

BIRMINGHAM AREA CABLE BOARD MEETING

Wednesday, February 25, 2015 at 7:45 am

\*\*\*Village of Beverly Hills\*\*\*

18500 West 13 Mile Road

Council Chamber

1. Roll Call
2. Approve Meeting Minutes For Cable Board Meeting of January 21, 2015-M
3. Public Comments
4. Grant Request-Franklin-Bingham Fire Department-M
5. Budget Amendment-Legal Services-M
6. Administrative Grant Policy Amendment-M
7. Committee reports
  - a. Cable Action Committee
  - b. PEG Committee
  - c. Personnel Committee
8. Executive Director's Report-M
9. Provider Related Topics
  - a. Comcast
  - b. AT&T
  - c. WOW
10. BAPA/BAMA Report
11. Old Business
12. New Business
13. Public Comments
14. Board Comments
15. Adjourn

PEG Committee Meeting immediately following BACB Meeting

Present: Heldt, Kelly, McLain - Birmingham  
Borgon, Heyman, Schneider – Beverly Hills  
Ettenson – Bingham Farms  
Stakhiv – Franklin

Absent: McAlear - Birmingham  
Verdi-Hus – Beverly Hills

Also Present: White - Executive Director  
Currier - Attorney for Cable Board  
Rota - Bloomfield Community Television  
Galbraith – Birmingham Schools representative  
Thomas – Birmingham staff representative

McLain called the meeting to order at 7:45 a.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

**APPROVE MINUTES OF CABLE BOARD MEETING HELD DECEMBER 17, 2014**

A change was made to correct the spelling of ‘Al Jazeera’ on page 4.

Motion by Borgon, second by Heldt, that the minutes of a regular Cable Board meeting held on December 17, 2014 be approved as amended.

Motion passed.

**PUBLIC COMMENTS**

None

**GRANT REQUEST – CITY OF BIRMINGHAM**

Amanda Thomas, Management Analyst, presented a grant request for the 2014-15 fiscal year from the City of Birmingham for cable and connectivity related services. The Board is in receipt of a memo dated January 6, 2015 summarizing the services needed and expenses anticipated for the Police Department, Historical Museum, Department of Public Services, and Information Technology.

Motion by Borgon, second by Stakhiv, that the Birmingham Area Cable Board award a grant in an amount not to exceed \$29,815.00 to the City of Birmingham for cable and Internet related services in the 2014-2015 fiscal year.

Ms. Thomas addressed questions from Board member Ettenson regarding connectivity charges for increased speed and bandwidth to the Historical Museum and charges for cable service at the Birmingham golf courses.

Roll Call Vote:  
Heyman - yes  
Schneider - yes

Stakhiv - yes  
Ettenson - no  
Heldt - yes  
Kelly - yes  
McLain - yes  
Borgon - yes

Motion passed (7 – 1).

### **GRANT REQUEST – BALDWIN PUBLIC LIBRARY**

Kathryn Bergeron, Associate Director of the Baldwin Public Library, was present requesting a grant from the Birmingham Area Cable Board for assistance with the cost of redesigning the library website. The current BPL website was developed in 2008 and has become outdated, difficult to edit, and ill suited to mobile devices and social media integration.

The Library released a Request for Proposals for a complete redesign of its website in 2014. Material submitted to the Cable Board included a breakdown of the bid proposals. Bergeron said that the bids for this project came in higher than the budgeted amount. The bid was awarded to GravityWorks Design & Development, the bidder with the lowest long-term costs. Baldwin Library is requesting that consideration be given to a grant in the amount of \$24,720 to offset the first year costs of this project.

Motion by Borgon, second by Heldt, that the Birmingham Area Cable Board award a grant in an amount not to exceed \$24,720 to the Baldwin Public Library to offset the first year cost for the complete redesign of its website.

Questions and comments from Board members on the proposal were addressed by Ms. Bergeron. She stated that the BPL website will be a great benefit to its member communities, which is why the Library Board has approached the BACB for assistance; parts of the Library’s mission and the Cable Board’s mission overlap in terms of educational programming and BCTV viewership.

