

## BIRMINGHAM AREA CABLE BOARD MEETING MINUTES - DECEMBER 20, 2000

Present: Brower, Devereaux, Kuhne, Laidlaw, Lane and Spivak - Birmingham  
Borgon, Lacroix and Pfeifer - Beverly Hills  
Leckie - Bingham Farms

Absent: Birmingham - Kokubo  
DiSessa - Franklin

Also present: Hagaman - Cable Administrator  
Currier - Attorney for Cable Board  
Colgan - Municipal/Library Access Channel  
Martinico - Director of Technology, Birmingham Schools  
MediaOne representative - DiMaria  
BCTV representative - Helwig

Kuhne called the meeting to order at 7:52 a.m. in the Rotary Room at the Baldwin Public Library at 300 W. Merrill.

### **APPROVAL OF MINUTES**

MOTION by Borgon, supported by Leckie, that the minutes of a regular Cablecasting Board meeting held on November 15, 2000 be approved as submitted.

Motion passes unanimously.

### **PEG ACCESS**

The Agreement with Bloomfield Community Television (BCTV) for Cable Access Management approved by this board at the November meeting has been signed and executed. Kuhne reviewed grammatical and structural changes that appear in the final document and addressed several questions from the board. A few minor corrections suggested will be incorporated into the document.

Hagaman stated that she and legal counsel Tim Currier will meet with Leslie Helwig from BCTV and Bob Colgan from Create Tech to work out a transition period with the expectation that the board may need CreateTech to provide service to MLAC 15 during this time. MediaOne will not have the wiring installed to generate live coverage of Birmingham and Beverly Hills meetings until February or March. DiMaria elaborated on the work to be done.

Martinico distributed a sheet with cost breakdowns, which the board asked her to prepare relative to a grant proposal on behalf of Birmingham Public Schools. She had initially approached the board on October 18 requesting grant money to upgrade cable-related equipment for Birmingham Public Schools in anticipation of a renewed franchise agreement.

Kuhne stated that the proposal from Birmingham Public Schools will be addressed by the board once the public and governmental access system is up and running.

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Laidlaw proposed that an evaluation be done of the equipment used to cablecast meetings at Birmingham City Hall. He believes that the system is in poor condition, which results in unacceptable productions. The board may want to use any available grant money designated for capital improvements to update the Birmingham system.

It was indicated that the Cable Board did not fund any of the equipment at the Birmingham City Hall. Birmingham purchased its own equipment, which was upgraded when the city hall was renovated. Kuhne said that Birmingham had not asked to any grant money under the franchise renewal. However, the city will receive a totally rebuilt I-NET.

DiMaria related that there are some quality issues with the old I-NET system. The new fiber optic path being installed will rectify a lot of ingress problems. He requested a tape of a Birmingham commission meeting to determine whether there is a distribution problem or an internal problem. MediaOne has had trouble with the distribution at this location for the last two years. He suggests looking at the difference in a couple of months when the cable company changes the transmission path.

### **BY-LAWS COMMITTEE REPORT**

A subcommittee chaired by Borgon prepared proposed bylaws for the cable board and presented a draft to the board in November. Comments and suggestions from board members on the draft were forwarded to Borgon over the past month and reviewed by legal counsel. Carrier suggested that comments and changes proposed by board members be reviewed by the board as a whole.

The board reviewed the proposed by-laws paragraph by paragraph, considering the comments and suggestions made by members relative to specific sections. Input from board members was discussed and a consensus taken on whether to incorporate a change or retain the language as submitted. Questions were addressed and explanations were forthcoming on the proposed wording.

It was established that the bylaws will state that regular meetings will be held monthly without indicating a particular day. In order to comply with the requirements of the Open Meetings Act, the board must pass a resolution each year by a majority vote to establish a regular meeting date, place, and time. This will be an agenda item for today's meeting.

There was a suggestion that the number of board members representing each community should be based on population, and that there be an odd number of members. The 2000 census figures will be available on January 1, 2001. Carrier indicated that this section of the bylaws must reflect the intergovernmental agreement or the municipal ordinances of the member communities. The intergovernmental agreement should determine how the communities are represented on the Cable Board.

