

Present: Jones, Kott, Mancini, McLain - Birmingham
Borgon, Pfeifer, Woodard – Beverly Hills
Gallasch – Franklin
Ettenson – Bingham Farms

Absent: Heyman and Verdi-Hus - Beverly Hills

Also Present: Hanson - Executive Director
Salhaney - Attorney for Cable Board
Rota - Bloomfield Community Television representative
Holmes - Comcast representative
Valentine – Birmingham staff liaison

Chairperson Borgon called the meeting to order at 7:45 a.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. Borgon welcomed newly appointed member representing the City of Birmingham, Kenneth Kott.

APPROVE MEETING MINUTES OF CABLE BOARD MEETING HELD AUGUST 16, 2006

Motion by Woodard, second by Mancini, that the minutes of a regular Cable Board meeting held on August 16, 2006 be approved as submitted.

Motion passed.

COMMITTEE REPORTS

PEG Committee

Mancini reported on highlights of the August 16, 2006 PEG Committee meeting. The two items discussed were the viewership survey and contractual negotiations with Bloomfield Community Television.

The PEG Committee agreed to eliminate a survey response incentive based on input from members at the August Board meeting. The Committee further supported a recommendation to add a field for written comments on the survey. It was confirmed with Intellitrends that the comment area would be part of the research at no added cost. After review with BACB legal counsel in late August, the contractual agreement was signed.

The Committee reaffirmed the Board’s idea that the public should be alerted in advance of the survey to improve response rates. Hanson agreed to contact municipal clerks and identify ways that the municipalities could support the survey. A suggestion was made to distribute a promotional flyer at the Birmingham Farmers Market. BCTV has been announcing the survey on its electronic bulletin boards. The Birmingham Eccentric announced that the survey was coming as a front page headline on August 31, and the Birmingham Eagle carried a story on the survey in its September 13 issue.

Intellitrends will give a presentation on survey results at the October Board meeting. The response rate has exceeded 500 to date. Since the goal was 382 returned surveys in order to be statistically significant, a phone survey at an additional cost will not be necessary.

As was reported to the Board last month, a potential added cost could be incurred if mailed responses exceed 1,000 pieces. This is possible given that surveys will be received for 10 more days. The PEG Committee was in agreement that any additional costs for outstanding responses should be approved by the Board with a contingency motion.

The committee was informed that the possibility exists to hire a producer for enhanced programming initiatives should the survey indicate the need and desire among the public for that endeavor.

The issue has been raised that the current contract with BCTV does not detail programming and broadcast obligations. Contractual specificity is a major element for 2007 negotiations. Steve Rota, in his capacity as BCTV Operations Manager, prepared a pre-negotiation summary of programs completed and total times aired in 2005. His 2006 report detailed programs completed to date and a projected total to-date aired and projected aired. Mancini discussed the report with BCTV and requested that the information be tabulated as total aired hours live and rebroadcast by municipality program, municipality total, and a grand total versus contractual obligation. The information provided will be discussed at today's PEG meeting.

In answer to a question about how the survey was distributed, Hanson related that Intellitrends used an independent company for that service. Names and addresses were chosen on a random basis. McLain encouraged people who did not receive a survey in the mail to go online and take the viewership survey by accessing the link on the Cable Board web site (www.birminghamareacableboard.org).

Cable Action Committee

McLain attended the NATOA Conference with Chairperson Borgon and Executive Director Hanson in Florida from August 22-25. Brian Jones has recommended that McLain chair the Cable Action Committee; he will be assisting her on legislative issues. Historically, the Cable Action Committee follows up on items that have not been finalized at a Cable Board meeting or on subscriber issues. McLain encouraged interested Board members to attend their next meeting on September 27 at the Baldwin Library at 5:30 p.m.

A goal of the Committee is to complete the Birmingham contingent of the Board. McLain welcomed Kenneth Kott and noted that John T. Abbott, a former Board member, will be serving on the Board representing Birmingham.

McLain has been in contact with Comcast representative Louise Beller regarding past subscriber inquiries. Beller has indicated that a Spanish tier and a senior tier are not on the horizon for Comcast. McLain reported that Comcast has repositioned the Asian American channel and the Muslim American channel.

