

Present: Abbott, Jones, Kott, Mancini, McLain - Birmingham
Borgon, Heyman, Verdi-Hus, Woodard – Beverly Hills
Gallasch – Franklin
Ettenson – Bingham Farms

Absent: None

Also Present: Hanson - Executive Director
Jeffrey Kragt - Attorney for Cable Board
Rota - Bloomfield Community Television representative
Beller - Comcast representative
Valentine – Birmingham staff liaison
Martinico – Director of Technology, Birmingham Schools
Pfeifer – Beverly Hills Council 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, John Abbott.

APPROVE MINUTES OF CABLE BOARD MEETING HELD OCTOBER 20, 2006

The correction was made on page 2, paragraph 4, of the minutes to change the word ‘Alice’ to ‘Jeanne’.

Motion by Ettenson, second by Heyman, that the minutes of a regular Cable Board meeting held on October 20, 2006 be approved as amended.

Motion passed.

PUBLIC COMMENTS

None

COMMITTEE REPORTS

Cable Action Committee

McLain stated that the Cable Action Committee met and discussed filling vacant positions on the Board. She invited new members to attend CAC meetings, which are generally one week following the regular Board meeting on Wednesdays at 5:30 p.m. at the Jeanne Lloyd room of the Baldwin Library.

The committee also talked about the BCTV truck storage. A check will be delivered to Extra Space Storage located on Coolidge Highway near Maple for a six month contract for storage of the production van at their site. There is also space in this facility to store historical documents from the Cable Board. There will be 24-hour access to the storage space.

At its last meeting, the Cable Board authorized the expenditure of \$25 to reserve space at this storage facility to allow an opportunity for the involved parties to investigate the feasibility of this location. Action is now required to expend \$1,592.84 for a six month contract with Extra Space Storage.

Motion by McLain, second by Gallasch, to approve the amount of \$1,592.84 to Extra Space Storage for storage of the BCTV truck for six months beginning November 16, 2006.

Motion passed unanimously.

McLain stated that the committee discussed the senior tier issue; there is nothing new to report on the topic at this time. She wanted subscribers to know that the Cable Action Committee is continuing to discuss this topic on their behalf.

PEG Committee

Mancini reported that the PEG Committee met following the October Board meeting and the discussion focused on contract elements as specified in the Request for Proposal (RFP) for a supplier of public and governmental television access to consortium communities for MLTV Channel 15 and Channel 18. The committee focused on developing the RFP and not on contractual negotiations. The RFP will come before the Board as a whole at today's meeting for consideration and approval before vendors are solicited.

The PEG Committee agreed that programming elements should be specified in terms of the airings covered by the contract and those not covered. It was also agreed that the electronic billboard and channel 15 and 18 programming enhancements should be implemented. To these points, the committee felt that an additional producer should be considered by the vendor to accommodate the increased work load. This is an issue that will be further discussed once specific programming enhancement and administrative issues are evaluated.

Mancini outlined steps taken to prepare a draft and revisions to the RFP to incorporate input from legal counsel. Board members are in receipt of the final draft of the RFP. The PEG Committee seeks Board approval of the RFP document in order to begin the vendor solicitation process as well as approval to place an advertisement in the Eccentric and Eagle newspapers to notify vendors of the bid process as required by law. Currently, \$500 is budgeted for this task. The PEG Committee proposes to schedule an official bid opening for December 18, 2006; the Board would then review the proposals received at its December 20, 2006 meeting.

Mancini thanked Executive Director Hanson for his dedication and assistance on this project as well as his help on the subscriber survey. Mancini developed eight considerations for program scheduling and implementation based on the survey results. This will be the sole agenda item at the PEG Committee meeting immediately following today's BACB meeting. All Board members are invited to attend and provide input.

Motion by Mancini, second by Ettenson, to approve the Request for Proposal for Cable Access Management as outlined and to advertise the RFP in the Eccentric and Eagle newspapers for a cost not to exceed the \$500 budgeted for this expense.

Joe Valentine stated that the Birmingham City Commission has requested that the BACB begin broadcasting Birmingham Planning Board meetings live. If this is to be positively considered by the Board, Valentine asked that the live broadcast be incorporated in the RFP.

In response to an inquiry, Rota from BCTV, indicated that live broadcasts of the Birmingham Planning Board meeting on Wednesday evenings would not be a problem unless the meeting goes beyond four hours, at which time it would encroach on programming scheduled for 11:30 p.m. It was the consensus of the Cable Board to add the live broadcast of the Birmingham Planning Board meetings to the schedule.

Pfeifer suggested an addition to the programming schedule be added to the contract to include the League of Women Voters candidate forums in 2008 for each of the municipalities. There was agreement from the Board.

The RFP will be revised to include the agreed upon additions.

Motion passed unanimously.

