

BIRMINGHAM AREA CABLE BOARD MEETING MINUTES – July 19, 2017

Present: Abraham (alternate), Eick, Fenberg, Heldt, McAlear, McLain –
Birmingham
Bayer, Borgon, Gugni, Maly – Village of Beverly Hills
Ettenson – Village of Bingham Farms
Stakhiv – Franklin

Absent: Bozell, Weller – Birmingham

Also Present: White – Executive Director
Currier – Attorney for Cable Board
Rota – Bloomfield Community Television

McLain called the meeting to order at 7:45 AM in the Village of Beverly Hills Municipal Building at 18500 W. Thirteen Mile Road. She welcomed Rosemary Bayer, the newest member of the Cable Board.

APPROVE MINUTES OF CABLE BOARD MEETING HELD June 21, 2017

Motion by Ettenson, seconded by Heldt, to approve the minutes of the Regular Cable Board Meeting on June 21, 2017, as presented.

Fenberg stated that he attended the meeting but was not included in the list of those present. Stakhiv inquired about a follow-up on Delaney's "non-voting status" which was on page 2. Currier stated that Monday night the Birmingham Board of Ethics rendered an opinion which would be published on the Birmingham website. Referencing Borgon's inquiry about the "...discrepancy between Franchise Fees and PEG Fund Balances vs. the Fund Balances." in the middle of page 5, McLain requested that on page 3 a sentence be added to the last paragraph under **PROPOSED FY 2017-2018 BACB BUDGET**, which begins "McLain thanked everyone who participated...". It would read, "*Heldt will address the difference between the cost and the actual at July's meeting.*" On page 6, under **BAPA/BAMA REPORT**, second (2nd) paragraph, McLain corrected the label, "Band Jam". Officially, it's referred to as "Concerts in the Park". Also on page 3, under **Cable Action Committee**, Fenberg noted that it was "*Abraham*" who checked the different cable links.

Motion by Ettenson, seconded by Heldt, to approve the minutes of the Regular Cable Board Meeting on June 21, 2017, as amended.

Motion passed.

PUBLIC COMMENTS

None

MUNICIPAL SUPPORT SERVICES GRANT REQUEST FROM FRANKLIN-BIRMINGHAM FIRE DEPARTMENT

Stakhiv noted that this was an annual request to cover the Department's internet service that allows them access to the State of Michigan WebEOC system, to the State of Michigan Health

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Alert Network System, to the State of Michigan mandated EMS report system, to the US Fire Administration records site to upload their fire reports, to multiple US DHS response and intelligence networks and to NOAA severe weather services. Fire Chief Tony Averbuch is requesting a grant for \$2,278.08 which is the same amount as requested last year. McLain added that the fire station has Comcast for its internet service and Verizon for wireless internet access which the Department relies on for their quick response and is a safety issue.

Ettenson reminded Board members that Bingham Farms joins Franklin for this request.

Motion by Fenberg, seconded by Borgon, to approve the grant request from the Franklin-Bingham Farms Fire Department in the amount not to exceed \$2,278.08 to cover the cost for internet access (Comcast and Verizon Wireless) for FY2017-2018, beginning July 1, 2017.

Roll Call Vote:
Motion Passed (11-0)

MUNICIPAL SUPPORT SERVICES GRANT REQUEST FROM FRANKLIN POLICE DEPARTMENT

McLain commented for the new members of the Board that the grants requested from the Franklin-Bingham Farms Fire Department and the Franklin Police Department were separate line items in the budget. The awarding of such grants is one of the ways the Board gives back to the communities.

Stakhiv explained that this request was submitted by Chief of Police Daniel Roberts for the Comcast internet service which, unlike the Fire Department, has increased slightly. They are requesting a grant for \$1,469.16 to cover the State of Michigan E-Team System, the Health Alert Network System, the FBI's Law Enforcement Online, the International Association of Chiefs of Police Online, the Michigan Police Website and NOAA Severe Weather Service.

Ettenson added that once again Bingham Farms joins Franklin for this request.

Motion by Ettenson, seconded by Heldt to approve the grant request from the Franklin-Bingham Farms Police Department in the amount not to exceed \$1,469.16 to cover the cost of internet access through Comcast for FY2017-2018, beginning July 1, 2017.