PROCLAMATION OF RECOGNITION FOR JOHN DECKER

Borgon read a resolution of appreciation recognizing John P. Decker for his dedication and accomplishments while serving as Treasurer, Secretary and Board member representing the City of Birmingham on the Birmingham Area Cable Board from March 2005 through September 2006. John Decker is leaving the area for business reasons, and Borgon hopes he will consider rejoining the Board when he returns. Decker provided financial expertise and was instrumental in diversifying the Board's investment opportunities resulting in higher interest rates by having its investment account managed by an outside firm. The proclamation will be signed by the Board members and presented to John Decker.

Borgon stated that the Board is in need of a volunteer to fill the position of Treasurer and Secretary. This could be a combined or separate positions.

REQUEST FOR ADDITIONAL CABLE COVERAGE

The Beverly Hills Council adopted a resolution to request that the Cable Board consider providing a grant for taping and broadcasting additional municipal meetings if there is an additional expense involved. In addition to the regularly scheduled meetings, Beverly Hills is requesting that all joint meetings between the Council and various boards be taped and broadcast. Pfeifer stated that Council has scheduled to meet jointly with the Planning Board, Parks and Recreation Board and the Finance Committee in 2007. Beverly Hills would like the ability to tape and broadcast a Planning Board meeting when there is a public hearing scheduled that would impact the population. It is also requested that special Council meetings be broadcast when a request is made to the Cable Board by action of the Council as a whole. Beverly Hills would provide three weeks notice prior to the requested taping.

The resolution from Beverly Hills reads as follows:

RESOLUTION TO REQUEST ADDITIONAL CABLE COVERAGE

Whereas it is the desire of the Village of Beverly Hills Council to provide its residents with as much information as possible in keeping with the Freedom of Information Act, now let it be known that the following requests are made to the Birmingham Area Cable Board:

In addition to our regularly scheduled meetings, we request that all Joint Meetings scheduled with our various Boards be taped and broadcast:

That all Planning Board meetings in which a Public Hearing of significance is scheduled be taped and broadcast:

That from time to time when special meetings are held by the Village Council, they be taped and broadcast, provided the request is made by action of the Council as a whole:

The Council requests that the Birmingham Area Cable Board consider providing a Grant to fund extra meetings that are not currently provided for in the Contract between the Birmingham Area Cable Board and Bloomfield Community Television.

It will be understood by the Village of Beverly Hills Council that such requests will be made by the Council and will provide at least a two-week notification prior to the requested taping.

Board members discussed the request from Beverly Hills. The open-ended nature of the request for funding was questioned. Steve Rota addressed how BCTV would fit additional meetings into their schedule.

Ettenson recalled that the Board discussed the possibility approving a grant for web streaming services to provide Beverly Hills residents with an opportunity to view municipal meetings. Woodard related that she presented the idea to the Beverly Hills administrative staff and does not think that they are interested in pursuing web streaming at this time.

Mancini commented that the Board's present contract with BCTV calls for 60 hours of municipal programming per week. Some of the meetings requested by Beverly Hills should fall within the current contract with no additional charge. The cost for taping six additional municipal meetings @\$75 per meeting would be \$450. There needs to be a determination as to whether the additional meetings are within the BCTV contract or if there will be an additional charge. These contract issues will be clarified in the upcoming contract.

Pfeifer requested funding approval for up to six additional meetings in a calendar year. Beverly Hills will bring any further requests for taping and broadcasting meetings before the Cable Board for approval. The Village Council would like the ability to have a meeting taped and broadcast if the Council as a whole concurs that it is of importance to the community.

Motion by Mancini, second by Ettenson, to approve the request from the Village of Beverly Hills Council that the Birmingham Area Cable Board provide funding to tape and broadcast up to six municipal meetings in addition to its regularly scheduled meetings, subject to a determination on whether each meeting is within the contractual agreement with BCTV or subject to a \$75 fee.

Roll Call Vote:

Kott	- yes
Mancini	- yes
Jones	- yes
McLain	- no
Borgon	- yes
Woodard	- yes
Pfeifer	- abstain
Gallasch	- no
Ettenson	- yes

Motion passed (6 yes – 2 no – 1 abstention).

