

Present: Armitage, Decker, Heldt, McLain - Birmingham  
Briggs, Heyman, McFadden, Woodard – Beverly Hills  
Ettenson – Bingham Farms  
Eads - Franklin

Absent: Abbott - Birmingham  
Verdi-Hus – Beverly Hills

Also Present: Borgon - Executive Director  
Currier - Attorney for Cable Board  
Valentine and Glenn - Birmingham staff liaisons  
Greg Clark – AT&T representative

Chairperson McLain called the meeting to order at 7:48 a.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. McLain welcomed Walter Briggs, new Council liaison from Beverly Hills.

### **APPROVE MINUTES**

On page 4, second paragraph, the third sentence was corrected to read as follows: “A link to Michigan Government Act 480 has been added to the web site”. Delete the word “also” from the following sentence.

Motion by Woodard, second by Ettenson, that the minutes of a Cable Board meeting held on November 19, 2008 be approved as amended.

Motion passed.

### **PUBLIC COMMENTS**

Gerard Pyden of 31674 Glencoe Drive in Beverly Hills said that he understood that pixilation is a common occurrence, but homes in his area have been subject to persistent interruptions that last a long period of time. Comcast efforts to correct the problem have been ineffective. He has attempted to receive a credit on his bill. He has had technicians out to his house numerous times, and the problem persists. Pyden does not understand why he has to deal with the lack of service from Comcast and lack of response to his ongoing pixilation issues.

McLain stated that pixilation sometimes occurs with digital transmissions, but it is unacceptable because subscribers are paying for a consistent signal. She outlined the complaint process, which leads to escalation and complaint resolution. The Board will follow up on this complaint with Comcast. McLain gave Mr. Pyden the direct phone line of John Gardner, Comcast representative to the Cable Board. She was confident that there would be professionals consulting in his area to correct this issue.

### **EXECUTIVE DIRECTORS REPORT**

Borgon received a letter from the Michigan Public Services Commission directing the BACB to complete an online questionnaire detailing the status of competition in the area for video services as it related to the new cable legislation. The survey was completed on November 20.

Borgon reported that Steve Rota took pictures of the old production truck and equipment and, with the assistance of Jeff Heldt, drafted a flyer that was forwarded to 30 people on the Michigan NATOA membership list along with others perspective customers. A party expressing interest in the television production truck and will meet with BCTV staff to view the truck and equipment on December 29. Borgon suggested that the Board consider appointing a committee to approve the sale of the truck at a reasonable rate. The price is listed as \$50,000 or best offer pending approval of the Board.

The Cable Board received a check from the Michigan Municipal Risk Management Authority (MMRMA) in the amount of \$2,466.00. The rebate represents the Board's share of the distribution of excess net assets to members. Factors contributing to these results include member responsiveness to risk control and good management practices by members, resulting in fewer losses and outstanding investment income.

Borgon reported on administrative details relative to the party for former Director Kathryn Hagan. He noted that Board members are in receipt of a revised budget overview from July 2008 through June 2009.

There were four customer complaints received this month with three additional complaints received since the packets were delivered. All four complaints have been resolved. The Board anticipates the resolution of Mr. Pyden's complaint regarding pixilation as well as a complaint from Mr. Peters.

Board members discussed the procedure to be followed in terms of advertising the sale of the old production truck and accepting an offer. It was agreed that the Executive Director would call a special meeting of the Cable Board to consider approval of an offer for the purchase of the truck. A special meeting must be posted 18 hours prior to meeting.

#### **GRANT REQUEST – BEVERLY HILLS PUBLIC SAFETY DEPARTMENT**

Board member Carol Woodard recused herself from the discussion and vote on this agenda item for the reason that she is married to Karl Woodard.

Beverly Hills Director of Public Safety Karl Woodard explained that Oakland County communities currently receive Internet access through the Oakland County OakNet fiber optic system. Due to security and privacy issues of the varied governmental data bases (e.g. civilian and law enforcement files) that are shared among county transmissions, the firewall protections on this system are significant.

The Department of Public Safety currently operates four computer servers covering such facility functions as local area network, building video, in-car video and audio recording. Each of these servers are monitored and maintained by off-site vendors who, when given proper access, can more efficiently perform system maintenance, trouble shooting and software upgrades remotely. However, online access to these services via the OakNet system is prohibited by Oakland County due to the high security level. All parties concerned recommend obtaining an independent Internet access service dedicated to these building server functions.