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The draft bylaws state that the officers of the board shall consist of a chairperson, vice-chairperson, a secretary, and a treasurer. The board discussed the paragraphs relative to officers and duties of officers.

It was noted that currently the cable board administrator effectively performs the duties of the secretary and the treasurer. Borgon explained that establishing the officers as proposed is intended to provide a check and balance system. While the secretary and treasurer have the ultimate responsibility for those positions, the bylaws allow the duties of the secretary and the treasurer to be delegated to the cable administrator.

Following the adoption of the proposed bylaws, the board will elect officers to serve until June 30, at which time there will be another election for the next fiscal year.

Pfeifer noted that the proposed bylaws do not authorize this board to disperse funds or award grant money. Currier responded that this authority should be set forth in the intergovernmental agreement. The board's next order of business is to revise the intergovernmental agreement.

It was agreed that the cable administrator's title would be changed to "executive director" and be reflected as such in the bylaws.

MOTION by Borgon, supported by Devereaux, to adopt the bylaws as amended.

MOTION by Laidlaw, supported by Brower, to postpone the approval of the bylaws until the next regular meeting of the Cable Board in order to distribute a revised or final draft of the document to board members.

The board discussed the motion to postpone action on the bylaws. A majority of the board must vote in favor of postponement in order for the motion to pass.

MOTION by Spivak, supported by Pfeifer, to call the question.

Vote on motion to call the question:  
Motion passes.

Vote on motion to postpone approval of the bylaws:  
Motion fails (6 - 4).

Vote on motion to approve the bylaws as amended:  
Motion passes (8 - 2).

Officers will be elected at the next regular Cable Board meeting.

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**RESOLUTION TO SET REGULAR MEETING DATES FOR 2001**

MOTION by Pfeifer, supported by Borgon, to establish the regular Cable Board meeting dates for 2001 as the third Wednesday of each month at 7:45 a.m. at the Baldwin Public Library at 300 W. Merrill.

Motion passes unanimously.

**MEDIAONE RELATED TOPICS**

Subscriber Complaints

DiMaria referred to Hagaman's monthly report, which states that the number of complaints has diminished dramatically. He noted that a complaint brought to his attention by Hagaman is being addressed by MediaOne.

Update on Rebuild- Internet

DiMaria reported that there is one node remaining to be certified for high speed Internet service. It is in downtown Birmingham. The subscribers on this node receive the updated cable lineup but cannot receive high speed Internet service. A bad piece of cable has been identified and is being replaced. MediaOne is attempting to complete the work by the end of the month, prior to the transfer.

Emergency Alert System

MediaOne has been able to eliminate repetitive EMS messages. The equipment that limits the warnings to zones and removes alerts for storm watches is on back order. This will remain on the list of follow up topics.

Monthly Subscriber Statistics

Board members commented on the subscriber connection information for November.

DiMaria stated that this is his last report as a MediaOne representative. He remarked that it has been enjoyable working with the board during the transition from the original cable operator to a company that has driven the market place. He plans on transitioning with the new company but does not know specifically what his position will be. DiMaria can be contacted as of January 1 through his current cell phone and office numbers.

**ADMINISTRATOR'S REPORT**

Hagaman indicated that she will be working closely with Bob Colgan and Leslie Helwig to ensure a smooth transition from CreateTech to Bloomfield Community Television. One of the main issues to be addressed is the mobile van. Once a designated driver has been specified, Hagaman will go forward with the insurance. She will be discussing the storage of the vehicle with Beverly Hills.

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**MLAC 15 REPORT**

Colgan presented highlights of the December production report. Colgan commented that this is his last meeting as contractor providing programming for MLAC-15. He wished everybody a happy holiday.

**NEW BUSINESS**

DiMaria stated that Comcast will be a major sponsor of First Night, a New Year=s Eve celebration in downtown Birmingham.

**BOARD COMMENTS**

Borgan requested that the consortium receive the game show channel on a 24-hour per day basis.

Pfeifer thanked the board members who attended the December 4 Beverly Hills Council meeting at which time there was discussion of the request for transfer of franchise. Laidlaw concurred that the board members present represented the Cable Board very well.

The meeting was adjourned at 9:18 a.m.