

Present: Armitage, Decker, Heldt, McLain, Urcan - Birmingham
Heyman, Verdi-Hus – Beverly Hills
Ettenson – Bingham Farms

Absent: Abbott - Birmingham
McFadden, Woodard - Beverly Hills
Eads - Franklin

Also Present: Borgon - Executive Director
Currier - Attorney for Cable Board
Sommerfeld - Bloomfield Community Television representative
Martinico - Director of Technology, Birmingham Schools
Valentine – Birmingham staff representative
Greg Clark – AT&T representative
Briggs – Beverly Hills Council liaison

Chairperson McLain called the meeting to order at 7:46 a.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES OF CABLE BOARD MEETING OF MARCH 18, 2009

The correction was made on pages 1 and 4 to correct the spelling of the name “David Sommerfeld”.

Motion by Heldt, second by Heyman, that the minutes of a Cable Board meeting held on April 15, 2009 be approved as amended.

Motion passed.

PUBLIC COMMENTS

Hildreth Buterbaugh from Beverly Hills informed the Board that Comcast technicians did a great job updating the cable service in his home to digital. He related that he received two pieces of mail from Comcast on the same day advertising promotions with conflicting and confusing offers for phone service.

AT&T RELATED TOPICS

Greg Clark, representing AT&T, said that AT&T continues to work hard at delivering the best viewing experience for their customers.

Borgon reported that AT&T franchise and PEG fee payments were received. AT&T customers have paid a considerable amount to the Birmingham Area Cable Board since the service was available in the second quarter of 2007. Subscribers still do not receive PEG channels. McLain added that the connection of PEG programming to the U-verse product is in process.

McLain related two experiences with the AT&T 1-800 number (1-800-ATT-2020). In one instance there was a glitch in the prompt system, and the other problem involved a customer who could not get through to AT&T using the 800 number.

BUDGET APPROVAL

The Birmingham Area Cable Board budget for fiscal year 2009/2010 was presented to the Board for review and approval. Borgon indicated that there have been no changes from the document that was presented to the Board last month. A copy of the draft budget will be forwarded to the consortium communities for review and comment.

Treasurer Decker thought that Borgon did a good job on budget estimates and assumptions based on his experience and that of the previous Executive Director. He remarked that the budget defines the activity and goals of the Cable Board in terms of where funds are allocated. If any member has a suggestion for changes in the future, those modifications can be executed through allocating or reducing money in an account.

Questions and comments on the proposed budget were addressed by Borgon. Heldt asked for clarification on whether the proposed budget takes into consideration the cost of hooking the PEG channels up to the U-Verse product and the monthly cost of T-1 lines. There followed discussion on actual and estimated costs for the T-1 line and equipment costs. It was noted that expenses to install and maintain capital equipment can be considered a PEG expense. The suggestion was made to modify the budget to increase the Equipment Purchase line item to \$50,000.

Heldt recalled previous discussions relative to adding a line item to reserve money for the future purchase of a production truck. Decker questioned whether the Board would be presenting the numbers clearly from an accounting perspective if it included a line item showing a future expense.

Currier responded that it was a common practice for municipalities to create a reserve line item for replacement of fire trucks due to the expense of the apparatus. He did not think it was inappropriate for the Cable Board to add a reserve line item due to the cost of a production truck and considering that this Board cannot bond or tax.

Decker proposed an amendment to the budget that would change the Equipment Purchase line item to \$50,000 to cover anticipated expenses in terms of AT&T U-verse costs to provide PEG channels. There was a consensus of the Board to add a line item “Capital Replacement Reserve” in the amount of \$50,000 after the “Total PEG Operations” line and before “Total Expense”.

Briggs stated that the Board is transferring money out of its fund balance into a specific capital fund so that it is there in reserve for a specific purpose. In government accounting it's shown as a transfer to a capital fund.

Motion by Heldt, second by Decker, to approve the Birmingham Area Cable Board Budget for 2009/2010 with the following changes: 1) Increase the capital equipment purchase amount to \$50,000; and 2) Create a capital replacement reserve account in the amount of \$50,000.

Roll Call Vote:

Motion passed unanimously.

COMMITTEE REPORTS

Cable Action Committee

Committee chair Armitage reported that it was concluded at the last Cable Action Committee meeting that the timing might be right for some introspection and long-range planning including a review of the mission, goals and objectives of the Cable Board. There could be an orientation component to this undertaking to consider the new members on the Board. This activity could include reviewing critical documents, programming, and viewership surveys.

The next step would involve the assistance of the Executive Director to draft an outline of what the Board would address in this strategic planning process and a timeline for the process. Armitage invited suggestions and thoughts from Board members. The Cable Action Committee meets on Thursdays of the week following the monthly Cable Board meeting at 5:30 p.m. in the Baldwin Library.

PEG Committee

Heldt stated that the PEG committee will meet following today's Board meeting to review AT&T proposals regarding equipment for receiving PEG channels on the U-verse product.