Roll Call Vote:
Motion Passed (11-0)

TREASURER'S REPORT

Heldt referred to two (2) questions that were raised at last month's meeting about the two (2) different financial reporting documents that the Board receives every month. One document entitled "Fund Balances" is a classic "check book" and lists money available at the Birmingham Bloomfield Credit Union, the Beverly Hills account (which is the repository of each municipality's contributions to this Board coming out of Franchise and PEG fees which the cable

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providers pay to the cities) and MBS which invests the cash which the Board can access for its operating needs. Similar to personal accounts, BACB receives monthly statements.

The second financial report which is distributed every month is a document entitled, “Franchise Fees and PEG Fund Balances Year to Date”. He prefaced his remarks about the history of this document by underlining the fact that the report is not maintained on a cash basis. He continued by saying that about five (5) years ago the current Auditors decided to differentiate what monies were from Franchise Fees vs. what were from PEG Funds, which are specific “restricted funds”. Further, each account’s base line is based on real numbers derived from the Audit of each year, which in this case being the most recent audit of June 30, 2016. Heldt explained that the Auditors perform their yearly report and the comparison of the two (2) reports is reconcilable only with their working papers and appropriate adjustments. He further noted the modified accrual basis the Auditors use for BACB funds and gave a simple example using the figures of the June 30, 2017 Franchise and PEG Fees: these Fees fluctuate during the year due to the customer base and currently the Cable companies are in arrears to the BACB. Thus the cash in the bank does not reflect those monies. However, the Auditors want BACB to account for money BACB doesn’t specifically know about. The Auditors themselves will then do an historical estimate. When the year-end audit is performed later in the year the Auditors can then take an actual number and put it in and call it “Balance as of June 30, 2017” whereas, if those monies are received after that date BACB will include them in the current monthly report. It’s possible that the adjustment to the June 30 cash numbers are based on July, August, and September data.

McLain shared that Fenberg has volunteered to work with White on the Audit. She also thanked Borgon for asking the question at last month’s meeting about the discrepancies between the two (2) documents.

Ettenson inquired if the trending of the PEG fees vs. the cable fees were the same. Without referring to the actual June 30, 2016 Audit, Heldt recalled that BACB took in more money than was budgeted or expected vs. actual. Essentially the trend is positive. However, the future may be different with more people “cutting the cable cord” and therefore, smaller numbers are anticipated. Both PEG and Franchise Fees track together as both are a percentage of the bill.

Currier complimented Heldt for his explanation of a very complicated issue and added that the Franchise Fees represent a fair market rental of the right of ways which is 5% of whatever the total bill is, of which 2% is returned to BACB. The PEG Fees for the Public Educational and governmental broadcasts is limited to 2% unless an agreement is otherwise reached with the provider, which is the case with Comcast and is similar with AT&T. This percentage is going down but the cable companies are raising their rates and thus, the revenues are staying relatively better than we had thought.

Next month Heldt would be reporting on the MBS balances.

White thanked Heldt for his efforts in answering the financial questions which were raised at the last meeting. She also wanted to point out that the Auditors would be coming in September to do this year’s Audit. By September, many of those revenue estimates that Heldt referred to would have come in and be actual amounts. She also explained the report, “Revenue & Expense by

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Class” which the Board members receive each month, noting how the revenues and expenses are categorized in the categories of Franchise Fees and PEG Funds. At the end of that report is the balance for the Net Income for Franchise Fees and Net Income for PEG. Those numbers are used each month to adjust the Franchise Fee and the PEG Fee Fund Balances.

McLain was pleased to share that Fenberg has offered to become involved in the entire audit process, as well as take an historical look back a few years. As a side note, White commented that Fenberg has requested those audit working papers.

ANNUAL ELECTION OF OFFICERS

McLain opened the floor for nominations.

Borgon nominated Elaine McLain to continue as Chairman of the Cable Board, seconded by Heldt. There were no further nominations. McLain accepted the nomination and was elected Charmain by acclamation.

Ettenson nominated Mira Stakhiv to continue as Vice Chairman of the Cable Board, seconded by Eick. There were no further nominations. Stakhiv accepted the nomination and was elected Vice Chairman by acclamation.

Eick nominated Jeffrey Bozell to continue as Secretary of the Cable Board, seconded by Ettenson. There were no further nominations. His acceptance was in absentia and he was elected Secretary by acclamation.

Eick nominated Jeffrey Heldt to continue as the Treasurer of the Cable Board, seconded by Ettenson. There were no further nominations. Heldt accepted the nomination and was elected Treasurer by acclamation.