Bergeron recognized Library Director Doug Koschik in the audience and commended him for working to keep the Baldwin Public Library fiscally responsible.

Roll Call Vote:  
Motion passed (8 – 0).

Motion by Stakhiv, second by Schneider, to move agenda item #6, Closed Session, to the end of the meeting.

Motion passed.

### **COMMITTEE REPORTS**

#### **Cable Action Committee**

White reported that those present at the last Cable Action Committee meeting discussed the Board’s fund balance policy and the calculation of administrative grants to the four communities.

The next meeting of the Cable Action Committee will be held on Thursday, February 5 at 5:30 pm at the Baldwin Public Library.

McLain reminded everyone that the February meeting of the BACB was moved to Wednesday, February 25, 2015.

**PEG Committee**

Heldt mentioned that taping and broadcasts of high school sporting events is ongoing. There will be no PEG Committee meeting following today’s Board meeting.

Borgon left the meeting at 8:04 a.m.

**Personnel Committee**

Stakhiv reported that the Personnel Committee met on January 14, 2015 to review the upcoming performance appraisal of the Cable Board Executive Director. Stakhiv distributed an evaluation form to Board members and requested that they fill it out and return it to her no later than January 31.

**TREASURER’S REPORT**

Treasurer Heldt commented briefly on a recent report of the Board’s financial position from Multi Bank Securities.

Heldt informed the Board that he discovered a flaw in the administrative grant policy adopted by the Board last year. The policy states that the Cable Board will disperse 75% of excess franchise fee income over franchise fee expense. The idea was that retaining 25% of that fund would give the Cable Board a working capital reserve. An analysis of the administrative grant distribution for the year ended June 30, 2014 revealed that retaining 25% of annual excess income would result in a larger reserve than required once a working capital reserve level was established.

Heldt will bring a proposal before the Board for its consideration at next month’s meeting to modify the administrative grant policy. Language should state that, within the limitations of prudence, the Cable Board is prepared to return to the communities at least 90% of any excess franchise income over franchise expense.

**EXECUTIVE DIRECTOR’S REPORT**

Executive Director White stated that the Administrative Grants have been calculated for FY 2013-14.

Motion by Heldt, second by Ettenson, that the Birmingham Area Cable Board authorize the Executive Director to issue payment in these amounts to the four communities, which funds constitute a return of franchise fees as of June 30, 2014.

Birmingham \$111,600.00  
Beverly Hills \$45,000.00  
Franklin \$18,000.00  
Bingham Farms \$5,400.00

Roll Call Vote:  
Motion passed (7 – 0).

**CLOSED SESSION FOR AN ATTORNEY/CLIENT PRIVILEGED COMMUNICATION  
PURSUANT TO SECTION 8(h) OF THE OPEN MEETINGS ACT**

Motion by Heldt, second by Ettenson, to enter into closed session at 8:16 a.m. to receive attorney/client privileged communication.

Roll Call Vote:  
Motion passed (7 – 0).

Heldt left the meeting at 8:20 a.m.

The Board returned to open session at 8:22 a.m.

The meeting was adjourned at 8:22 a.m. without completing the agenda items due to the loss of a quorum.

It was noted that the remaining items in the Executive Director's report that were not covered in the meeting as well as the BAPA/BAMA report are available for public review on the BACB website under the link "Meeting Schedules/Agenda". No one was present at this meeting representing the cable providers.



## Franklin-Bingham Fire Department

2 February 2015

Birmingham Area Cable Board  
Ms. Elaine McLain, Executive Director  
P.O. Box 165  
Birmingham, MI 48012

Re: Grant Request for Internet Access Consideration for FY2015-2016

Dear Director McLain,

The Franklin-Bingham Fire Department currently obtains Internet access through contractual agreements with Comcast for fire station internet access, and Verizon Wireless for scene-based EMS incident reporting access. These services were selected based upon coverage, speed, cost and the ability to receive a static IP address, so that we can host our public website as well as communicate with our personnel, via secure web connection.

