

**LOUISA COUNTY BROADBAND AUTHORITY  
BOARD OF DIRECTORS  
LOUISA COUNTY OFFICE BUILDING  
1 WOOLFOLK AVENUE  
LOUISA, VIRGINIA  
September 6, 2017 7:00 P.M.**

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Present: Melvin Burruss, Steve Duren, Bernie Hill, Mary Johnson and Garth Wermter

Absent: Brian Sullivan and Mark Luttner

Others Present: Fitzgerald Barnes, Patrick Henry District Supervisor; Stephanie Koren, Mineral District Supervisor; Bob Hardy, Louisa County Information Technology Director; and Sandra Robinson, Louisa County Attorney

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**CALL TO ORDER**

Ms. Johnson called the September 6, 2017 regular meeting of the Broadband Authority (BBA) Board of Directors to order at 7:00 p.m.

Ms. Johnson led the Pledge of Allegiance.

**ADOPTION OF THE AGENDA**

On the motion of Mr. Wermter, seconded by Mr. Duren, which carried by a vote of 5-0, the Board approved the September 6, 2017, agenda.

**APPROVAL OF THE MINUTES**

On the motion of Mr. Hill, seconded by Mr. Wermter, which carried by a vote of 4-0-1, the Board approved the August 2, 2017, minutes.

**NEW BUSINESS**

There was none.

**UNFINISHED BUSINESS**

**Discussion- Update on Approved CUP Applications**

Mr. Bussing gave an update regarding the CUP applications. He stated that they had received comments from Louisa County regarding the site plans that had been submitted. He stated that Eden and Associates had reached out regarding several clarifications, but that there were no substantial changes.

Mr. Bussing stated that after the site plans were approved, they were free to move forward with the construction phase. He stated that he would double check on the next steps in the process such as contractors acquiring permits, etc.

It was clarified that this update was regarding the three (3) school sites.

Ms. Johnson inquired as to whether an RFP would be issued once the sites were approved.

Mr. Bussing stated that there was a final draft ready, and that they were waiting on two tables from Eden and Associates. He stated that he would be meeting with Mr. Massie, Louisa County Procurement Officer. Mr. Bussing said that he would then send out a draft RFP for comments to the Authority. He suggested discussing the RFP in the next meeting during closed session to make any necessary changes. He stated that he could have final drafts distributed to the Authority members in a week or two and inquired whether the Authority wanted to meet earlier than their regularly scheduled meeting in October.

Mr. Hill inquired as to whether the requirements were ready. Mr. Bussing stated that they were almost complete. Mr. Hill stated that he was seeking a way to expedite the process and that he mainly wanted to see the requirements.

Ms. Johnson stated that some formal action should be taken by the body.

Ms. Johnson stated that a standing work session was in place and that the work session could be held on Wednesday, September 20<sup>th</sup> if that date suited all members of the Authority.

Mr. Barnes stated his concern was the timeline on the three (3) school locations. He stated that as a Board of Supervisors liaison, it would be prudent if the Authority could get the RFP approved and posted no later than December. Therefore construction could start. He stated that there needed to be a timeline in place.

Mr. Bussing stated that he thought thirty (30) to forty (40) days would be a sufficient amount of time to post the RFP. He stated that there would be a pre-proposal conference.

Mr. Hill stated that they were tasked with evaluating the results and making a recommendation to the Authority to select a vendor. He inquired as to the timeline of this process.

Mr. Bussing stated that depending on the number of responses, they would likely have recommendations to do interviews within two (2) weeks of the due date. He stated that after the interviews and additional information was added, it would probably be another couple of weeks. He stated that the RFP was currently drafted as a unit price RFP, and that it should be discussed during the next work session. He stated that having bids back by December 1<sup>st</sup> was feasible.

Ms. Johnson and others stated that they would like to move that timeline along more quickly.

Ms. Johnson stated that she wanted to establish the draft RFP and timeline to be reviewed and approved at the September 20<sup>th</sup> work session. She stated that ideally, the Authority would like to award the contract no later than December 1<sup>st</sup>.

There was further discussion on the timeline of the project, how soon the RFP could be posted and when a contract could theoretically be awarded.

Ms. Johnson reiterated that before the work session on September 20<sup>th</sup>, the Authority would need a draft RFP and timeline to review such that on November 1<sup>st</sup>, the Authority could meet and make a recommendation to the Board of Supervisors either at the board meeting on November 6<sup>th</sup> or November 20<sup>th</sup>.

It was clarified that one vendor would be selected for all the sites listed on the RFP.

Mr. Hardy inquired as to whether one of the Authority members would be present for the interviews. Mr. Hill volunteered as well as Ms. Johnson, with Mr. Wermter as the alternate if Ms. Johnson could not attend. It was decided that Mr. Hardy would act as the liaison.

### **Discussion- Update on Next Tower Sites**

Mr. Bussing stated that they were evaluating the two towers that Louisa County was building through a public safety project. He stated that one property owner had come forward with interest in having a tower located at their site, in close proximity to the Trevilians site and the Red Hill site. Mr. Bussing stated that he had updated maps for the Bumpass Park site and the Cross County Road site. He stated that he was working with Mr. McKinney to schedule a meeting with the Cross County Road site for the Twin Oaks community. He stated that Twin Oaks had their community meeting and had decided to move forward.

Mr. Hill inquired as to what the updates were to the Bumpass Park site. Mr. Bussing stated that the initial site on the parcel did not work because it was used for other activities. They had moved the tower site to another part of the parcel that was not used.