Standing Committees

McLain commented that the BACB received a nice note from Mary Ann Verdi-Hus, former Chair of the Cable Action Committee, thanking the Board for its support. The Board has a certificate thanking her. She continued by explaining the Cable Action Committee’s responsibilities: for project work and for communication with the Executive Director and any follow up or up-dates after the Board’s actions at the monthly meetings. In addition, it follows up on any commitments made by the cable providers. Meetings are held on the first Thursday of each month at the Baldwin Public Library at 5:30 PM, unless otherwise noted. Heldt added that it is a public meeting and is generally an informal, casual meeting to discuss items, such as budget items, which otherwise would take up time at the BACB’s regular meeting. McLain appointed David Eick to the position of Chairman.

McLain re-appointed Matt McAlear to the position of Chairman of the PEG Committee. The PEG meetings immediately follow the BACB meetings.

McLain re-appointed Mira Stakhiv to the position of Chairman of the Personnel Committee.

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COMMITTEE REPORTS

Cable Action Committee

McLain reported that there was no meeting last month. The next meeting will be Thursday, August 3 at 5:30 PM. in the Baldwin Public Library in Birmingham, on the second (2nd) floor.

PEG Committee

McAlear, Chairman, did not have anything to report but noted it was working with the City of Birmingham on a few proposals. There would be a brief meeting immediately following this Board meeting.

EXECUTIVE DIRECTOR'S REPORT

White referred to her monthly report dated July 14, 2017. This month there was only one (1) formal complaint since the last meeting and one pending which had been submitted by a Board member and has now been resolved with AT&T. It involved removing its wires and Comcast burying its cable. McLain encouraged residents to notify the cable companies about hanging wires. If they don't get a response and/or no one shows up, immediately call White so a complaint can be submitted. This is a health and safety issue. The one complaint came from a woman in Birmingham who, in the process of moving, had switched service from WOW to Comcast but wanted to keep her phone number. She had discontinued her phone service because Comcast neglected to advise her not to do so before her number was "ported" over. WOW was able to turn the service back on at her old location so the number could then be "ported". WOW charged her \$175 for this service. This charge would have been unnecessary had Comcast originally informed her not to turn the service off. Comcast subsequently "ported" her number over and applied a credit of \$230.35 to the resident's first month's bill when she didn't have phone service plus the installation fees.

In connection with this complaint, McLain had asked that White communicate with all the providers to provide BACB with an explanation of their process for "porting" a telephone number. Two (2) out of the three (3) (WOW and Comcast) have responded and written copies of which were provided to the Board members at this morning's meeting. White will follow-up with AT&T. Both WOW and Comcast clearly point out that the resident should not disconnect his/her phone service before he or she gets the existing number "ported" over to the new location.

The account balances for the MBS, BBCU and Beverly Hills accounts were provided to the Board, in addition to the monthly Revenue and Expense Budget Reports, as of June 30, 2017, the end of the BACB's fiscal year.

Since the last meeting White has written three (3) checks on behalf of the BACB, including to the Village of Bingham Farms for its PEG Grant, to the Charter Township of Bloomfield for internet costs for BCTV and to Birmingham Public Schools for its PEG Grant.

Additional Notes

Verizon phone system, which is BACB's business phone carrier, recently experienced a major data breach. However, White has been assured by a representative that BACB's data was not

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compromised in any way. McLain suggested that anyone who has a Verizon service should contact the company and let them know that you are aware there had been a breach.

White provided information on the new Board Member, Rosemary Bayer. She will prepare and distribute a new printed Board Member roster. Her term began July 1 and is a three (3) year term representing Beverly Hills.

McLain added that White is doing an ongoing update list of the BACB website. Newer Board members are encouraged to go to the website, test everything and make comments, as well as test it from their phones because BACB pays for a special mobile app.

White reported that the BACB phone has been upgraded with some new capabilities, such as the ability to transcribe voice mail messages. A new shorter message will be put on it in order to avoid some of the unnecessary calls. The new phone and service will cost around \$16.00 more each month.