HALLOWEEN HOOT GRANT REQUEST – BEVERLY HILLS

Patricia Greening from Beverly Hills stated that this is the 11th year that she will be putting on the Halloween Hoot in Beverly Park on the Sunday before Halloween. This community event is funded by a contribution from the Village and by private donations. Because available funding is falling short, Greening requested that the Cable Board consider a contribution towards the Halloween Hoot of \$1,000 or more.

Greening highlighted the all-day event that includes pumpkin carving and culminates in youngsters trick-or-treating along the Hoot Trail through the woods. The Hoot is publicized through the schools, and the event is not restricted to Beverly Hills residents. Approximately 3,000 children attend each year. The Halloween Hoot festivities are taped and aired on Municipal Channel 15.

Woodard stated that she has volunteered at the Halloween Hoot for a number of years and believes that it is one of the most popular family events that take place in the Birmingham area in the fall. She questioned, however, whether this type of contribution is within the authority of this body.

Board Attorney Salhaney remarked that, while the Halloween Hoot is a wonderful event, taping and airing the event is different than making a donation to support it. He has reviewed the Interlocal Agreement that sets forth the powers and responsibilities of the Cable Board. The jurisdiction of the Board is to implement and enforce the franchise agreements and to take care of other cable or franchise issues. It was the opinion of Salhaney that this Board does not have the authority to make a donation to a private cause.

Board members encouraged Comcast to consider making a donation to support this community event. Comcast representative Jason Holmes was present in Louise Beller's absence. He was asked to confer with Beller about Comcast assisting with the Halloween Hoot.

Beverly Hills resident Hildreth Buterbaugh commended Pat Greening for her selfless efforts in organizing the Halloween Hoot each year for the enjoyment of Beverly Hills and surrounding communities. He encouraged local businesses to step forward and support this worthwhile event.

APPROVE ADDITIONAL SURVEY FUNDING

Mancini stated that additional funding may be needed to process surveys if the response rate from the mailing exceeds 1,000 returns. The cost would be \$3.04 per piece to cover the return postage (\$1.04) and inputting of the response (\$2.00/survey). Currently over 500 responses have been received, and there are ten more days until the cut-off date of September 29th for receipt at Intellitrends on October 2nd. It is possible that there will be an additional cost for tabulating mailed surveys.

Mancini expressed the view that the Board would be disenfranchising people who have returned a questionnaire if surveys in excess of 1,000 were not processed. He recommended a motion to authorize a contingency expenditure of \$3.04 per response after 1,000 surveys have been received. Board members considered the additional expenditure. It was proposed that a "not to exceed" amount be included in the motion. Hanson suggested that a deadline be set for receiving and processing surveys that trickle in after October 2.

In response to an inquiry, Hanson believes that the online response to the viewership survey is about 10 percent. The cost of processing online responses is covered in the contract with Intellitrends. Board members are encouraging people to respond to the online survey.

Ettenson expressed the view that the Board probably has the information it needs with the 500 surveys returned to date. He suggested that the results received up to 1,000 returned surveys be tabulated and reviewed.

Mancini concurred that a reliable sample has been received with the return of 500 plus surveys. However, the Board is asking its constituents for their opinions, and their written comments are important to the Board.

Pfeifer understood that the completed surveys will become the property of the Cable Board. She suggested that the surveys received after September 29 should be captured because they may include written comments that the Board may want to review. Hanson noted that any returned mail will cost the Board \$1.04 a piece for postage. The alternative is to order the Post Office to nullify the return the address after a certain date.

Motion by Mancini, second by Pfeifer, to provide contingency funding in an amount not to exceed \$5,000 for processing mail surveys in excess of 1,000 at a cost of \$3.04 per response received and postmarked no later than September 29, 2006.

Roll Call Vote:

Kott	- yes
Mancini	- yes
Jones	- yes
McLain	- yes
Borgon	- yes
Woodard	- yes
Pfeifer	- yes
Gallasch	- yes
Ettenson	- no

Motion passed (8 – 1).