Heldt questioned the progress being made by the School District in getting educational programming up and running on the AT&T U-verse channel. Lisa Martinico related that Birmingham Schools ordered the encoder from AT&T approximately a month ago. They are moving forward with broadcasting School District programming on AT&T.

Personnel Committee

Ettenson reported that the Personnel Committee is fully staffed. He informed the viewing public that there is one vacancy on the Cable Board for a Birmingham representative.

BINGHAM FARMS – PROTEC

The Cable Board is in receipt of a letter from Kathryn Hagaman, Bingham Farms Clerk/Administrator, requesting that the Board pay the \$128.75 fee for Bingham Farms' membership in PROTEC, a Michigan Coalition to Protect Public Rights-of-Way. The organization provides needed oversight to protect municipal interests in the telecommunications field. Borgon related that the Cable Board has supported all of the consortium communities that choose to be members of PROTEC.

Motion by Heldt, second by Ettenson, to approve the grant request from the Village of Bingham Farms in the amount of \$128.75 for the cost of its membership in PROTEC.

Motion passed.

GRANT REQUEST – BINGHAM FARMS/FRANKLIN

The Cable Board is in receipt of a grant request from Franklin Police Chief Patrick Brown for Internet access for the Franklin-Bingham Farms Police Department for the 2009/10 fiscal year.

Motion by Heldt, second by Ettenson, to approve a grant request from the Franklin-Birmingham Police Department not to exceed \$60 per month to cover the cost of Internet connectivity for the 2009/2010 fiscal year.

Motion passed.

EXECUTIVE DIRECTORS REPORT

Borgon reported on the status of attempts to sell the old production truck purchased from a cable provider in 1993. The truck was replaced with a new state-of-the-art production vehicle late last year, and the Board has been trying to sell the old truck since that time. The Board offered the truck to Birmingham Schools at no charge and was turned down.

The vehicle has been advertised as a complete production truck for local productions including \$100,000 worth of TV production equipment. Borgon stated that the equipment has depreciated and is marginally functional. The Board is asking \$50,000 or best offer and has received no interest to date. An advertisement was placed on craigslist.com and on the National and Michigan NATOA websites.

At its last meeting, the PEG Committee discussed an offer from BCTV employee Steve Rota to purchase the truck for \$3,500. The consensus was to accept the offer on the basis that there would be a cost to dispose of the truck and equipment. Borgon reported on companies he contacted and costs for disposal of the equipment.

Board members discussed options for selling the old production truck. Ettenson suggested that the advertisement be placed on the Michigan Municipal League listing and on eBay. The Board could reconsider the sale of the truck to the BCTV employee at next month's meeting if those attempts fail. Verdi-Hus suggested contacting the Detroit News or Free Press and requesting that an article be written about the production truck for the Local section of the paper with the intent of creating some interest.

Heldt said he was meeting with a used truck dealer and would get his advice on the secondary truck market. He will contact Borgon with those results. Briggs offered to make inquiries of people in the community theater business.

McLain reported that she researched the sale of similar vehicles on eBay and other online sites and found that the average sale price was about \$5500; these trucks are not selling. She thought that the price offered by Steve Rota was reasonable. Because the truck and equipment are assets owned by the Board, every attempt should be made to sell the truck.

Decker suggested proceeding with the ideas suggested by Board members. If those efforts fail, the truck could be placed on eBay with a starting bid of about \$3400. If no one bids in a 10-day auction, the Board could decide to offer it to Rota at that price.

There was agreement that, if opportunities discussed at today's meeting did not lead to the sale of the truck by June 5, the Board should authorize its chairperson to put the advertisement on eBay and report back to the Board. A vote will be taken at the June meeting or a special meeting on how to dispose of the truck.

Motion by Heldt, second by Decker, to authorize the Cable Board Chairperson to make a decision between now and the next meeting on whether to sell the Board's old production truck on eBay's online auction site, contingent on a report from the Executive Director on the success of ideas for sale of the truck proposed by Board members at this meeting.

Motion passed unanimously.

Borgon reported that he attended a Michigan Public Service Committee lunch in East Lansing last week with Elaine McLain, Mel Ettenson, Lew Eads, and Ken McFadden. The theme of the presentation was "Green Michigan". Borgon related that members had an opportunity to speak with three of the Commissioners and heighten their awareness of Cable Board concerns.

Seven customer complaints were received since the last meeting with six relating to Comcast issues. The AT&T complaint concerned the absence of PEG channels. One of the Comcast complaints was a concern about losing the basic tier when the digital transition occurs; three others were billing problems and service and installation issues. Another complaint dealt with Comcast not honoring the full promotional dates for their services.

Heyman asked if the Board can use information from the AT&T franchise fee and PEG payment report to extrapolate whether they are in compliance with the Local Video Franchising Act as far as the 25% build out requirement. Borgon responded that AT&T reports to the Michigan Public Services Commission relative to its compliance with the State Franchising Act.

Currier added that it is difficult to extrapolate from the figures because they represent customers and not buildout numbers. One of the problems with over builds is that there is slow rise in customer service initially. Currier suspects that AT&T will get its 25% build out close to schedule but will lag in customers. Further, it is difficult to determine what amount is attributable to cable television operation when you have to exclude Internet and phone service due to bundling of services.