Comcast Cable offers Internet service for the price of \$59.99 per month plus \$5.00 per month if a dedicated static IP address is needed. At the current rates, the annual cost for a two or three year contract would be less than \$800 per year. The Department is requesting that the BACB consider awarding a grant in the amount of the annual access fee, not to exceed \$100 per month. It is believed that this expenditure would be in line with current PEG funding considerations. Woodard believes that the Village of Beverly Hills has an arrangement with the Cable Board to provide funding for Comcast Internet service.

Ettenson questioned whether the other communities in the consortium have the same needs. Joe Valentine representing Birmingham responded that the city pays for Comcast Internet service in the police department. If the opportunity were available, Birmingham would pursue this grant request as well.

In answer to an inquiry, Director Woodard did not know if AT&T offers Internet service in the area of the public safety building. The AT&T representative was asked to look into this. It was noted that AT&T has a cell phone tower on the building site.

McLain thought that the mission statement of the Intergovernmental Agreement pertained to cable and video issues. She asked legal counsel if the Board can deal with Internet issues.

Attorney Tim Currier commented that this was a worthwhile request and that other communities would probably be interested in similar consideration. The Intergovernmental Agreement states that the charge of the Board is to administer the Cable Act. The Cable Act restricts Board jurisdiction to public access, government channels, and educational channels on cable television. Currier indicated that he would like the opportunity to present the Board with an opinion letter on this matter because it is important that the Board does not overstep the parameters of the statute.

Motion by Heldt, second by Decker, that the Cable Board table consideration of a grant request from the Beverly Hills Public Safety Department for Internet access until a written opinion is received from the Board's legal counsel.

Currier remarked that AT&T or Comcast could provide Internet service to the Public Safety Department voluntarily as a good corporate citizen of the community.

Heyman asked whether there would be cost saving to vendors if they would be able to perform maintenance over the Internet rather than providing on-site service. The savings could offset the cost of providing the Internet connection. Woodard responded that there could be a cost saving to the Department in terms of not paying fees for those services. The savings would depend on the incidence of service calls.

Currier related that funds received by the Cable Board are a combination of PEG funds that are restricted in terms of their use and funds from the communities representing a portion of the franchise fee, which are not restricted. He will contact the communities to determine if there is an objection to using the unrestricted portion of funds for this type of grant request.

Motion passed unanimously.

## **COMMITTEE REPORTS**

### **Cable Action Committee**

At the last Cable Action Committee meeting held on November 25, members reviewed the web site information and discussed Legislative updates. McLain presented information on the digital transition. All stations have instituted times and dates when viewers can test their televisions to determine whether they are properly connected and will be operational after the digital transition in February of 2009. The test dates will occur every Tuesday from now until the digital transition.

McLain advised people to be aware of a recent scam concerning digital converters offered by Universal TechTronics out of Ohio. She related that the FCC is still offering coupons for digital converter boxes. The DTV local number is 1.888.643.8809 if people have questions about products or services having to do with the digital transition.

Armitage reported that the committee is working on public information that will be touting the benefits of PEG and informing people about the availability of cable. This will be a topic of discussion at the January meeting.

### **PEG Committee**

Heldt stated that he is continuing discussions with Leslie Helwig of BCTV relative to a contract for Bloomfield's use of the new production truck. Bloomfield's old van is obsolete and will not be upgraded. Heldt has also been talking with BCTV about protocols for production truck usage.

Heldt had no progress to report on discussions between Birmingham Schools and AT&T regarding a connection to the AT&T U-verse product. He proposed a short PEG meeting following today's Board meeting.

### **Personnel Committee**

Ettenson stated that there are two open positions on the Cable Board for members representing the City of Birmingham.

## **COMCAST RELATED TOPICS**

John Gardner was not present. McLain reported that the Board has received resolution to complaints received last month.

McLain related that she and Ettenson attended the Comcast Community Connection Awards Recognition program on December 8 at the new center in Southfield. This was a community partnership presentation for those in the metro Detroit area who make a difference. There were education, volunteerism, distinction, technology, and leadership development awards. As part of this program, those attending were given an opportunity to record a "Get Connected" public service announcement, which McLain did on behalf of the BACB. Comcast will be producing a reminder that the BACB supports public access and educational programming.

McLain stated that there was an article in the Birmingham Eccentric on December 14 entitled, "Make them an offer they can't refuse". The article reflected a comment she made at the December 8 Birmingham City Commission meeting regarding price increases recently

announced by Comcast. The Cable Board does not control pricing and cannot tell a provider how to do business. McLain maintained that, if there was ever a time to negotiate, this is it. People should call their cable provider directly to negotiate the best arrangement.

Borgon informed the Board that Steve Rota was not present today because he is filming the moving of the Kreger house in Franklin. John Gardner has indicated that Comcast is donating half the cost to move the cable lines in connection with relocating the Kreger house. Gardner also asked Borgon to mention that new channel lineup cards will be available at the next meeting.