2006 NATOA CONFERENCE REPORTS

Hanson has provided Board members with an executive summary of the NATOA (National Association of Telecommunications Officers and Advisors) conference held from August 22-25 in Orlando, Florida. The report details information received at various sessions and speeches.

Borgon announced that Kathy Sherman representing Southfield’s Cable 15 municipal channel was the recipient of the 2006 Excellence in Government Programming award during the NATOA honors program. Sherman is the president of the Michigan Chapter of NATOA. Hanson mentioned that there were 11 awards presented to individuals from Michigan. McLain added that Tom Hanson shared an award through his association with the City of Southfield’s Cable 15 municipal channel.

McLain brought to the Board’s attention a commitment published in a program distributed by AT&T stating where they stand on programming and new choice in providers. The piece

states that AT&T wants competition; they will not block content or intentionally degrade the quality of Internet service; they will improve their network to deliver choice of television; they will provide cities with video franchising fees equivalent to their current agreements; they will deliver community programming, disability access, emergency alerts; they will respect traditional rights-of-way and enforcement; and they will continue with their 125-year history of providing quality customer service.

McLain related that an individual representing AT&T and who gave a presentation about the ease of the Texas transition with respect to legislative changes was challenged by a number of people in the audience on the basis that the changes are not user friendly to local government.

BACB representatives attended an energetic meeting with the Comcast vice-president of governmental affairs. There was a great deal of information received at the conference and contacts made. McLain learned that not everyone who has Comcast service is having the same service, communication, and picture difficulties that subscribers in this consortium continue to experience. It is our mission to get a better answer for our subscribers. McLain asked Comcast about offering a senior tier, and there was no response.

Borgon stated that Board members are in receipt of a handout from the conference listing questions asked of Sheila Willard, SR VP for Comcast and her team and their answers. He indicated that Willard was not aware of the pixilating problem that has been experienced in this consortium for over a year. Borgon proposes sending a detailed analysis of this issue to Ms. Willard to bring her up to speed. He added that pixilating problems are not unique to people who have digital cable.

Hanson stated that pixilating that occurs on an analog signal is probably initiated from programming being fed to Comcast, which does not negate the importance of addressing this consortium's issues with pixilation. He spoke with an engineer at the NATOA conference who indicated that it is not uncommon to have leakage in older systems. Leakage can come from squirrels chewing on wires, corroded couplers, stress from weather or other factors.

Hanson emphasized that one of the mandates that came out of the conference was the need to tighten up existing franchise agreements under the current regulatory scheme and engage in auditing in order to hold current providers accountable before it is too late. There may be legislation coming that would remove municipal oversight of public rights-of-way and regulation through a local franchise agreement. This means that there is a need to pursue customer service audits, technical system audits, and perhaps financial audits. The Board requested a report from Comcast on what has been replaced or upgraded in the system.

Hanson remarked that the NATOA conference is divided into three areas; regulatory, programming, and community networks. Board representatives at the conference attended various sessions. Major themes of the conference included wireless initiatives and tightening up existing franchises.

COMCAST RELATED TOPICS

Subscriber Complaints

Board members are in receipt of a subscriber complaint summary and a revised follow-up report. Hanson reminded subscribers that, when they call the Board with a complaint and leave a message, those messages are put in writing and forwarded to Comcast within 24-48 hours.

McLain commented that she has reviewed the complaints and observed a continuing pattern with subscribers having problems with Comcast's phone system and being placed on hold. Comcast needs to work on its communication.

McLain summarized a letter from Birmingham resident David Frink, who was present at the August meeting describing his problems with cable television and Comcast service. Frink believes that Comcast needs to establish a clear escalation policy from their front line people. He urged the Board to suggest to Comcast that they suspend all monthly billings to any customers who have had a problem that has not been resolved within two weeks after the initial communication of the problem with Comcast.

Borgon suggested that the Board's attorney review the franchise agreement and local ordinances with respect to the cable company's responsibilities in terms of answering the phone. The Board may want to consider assessing liquidated damages if these issues are not addressed.

Cynthia Geller of Birmingham related problems with Comcast service that have caused great expense to her business. The majority of her problems were related to Comcast Internet and telephone service. She was informed that the Board can refer Internet and telephone related complaints to Comcast, but the Cable Board is only authorized to regulate and enforce its cable television franchise with Comcast.