White concluded by saying that one of the continuing challenges BACB has had is spreading the word that it exists and what it does. To help with the communication, BACB, as a member of the Chamber, will be putting a banner notice in the Birmingham-Bloomfield Chamber of Commerce booklet with a brief description of what the Cable Board does and its willingness to help with issues. There is a cost for this but she feels it is well worth it. McLain appealed to those who have special knowledge in advertising, art or the like or feel strongly about consumer education to contact White to provide input. She emphasized the importance of the information being presented in such a small space, being sensitive to the balance between representing the communities, representing the municipalities and also respecting the business plans of our providers who participate with us and also live and work in our communities. This may be something the Cable Action Committee could undertake.

Ettenson inquired about BACB utilizing a “Live Chat” forum. White will speak with the webmaster about what it would entail.

PROVIDER RELATED TOPICS

a. Comcast

There was no representative present.

b. AT&T/Uverse/Direct TV

There was no representative present. However, McLain passed on a conversation she had had with a customer service representative from AT&T who confirmed that its technology was transitioning away from Uverse to its Dish product which can be used also with an app on a phone if a Dish was not available on a multi-dwelling unit or in some other locations. Parenthetically, she noted that the Cable Board’s biggest concern is that if the public transitions to apps, live feed, livestream, and/or internet, BACB will not be able to fund communities because they are wireless devices, not “cable”, which is how the BACB is funded.

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c. WOW

There was no representative present.

Stakhiv reported on her recent dealings with Comcast as she renegotiated Franklin's cable bill for its two separate buildings. She will be sending a memo to White as the cable provider only changed the bill for one building. She was extremely disappointed that Comcast could not follow through on the 1 ½ hour conversation she had had with a representative. However, she has all the pertinent information: employee name and ID number and time and length of the call, all of which will be included in the memo. Now she must spend even more time on it since there was no follow-through.

BAPA/BAMA REPORT

Steve Rota referred to his memo to BACB dated July 12, 2017. He listed the completed **BAMA** Programs which were the seven (7) regularly scheduled municipal meetings, Board of Zoning Appeals meeting, BACB meeting, Advisory Board meeting, Parks and Rec Board meeting, Baldwin Public Library Board and Trust meeting.

For the **BAPA** Programs, from the BACB area individual producers and organizations, thirteen (13) programs were taped. He listed all the programs. He pointed out that several of the concerts had been rained out during the month of July. Four more concerts are scheduled through the first week in August.

Regarding the **VOLUNTEER PRODUCER and CAMERA WORKSHOPS**, Rota encouraged those who are interested in doing a workshop, produce their own show and/or volunteer on a program, to give them a call. Residents can contact BCTV at 248-433-7790 to schedule a one-on-one appointment date and time. He encouraged all new Board members or existing Board members to call and set up a tour of the facility.

McLain brought to the Board's attention that Rota is an awarding winning participant and TV producer. She also mentioned visiting Zack Florence, former employee at BCTV, who is now responsible for communications at the Kellogg Company in Battle Creek.

OLD BUSINESS

Borgon mentioned that his name was not included in the minutes in the list of those present at the June 21, 2017, even though his name was seen throughout.

McLain reminded the Board members to sign the certificate for Mary Ann Verdi-Hus thanking her for her many years of service. In fact, she was the longest serving member of this Board and is still active in the community.

NEW BUSINESS

Because of all the new members, White mentioned the idea of having a social gathering which had been done in the past. The date and place would be determined later, depending on everyone's schedule.

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Currier commented that on the phone app of the official Birmingham website there is an icon which will list in real time the number of parking spots available in all of the structures. Also planned on the different decks are signs indicating how many spaces are currently available on that particular level. The different ways to pay for parking were discussed.

PUBLIC COMMENTS

None

BOARD COMMENTS

Borgon had a very important item. He identified a Beverly Hills resident who turned 100 years old yesterday. She is very active in the community, attends NEXT three (3) days a week to participate in the activities and still drives. Her name is Camilla Kavanaugh and is his mother-in-law.

Stakhiv added that because Verdi-Hus is no longer on the Board and was on the Personnel Committee, Frank Maly has agreed to be part of the committee. The committee now consists of Maly, Ettenson, McLain and herself.

On behalf of the Bingham Farm's Village Clerk, Ettenson reported that BACB's recent grant for the audio/visual equipment was very advantageous at last month's Council meeting.

As a personal side note, Borgon commented that only White really needs to know who would be attending meetings for the purpose of having a quorum. There is no need for the entire Board to email each other with the information. McLain reminded all Board Members the importance of emailing White.

There being no further business, the meeting was adjourned at 8:47 AM.