Heldt commented that it appears that the PEG fees paid for the first quarter are sufficient on an ongoing basis to justify the cost on connecting the consortium's PEG channels on the U-verse product.

COMCAST RELATED TOPICS

John Gardner, Board representative from Comcast, was not present. McLain stated that she and Bob Borgon have a meeting scheduled with Gardner tomorrow morning, May 21.

Decker related an incident that he would like brought to the attention of Comcast customers. He ordered the NFL sports tier at under \$10 per month, and called to remove that service at the end of the season. He subsequently received a \$25 change fee on his bill, which is a charge for going out to a residence to implement a change in service. Decker contacted Comcast and had this charge reversed because a technician did not have to come out to remove the service. Decker warned customers that Comcast representatives indicated that the company has an internal

system whereby any change of service automatically triggers a \$25 change fee. Consumers should beware of this and check their bills.

MLTV 15/ PA18 REPORT

David Sommerfeld from Bloomfield Community Television reported on programming taped for Municipal Channel 15 (BAMA) and PA Channel 18 (BAPA) during the last month and noted upcoming programs of interest (information included in BCTV monthly report for April 16, 2009 through May 20, 2009).

Upcoming shows scheduled for next month include the Beverly Hills Memorial Day Parade and Carnival, Birmingham Republican Women's Club and much more. The next BCTV camera workshop is scheduled for Thursday, June 4. Interested individuals can call 248/433-7790.

Bob Borgon and Steve Rota met with BASCC (Birmingham Area Seniors Coordinating Council) members on Thursday, April 16 to discuss making a new BASCC video. Rota held a special camera training session with three BASCC members. On April 23, staff met with AT&T representatives at the studio to discuss connecting PEG channels to the U-verse product.

Sommerfeld scouted the new location for Birmingham's Concert in the Park series. The concerts are being moved to Booth Park while Shain Park is being renovated. He spoke with Borgon about what will be needed to operate the production truck from the new location. Borgon proposed the option of using a generator this year considering that the concerts will be back in Shain Park next year.

Borgon raised the issue of researching the possibility of running permanent underground cables in Shain Park to alleviate the risk of someone tripping over covered cable lines. He proposed that Tim Currier and Joe Valentine consult with BCTV and the City of Birmingham to determine if this is a practical solution and arrive at a cost estimate. Birmingham could come before the Cable Board for a grant to place the cables underground.

Currier stated that he and Joe Valentine served on the Shain park steering committee and noted that laying permanent television cable lines was not part of the initial plan. There are no reserve funds for permanent cable television setup. If this is a possibility, it would have to be considered expediently by the designers doing the engineering on Shain Park. Avoiding the trip hazard is something to be considered.

Board members acknowledged the proposal as a good investment in the infrastructure, but recognized the need to obtain cost estimates. Currier remarked that the cost would include engineering fees. Depending on the timing of the renovation project, it may be worthwhile to make inquiries and schedule a special Board meeting if necessary.

Motion by Briggs, second by Ettenson, to authorize the Executive Director to consult with Birmingham representatives to determine whether it is feasible to proceed with an underground cable hookup to be included in the current design for Shain Park renovation and provide a cost estimate to the Cable Board. A special meeting will be called if the timing is critical.

Valentine commented that there are advantages to providing underground cables, but it is essentially a cost issue. The proposal will be reviewed and the Cable Board will be advised as to whether it is feasible in terms of cost and the current time frame of the project.

Motion passed unanimously.

McLain stated that she spoke with John Heiney representing the Birmingham Principal Shopping District Board, who was interested in having an event broadcast from the Farmers' Market this year. This request will go before the PEG committee.

OLD BUSINESS

None

NEW BUSINESS

None

PUBLIC COMMENTS

Kathleen Berwick of Beverly Hills related that Comcast installed cable lines at her neighbor's house but left the wiring on her lawn. The cable was buried after a number of weeks only after Berwick called Comcast and threatened to cut it. The contractor buried the cable in her yard instead of her neighbor's yard.

McLain asked Berwick to document her complaint and submit it to the Cable Board so Comcast can provide a formal response. Carrier asked Berwick to include a rough diagram of where she believed the cable is buried on her property.

Hildreth Buterbaugh had a question answered by Borgon regarding the equipment in the old production van.

BOARD COMMENTS

Ettenson commented on the meeting with Michigan Public Service Commissioners last week. He started a dialog about senior discounts with one of the Commissioners who is an advocate for senior citizen energy bills. Carrier remarked that she can do something about the senior discount issue by influence not direction.

Board members are in receipt of a Consumer Alert sheet issued by the Michigan Public Service Commission. It infers that video/cable television complaints should be filed with them. The material does not mention cable boards from any of the Michigan municipalities. This appeared to be a public relations publication. Carrier said that he did not believe that any complaints from the four communities have been handled by the MPSC.

The meeting was adjourned at 9:27 p.m.