Geller complained about the long wait before Comcast answers the phone. She related experiences with rude service representatives who did not have the proper information to answer questions. She has had problems with independent contractors. Geller was told that it is important for subscribers to document their complaints to be sure that Comcast follows up on problems. There is a complaint form available on the BACB web site www.birminghamareacableboard.org.

Comcast Updates

Board members are in receipt of a report from Comcast dated September 20, 2006.

Other Issues

Borgon stated that Birmingham and Beverly Hills are in need of channel line up cards.

EXECUTIVE DIRECTOR'S REPORT

Plante-Moran will present the FY 2005/06 audit report for the Cable Board at the October meeting.

With regard to federal legislation, the Stevens Senate Bill was released out of the Senate Commerce Committee and is still awaiting 60 votes for cloture, or non-debate, on the bill. Hanson stated that we want dialog on the bill to discuss build out requirements, net neutrality, and revenues. He has been contacting our representatives in Washington and talking to their legislative aides about this issue.

In Michigan, Representative Mike Nofs from Battle Creek released his Michigan Telecom Bill to committee on September 12. The bill is worse than prior bills and other states' bills. It attempts to exempt AT&T from franchise payments claiming that AT&T is a broadband service and, therefore, is exempt from "double payments" (they already pay the state to use the public right-of-way under the Metro Act). Hanson encouraged individuals to become educated on this issue. There is information available on the BACB web site.

MLTV15/ PA 18 REPORT

Borgon announced that Steve Rota has been appointed as the new Operations Manager for Bloomfield Community Television.

Rota reported on programming taped for Channel M15 and PA Channel 18 during the last month and mentioned shows coming up in the next month. A viewership survey public service announcement was produced for airing on both channels and will be aired up to September 29th.

Rota was informed that Birmingham viewers continue to have problems with low audio feed during live meetings and playback. BCTV has investigated this at its end but has not found a cause. BCTV will be meeting with Joe Valentine from Birmingham, Comcast representatives, and a technician from Roscor today, September 20, to diagnose a cause and determine a solution. BCTV is in the process of fulfilling a request from the PEG Committee to submit a 2005/06 programming report. BCTV will hold production workshops on October 10 in the morning and in the evening.

Pfeifer related that a new traffic signal initiated by Oakland County is causing motorists some confusion with respect to the left hand turn signal. She requested that BCTV air an existing public service announcement addressing this new signal on the Birmingham area municipal and public access cable channels. Rota will attempt to work the informational program into the schedule.

Borgon commented on the high production quality of the Franklin and Birmingham parades. He requested that the same production values be used for the next Beverly Hills Memorial Day parade.

OLD BUSINESS

None

NEW BUSINESS

None

BOARD COMMENTS

Mancini reminded board members that there will be a short PEG Committee meeting following this meeting. The topic of discussion will be contractual negotiations.

Borgon commented on the quality of individuals on the Cable Board and said that he is proud to be part of this group. He encouraged the participation of Board members.

PUBLIC COMMENTS

Hildreth Buterbaugh, Beverly Hills resident, mentioned that he was a past member of the Cable Board and liaison to the Board when he sat on the Beverly Hills Council. With regard to sound quality, Buterbaugh remarked that the Birmingham and Franklin municipal meetings are difficult to hear.

Buterbaugh stated that pixilation is not only a digital issue. It occurs most frequently on analog channels in the 30s and 50s. He recalled that this entire franchise area was supposed to have been rewired six or seven years ago. Most of the wiring at that time did not meet current standards. He questioned whether the rewiring effort was completed. Buterbaugh commented on volume variations, primarily on channels 44 and 55, and noted that Comcast advertisements are broadcast on a different volume level than the rest of the programming. Buterbaugh remarked that the truncation problem seems to be improving.

Buterbaugh commented on mandated digital television coming in April of 2009. There are people who have old technology television sets that will not be able to afford sets with the new technology. He suggested that the Cable Board take a proactive approach in terms of discussing a strategy with Comcast for this changeover and informing the communities on what to expect.

The meeting was adjourned at 10:00 a.m.