While our department does not rely on county based systems, due to cost, we remain reliant on internet connectivity, in that we may be able to communicate effectively during normal times as well as when involved or as a result of emergency situations, including:

- 
- Access to the State of Michigan WebEOC system
  - Access to the State of Michigan Health Alert Network System
  - Access to the State of Michigan mandated EMS report system
  - Access to the US Fire Administration records site to upload our fire reports
  - Access to multiple US DHS response and intelligence networks
  - Access to NOAA severe weather services

While our department, like many others, relies on access to the internet, we are also faced with many of the same increasing costs of doing business. As a result, it is becoming more and more difficult to cost effectively meet our current obligations. With this in mind, I am writing to you to request any available grant assistance to the department to cover our internet connectivity costs of \$107.85 per month for Comcast fire-station internet service and \$40.01 per month for Verizon Wireless internet access. For the fiscal year starting July 1<sup>st</sup>, this would total \$1,774.32. Your support, if approved, would help us out that much more in providing our services to the public, by allowing us to maintain a level of service commensurate with our obligations.

Thank you for any and all consideration and assistance and please feel free to contact me at 248.626.9862 with any questions, comments, or other information needs you may have.

A handwritten signature in black ink, appearing to be 'Tony Averbuch', with a long horizontal line extending to the right.

Tony Averbuch, Fire Chief

Proposed Resolution Regarding the Board's Policy on Administrative Grants

Motion by \_\_\_\_\_, second by \_\_\_\_\_, that the Board hereby establishes the following policy regarding Administrative Grants: The Birmingham Area Cable Board shall Administratively Grant back to the communities any year end "excess" between operating (franchise) income and expense, after preserving "working capital" for operations at 25% of last year's franchise fees.

## MEMORANDUM

DATE: February 17, 2015

TO: Board Members

FROM: Cathy White

Re: Monthly Report

---

### CUSTOMER COMPLAINTS

Complaint No. 2015-2, which was pending on the date of our last meeting, has been resolved. This Comcast subscriber believed that she was being charged for five cable boxes although she only has three cable boxes. Her account was reviewed with a Comcast representative and she is being charged a rental fee for two cable boxes. The first cable box is free.

We have received two (2) complaints since the date of our last meeting. Complaint No. 2015-3 was a follow-up complaint to Complaint No. 2015-2. This Birmingham resident was supposed to receive a credit on her bill but, despite discussions with Comcast representatives, she had not received this credit. In addition, she questioned why she could no longer get the Tennis Channel as part of her existing package. A \$60 credit has now been applied to her account which will be reflected on the February billing. This complaint is now closed.

Complaint No.2015-4 was received from a Birmingham resident who wanted to know why it costs \$1.99 to watch a TV episode on demand when she has already paid for the show as part of her regular Comcast package. A Comcast representative explained to her that while Comcast provides VOD content, Comcast does not determine the cost of programming from networks and their series. The subscriber understood and this complaint is now closed.

### FINANCIAL

The account balance for the MBS, BBCU and Beverly Hills accounts will be provided via hard copies at the meeting, in addition to budget to actual figures. This information will also be e-mailed to all Board members in advance of the meeting. In addition, the current fund balance amounts for franchise fee funds and PEG funds will now also be provided every month.

### CHECK DISBURSEMENT

Since the date of my last report, I have written seven (7) checks as follows:

1. Baldwin Public Library (PEG Grant) \$24,720.00
2. City of Birmingham (Municipal Support Services Grant) \$29,815.00
3. Village of Bingham Farms (Administrative Grant) \$5,400.00
4. City of Birmingham (Administrative Grant) \$111,600.00
5. Village of Franklin (Administrative Grant) \$18,000.00
6. Village of Beverly Hills (Administrative Grant) \$45,000.00
7. Charter Township of Bloomfield (sports programs) \$5,000.00

ADDITIONAL NOTES:

1. We have received an invoice from the Birmingham Bloomfield Chamber of Commerce in the amount of \$175.00 for membership dues for the period March 1, 2015 - February 29, 2016. I am requesting authorization from the Board to pay these dues for the upcoming year.
2. WOW! has notified us that beginning on or after April 14, 2015, their Limited Basic Cable Line-up will transition to an all-digital format. A Digital Adapter (\$2.00 per month) will need to be connected to any TV in a subscriber's home that does not already have WOW! digital equipment. TVs with built-in digital tuners do not need Digital Adapters. Customers will be notified of this transition beginning in mid-March. Residential WOW! cable customers are eligible for one Digital Adapter at no cost per account.
3. I will distribute copies at the meeting of an article from multichannel.com entitled "How Cable Neglects Its Red-Headed Stepsister." The article was written by the executive director of American Community Television, based in Columbia, Md. and describes how the cable industry has tried to diminish public, educational and government access television. She describes how the National Cable and Telecommunications Association is pressing Congress to relieve its members of PEG obligations.
4. The Media Central Conference this year will be held March 11-13, 2015 in Lansing. The cost for full registration is \$175.00 and the cost for Thursday and Friday only is \$140.00. MI-NATOA is hoping for a large turnout this year so please let me know if any of you would like to attend. I will be happy to e-mail the agenda to any interested Board Member so that you can review the topics to be addressed at the conference. There are funds available in this year's budget to cover the cost of registration.

# Memo



To: BACB  
From: Steve Rota  
cc: Greg Kowalski, Cathy White & Elaine McLain  
Date: 2/18/15  
Re: Report January 22<sup>nd</sup>, 2015 through February 25<sup>th</sup>, 2015.

---

## **BAMA Programs**

During this time period we've completed eight regularly scheduled municipal meetings, Two Baldwin Library Board Meetings and the BACB meeting.

## **On Location**

*Baldwin Public Library Lecture.*  
*34<sup>th</sup> Annual Kids Dog Show.*

## **BAPA Programs**

From BACB area individual producers and organizations we've taped 30 programs. From individuals:

- ❖ Two *Patriot Lessons* hosted by Judge Michael Warren.
- ❖ Two *Michigan Entrepreneur* hosted by Tara Kachaturoff.
- ❖ Three *Spectacles* hosted by Ellen Rogers and Betsy Laboe
- ❖ Three *Making a Difference at TCH* hosted by Camille Jayne.
- ❖ Three *Self Talk* hosted by Danco Sotirovski.
- ❖ Five *Eye on Oakland* hosted by Chuck Moss and David Potts.

From BACB area organizations:

- ❖ First Presbyterian Church: *Lunch and Learn.*
- ❖ Birmingham Bloomfield Chamber: *2015 Economic Forecast.*
- ❖ *Plant Based Nutrition* Lecture.
- ❖ *Birmingham Republican Women's Club* Lecture.
- ❖ *Birmingham Musicale.*
- ❖ *Birmingham Concert Band.*
- ❖ *TCH Women's Club.*
- ❖ Seaholm vs. Groves: *Boys Swim and Dive.*
- ❖ Seaholm vs. Groves: *Boys Basketball.*
- ❖ Seaholm vs. Groves: *Ice Hockey.*
- ❖ Two Seaholm vs. Groves: *Girls Basketball.*

## **CAMERA WORKSHOP**

Our next camera workshop has been scheduled for Wednesday, April 22nd, 2015 from 10:00 AM to Noon or 6:30 PM to 8:30 PM. Call 248-433-7790 and sign up today!

## **PROGRAM DEVELOPMENT COMMITTEE**

PDC meet last week to discuss two show ideas. The first idea will be a two minute documentary about BASCC's new identity and the second will be an ongoing legal show.

## **BCTV's PROCEDURE WHEN BAPA and BAMA ARE OFF THE AIR**

Call 248-433-7790 during business hours or after business hours when you see BAPA or BAMA off the air and we will try our best to get programming back on in a timely manner.