Borgon mentioned that he received a correspondence from former BACB member Ron Fredrick congratulating the Cable Board for commissioning the subscriber survey for Channels 15 and 18 and noting that it was a fine piece of audience research. Fredrick stated that the Board will have some objective benchmarks to help make programming decisions.

BOARD FINANCIAL SUPPORT FOR MEDIA/LEGAL SERVICES REGARDING STATE LEGISLATIVE ADVOCACY

At the direction of the Board at its October meeting, Hanson sent a communication to the governmental bodies of the consortium communities informing them of the statewide effort spearheaded by PROTEC and Michigan NATOA to raise \$100,000 for the purpose of pursuing a public relations and legal counseling campaign to counter the efforts in place by the telephone companies that are pushing to bring statewide cable franchising to Michigan. Hanson recommended a contribution not to exceed \$5,500 towards the effort payable from the Board's operating expenses. The letter indicated that the Cable Board will proceed with this financial support if the municipal bodies find no objection to the Cable Board supporting this effort.

Borgon stated that the Cable Board has heard no objections from the Village of Beverly Hills, Village of Bingham Farms and Franklin. The Cable Board's request for response from member communities in regard to contributing \$5,500 in support of media/legal services for state legislative advocacy was shared with the agenda materials for the Birmingham City Commission meeting of November 13. The City of Birmingham's response to this request was to wait and see how the new Legislature deals with the current legislation before spending any additional funds.

Hanson presented a brief update on the status of the telecommunications legislation. He indicated that the H. R. 6456 was passed by the House yesterday and is traveling to the Michigan Senate. The initial funding that went towards legislative advocacy has resulted in articles in the news all across the country setting forth the municipalities' position on this issue.

Motion by Woodard, second by Ettenson, that the Birmingham Area Cable Board approve an expenditure not to exceed \$5,500 for media/legal services for State legislative advocacy to PROTEC, MI-NATO, or the Alliance.

There was discussion on the motion.

Roll Call Vote:

Kott	- yes
Mancini	- no
Abbott	- abstain
Jones	- no
McLain	- yes
Borgon	- yes
Heyman	- yes
Verdi-Hus	- yes
Woodard	- yes
Gallasch	- yes
Ettenson	- yes

Motion passed (8 yes – 2 no – 1 abstention).

COMCAST RELATED TOPICS

Subscriber Complaints

It was noted that subscriber complaints are down this month. The complaints have been reconciled in an efficient manner by the Comcast representative. Questions on specific complaints were addressed by Beller. Woodard complimented Comcast staff for responding to her cable television reception problem, which was resolved when she picked up an unsolicited sales call from Comcast.

Comcast Updates

Beller highlighted channel changes effective December 15, noting that the Board has received written notice of these changes. Call Center statistics were provided to the Board. Beller informed the Board of Comcast community activities related to the United Way Campaign and the Cranbrook Institute of Science Exhibit Sponsorship. Beller commented that Comcast continues to look for opportunities for 2007 with respect to supporting community events and sponsorships.

Board members had questions on the Comcast Call Center Monthly Statistics as required by the franchise agreement. Ettenson observed that service levels have been declining since the beginning of the first quarter. Beller explained that September is historically a month when there is a high call volume primarily due to back-to-school drives and initiatives.

It was noted that the franchise agreement requires that Comcast subscribers should not receive a busy signal more than 3% of the time under normal operating conditions. The statistics fall below this standard. One of the complaints that surfaces frequently in the verbatim comments received with subscriber surveys is the busy signal received when calling Comcast. McLain encouraged people to document the date and time they call Comcast's 800 number and note whether they have a good or bad experience. Subscribers should register a complaint with the Cable Board if they have an unsatisfactory experience.

Abbott asked for clarification as to Comcast's requirement to answer a call in 30 seconds. It was clarified that this could be an automated response and not a live person. Abbott asked if it would be possible to add a column to the report indicating how long it took from the automated response to connect with a Comcast representative. Beller responded that Comcast provides the Call Center Statistics report in compliance with the format required by the franchise agreement.

McLain quoted from a section of the Franchise Agreement which states, in part: Under normal operating conditions, telephone answer time by a customer representative including wait time shall not exceed 30 seconds from when the connection is made. If a call needs to be transferred, transfer time shall not exceed 30 seconds. These standards shall be met no less than 90% of the time under normal operating conditions measured on a quarterly basis. McLain commented that it appears that the statistics consistently exceed the requirements.

The Cable Action Committee will investigate Comcast call center issues further with the Board's legal counsel to determine whether the options offered by Comcast meet the letter of the law in the franchise agreement.

