pfeifer stated that the Beverly Hills Council anticipates filling the vacancy created by Brian Janks at its next Council meeting. Applications for this position are being accepted at the Village office until next Friday.

Pfeifer thanked Colgan for quickly posting a notice on Channel 15 with regard to the Beverly Hills summer concert in the park series, which take place on the fourth Sunday of every month in Beverly Park. Pfeifer asked Colgan if he would advertise for a Beverly Hills Cablecasting Board position on the municipal/library access channel. Colgan asked her to send him a request with the desired wording.

Devereaux asked that John Abbott's name be added to those members receiving recognition for their service on the board.

Kuhne stated that Birmingham needs to fill three positions on the Cablecasting Board and Beverly Hills needs one member.

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