#### **AT&T RELATED TOPICS**

Greg Clark representing AT&T reported that a customer complaint from a resident on Auburn Street in Beverly Hills has been resolved. If there are other customer issues, he encouraged the Board to contact him or Lori Doughty. Clark commented on promotional offers related to U-verse service that expire on January 31.

McLain referred to a message received from a resident of Beverly Hills regarding a lapse in service when a subscriber changes from one digital phone service provider to another provider. Lori Doughty was able to resolve this situation in a timely manner.

#### **MLTV 15/ PA18 REPORT**

Borgon presented the Bloomfield Community Television report in Steve Rota's absence. The written report lists programming taped for Municipal Channel 15 (BAMA) and PA Channel 18 (BAPA) during the last month and describes upcoming programs of interest (information included in BCTV monthly report for November 20, 2008 through December 17, 2008).

BCTV staff is waiting to receive the logos from All Type Truck and Trailer Repair so they can be incorporated into the billboards. The logo should be applied to the truck before the next meeting. Staff has been working on updating bulletin board pages. A volunteer workshop is scheduled for January 20, 2009. Call 248.433.7790 to sign up.

#### **OLD BUSINESS**

Currier reported on various legal issues surrounding the Cable Board. As reported last month, Clawson and AT&T have litigation pending before the Michigan Public Service Commission regarding the issuance of a Uniform Franchise Agreement. Ypsilanti has filed a lawsuit against Comcast alleging that Comcast has failed to pay the franchise and PEG fees for the dormitories at Eastern Michigan University.

The Dearborn vs. Comcast suit has concluded. The Federal Court has referred their seven questions to the FCC for a response. A new suit has been filed, Flint vs. Comcast. This is a suit seeking liquidated damages for violation of the franchise agreement based on the existing franchise agreement and not the Uniform Franchise Agreement. The complainant challenged the legality of the current Uniform Franchise Act claiming preemption of the Federal Act over the State Act.

Borgon referred to a report submitted to Board members on gross revenue for the second quarter of 2008 for Birmingham, Beverly Hills and Bingham Farms broken down by service provider.

Lew Eads proposed taking action to authorize funds and enter into a contract to maintain the BACB web site.

Motion by Eads, second by Heldt, that the Birmingham Area Cable Board approve the expenditure of up to \$8,000 from the 2008/09 Budget, Special Projects Account, to be used to upgrade and maintain the BACB web site for purposes of improving communications to its constituency. It is further moved to approve Municipal Web Services of Birmingham to develop and maintain the web site.

Eads proposed that \$4,700 be allocated to completely update the web site including new graphics, improved navigation, new content and other improvements that would retain the current content and improve the ease with which Board members and the Executive Director could do a lot of the work themselves. The proposed figure of up to \$300 per month for regular maintenance would include keeping content current and making minor changes as necessary. The owner of the company has indicated that the cost would probably be much less than \$300 a month on an ongoing basis. Eads commented that the current web site is extremely dated and needs revamping in order to meet the Board's commitment to keep the public informed. The proposal would cover the calendar year 2009.

Municipal Web Services was the only company to submit an estimate. Eads received no response from the Board's current web developer. Municipal Web Services is a local provider that has done work with several communities and is qualified to perform this work. They have the expertise and professional background to work with the Board and provide consulting services. Information is available at [www.muniweb.com](http://www.muniweb.com).

Board members discussed the proposal. There were members who would like to seek additional proposals from competitors before taking action. Other members were satisfied that the quote to design a new web site was reasonable at a cost of \$4,700 plus an ongoing cost for the year. There were questions and comments on the need to spend \$300 per month for website maintenance if the vendor was willing to work with the Board on making changes in house. It was indicated that the company would bill at \$45/hour at 15 minute increments. There would be no bill if there are no changes made.

Roll Call Vote:

Armitage	- Aye
Heldt	- Aye
McLain	- Aye
McFadden	- Aye
Heyman	- Aye
Woodard	- Nay
Eads	- Aye
Ettenson	- Nay
Briggs	- Aye

Motion passed (7 – 2).

**NEW BUSINESS**

None

**PUBLIC COMMENTS**

Hildreth Buterbaugh of Beverly Hills thanked Borgon for his assistance with a Comcast matter. He mentioned that Channel 95, which is the program guide, has been dropped from the analog channel lineup. If analog service is to be retained for three years, the program guide is necessary.

**BOARD COMMENTS**

Armitage thanked Lew Eads for doing a comprehensive job on providing a proposal for restructuring and maintaining the BACB website.

The meeting was adjourned at 9:16 a.m.