EXECUTIVE DIRECTOR'S REPORT

Hanson reported that House Bill 6456 did go through the House and is on its way to the Senate. Preliminary word is that the bill needs some work; it is anticipated that state senators will do their best to attach amendments to the bill that are more friendly to consumers and municipalities with respect to public rights-of-way and local control. It is believed that nothing will happen this year; if a vote comes up next year, Governor Granholm has said that she will not support it. This remains uncertain with a new legislative agenda. National legislation may or may not be passed this year.

Hanson announced that he has accepted a job in Palm Coast and has submitted his resignation to the Cable Board effective Monday, November 27. Hanson thanked everyone on the Board for the opportunity to serve with them. He commended Board members on their professionalism and leadership and their dedication to the cause of enforcing the Comcast franchise agreement. Hanson wished everyone well.

Motion by Ettenson, second by Mancini, to accept with regret the resignation of Tom Hanson as Executive Director of the Birmingham Area Cable Board.

Motion passed unanimously.

With the concurrence of the Board, Borgon recommended engaging the services of former Executive Director Kathryn Hagaman to fill this position. Hagaman was the Executive Director of the Board for 13 years and left a year and a half ago due to job responsibilities. She is now interested in returning to the position. Borgon introduced Kathy Hagaman, Clerk/Administrator of the Village of Bingham Farms.

Hagaman stated that she is pleased to see the continued interest among Board members in cable television. She looks forward to assisting the Board through a transition and believes that she can manage her full-time position at Bingham Farms and the Cable Board responsibilities. She has

the necessary background on the Cable Board workings and is familiar with pending telecommunications legislation through her position at Bingham Farms.

Borgon expressed the view that bringing Hagaman on board would be a good move considering telecommunications legislation and other issues pending at this time. He proposed hiring Hagaman at the same rate she was receiving when she left the position a year and one-half ago.

Ettenson clarified the position of Bingham Farms on this matter. Hagaman gave up the director position when Bingham Farm changed her position as Clerk/Administrator from part time to full time. Ettenson emphasized that, while Ms. Hagaman may move back into the Executive Director position, her hours cannot conflict with her full-time hours at the Village of Bingham Farms.

Motion by Woodard, second by Abbott, to extend an employment contract to Kathryn Hagaman for the position of Executive Director of the Birmingham Area Cable Board for one year as of today at her previous salary of \$35,000 per year.

Motion passed unanimously.

In response to an inquiry, it was noted that there will be an upcoming agenda item to amend the Cable Board budget to accommodate this expense. Another reconciliation will include allocation of funds for production van storage.

MLTV15/ PA18 REPORT

Rota reported on programming taped for Channel M15 and PA Channel 18 during the last month. He mentioned that one of three new series, *The Reading Chair*, has several programs taped and has been airing. *Sports Affinity* is being taped on Monday, November 13 and a program from the Birmingham Historical Museum is currently being researched and scripted by its co-producers.

BCTV has interviews scheduled for its open production position. Rota gave office manager Jo Marengere kudos for her hard work and creativity on the program guides.

BCTV has been looking into options for purchase of a character generator (CG) system for the Beverly Hills Council chamber control room. The current equipment is outdated and difficult to use. He requested Board authorization to purchase a new graphics system that would be more efficient at a cost of not more than \$5,500.

Rota was asked to provide information on the proposed equipment and competitive proposals for consideration by the Board at the December meeting.

Rota stated that BCTV was proud to announce that staff has won five Philo awards for programming. Lisa Antuna received first place for her work on a mini-documentary about the value of PEG TV. Zack Florance received first place for his BBSO holiday program. Steve Rota, David Sommerfeld and Zack Florance all received second place awards for *Dining Out*, *Practical Law*, and *Celebrate Volunteers*, respectively. Philo awards are given by the Central State Region of the Alliance for Community Media.

Abbott requested an inventory of local origination and public access programming that has aired over the last year by community.

OLD BUSINESS

None

NEW BUSINESS

None

BOARD COMMENTS

Borgon thanked Tom Hanson for his efforts in the position of Executive Director. He appreciated Hanson's passion and dedication to the Cable Board over the last year and one-half. On behalf of the Board, Borgon wished him good luck in his new venture in Palm Coast.

PUBLIC COMMENTS

Elwood Hovermale of Beverly Hills asked the Cable Board to aggressively seek competition for cable television. He mentioned that Comcast has disregarded subscriber requests for a senior discount or a senior tier.

Borgon responded that the Cable Board has invited other cable companies to provide service to our consortium, but those companies were not interested in servicing this area. Residents will probably have an option for service with AT&T in the future, but with some undesirable consequences. Borgon stated that this Board has compared costs in areas where there is competition and found that cable rates were no more than 5% higher or lower than those of Comcast rates in this area.

Gallasch stated that, according to the recent subscriber survey, 11% of the community had satellite TV, which is considered competition to cable television.

The meeting was adjourned at 8:55 a.m.