Ms. Johnson stated that the updated map needed to be approved by the Parks and Recreation Department before proceeding. She stated that the Cross County Road site would have a scheduled meeting and the other private owner had just come forward recently as well. Ms. Johnson stated that there were potentially five (5) sites which included the potential EMS towers.

She stated that there were two citizens in the Holly Grove area that upon further information, had decided to opt out.

Mr. Hill inquired as to what the status was in the Locust Creek area. He stated that there was a private owner in that area that had demonstrated interest.

Ms. Johnson stated that she would confirm the Locust Creek private owners' interest. She said that if other private owners' interest was recognized, to inform her.

Mr. Hardy asked if an analysis or propagation map had been done at Trevilians Elementary School.

Mr. Bussing confirmed that one had occurred and that mapping had been distributed.

Ms. Johnson asked Mr. Hardy if there was an update on the EMS towers.

Mr. Hardy stated that the exact location of the tower to be placed in the Red Hill area was still being determined.

Ms. Johnson inquired as to who the liaison would be from the Fire and EMS Department to work with the Community Development Department.

Mr. Hardy stated that Chief Greene would most likely be the liaison.

Brief discussion ensued regarding the process of the EMS towers. Ms. Johnson stated that she would touch base with Chief Greene to be sure that he was aware of the process that Community Development advised so that all parties involved were on the same page.

Ms. Johnson asked that a meeting be scheduled with the Hickory Lane private owner. In addition, she requested that the discussion on the Hickory Lane site be discussed during the next work session.

#### **Discussion- Coordination with Existing Tower Owners**

Mr. Bussing stated that they had reviewed some of the CUP applications and had mapped some of the conditions that the previous applicants had had to work on. He stated that he had a list of several tower owners that he wanted to set up meetings with. Mr. Bussing stated that it would be beneficial for a member of the Authority to be present for those meetings.

Ms. Johnson stated that in the event that she was not able to attend the meetings, that the Authority's Vice Chairman, Mr. Wermter would attend. Mr. Wermter agreed.

#### **Discussion- Louisa County Public Information Sub- Committee**

Ms. Johnson stated that the sub-committee was still deciding on how best to proceed in order to get information distributed to the general public. Mr. Hill stated that in the recent "Letter to the Editor" he had submitted to the local newspaper, he had included the online link to the Authority's information. He suggested submitting a "Letter to the Editor" once a month.

Mr. Barnes stated that not everyone reads the newspaper. He suggested the Authority work with Louisa County Public Schools to get the word out since LCPS had the biggest audience in Louisa County.

Further discussion ensued regarding how to work with the schools.

Mr. Barnes also suggested working with the Parks, Recreation and Tourism Department.

Ms. Johnson stated that she was open to suggestions on how to respond to the general public regarding costs, etc. She stated that it was an advantageous time for the Authority to get accurate information out to the public.

Further discussion ensued regarding what avenues to use to get the correct information and timelines out to the general public.

Ms. Johnson asked Mr. Hardy if he would be willing to provide short presentations to various organizations regarding broadband in Louisa County and updates. Mr. Hardy agreed that he would be willing.

Mr. Barnes stated that the general public wanted to know how much the Authority was spending and when broadband would be up and running.

Further discussion ensued regarding what public information to include.

Ms. Koren stated that the Authority had a responsibility to keep citizens aware of what was going on regarding the broadband project.

Mr. Burruss inquired as to what impeded the deadline from allowing ground to be broken in September as was decided earlier in the project.

Mr. Bussing believed that this was due in part to the lengthy CUP process, but that he did not think there was any one thing that could have prevented the deadline from being delayed. He stated that regarding what could be done in the future to expedite things, were tools that had since been added to the process so that everyone was on the same page and there was no back-tracking.

Ms. Johnson stated that lessons had been learned, especially regarding the CUP process with the LCPS that had been streamlined. She stated that in the future, she did not anticipate delays in working with Trevilians now that they were aware of the entire process. She reminded Mr. Bussing that the November 1<sup>st</sup> recommendation to the Board of Supervisors was a hard deadline.

Mr. Wertmer inquired whether certain HOA's had mailing lists.

Mr. Barnes affirmed that they did.

Mr. Wertmer stated that this was another outlet to be used to distribute general information.

Mr. Bussing asked if the community had festivals. He suggested that the Authority use public festivals as outlets to distribute information regarding the broadband project.

Ms. Johnson asked Mr. Hill and Mr. Hardy to work with her in order to streamline a message for the fall festival.

It was suggested that a banner and literature be available to the public at the festival.

Ms. Johnson stated that this suggestion most likely required a booth. She said she would look into the suggestion and report back to the Authority on September 20<sup>th</sup>.

Ms. Johnson requested that any ideas for distributing information to the public be emailed to Mr. Hardy, Mr. Hill, and herself. She stated that she would give an update regarding public information on September 20<sup>th</sup>.

### **PUBLIC COMMENTS**

Mr. Bob Babyok, Green Springs District, addressed the Authority. He stated that he had read most material that was available on the website and was looking forward to the future success of the project.

### **PUBLIC HEARINGS**

There were none.

### **CHAIRMAN/GENERAL MANAGER'S REPORT**

Mr. Burruss stated that he wanted to be sure that insurance was in place for the leases. He stated that he had not seen any figures or costs on the amount of insurance that would be needed.

Ms. Johnson stated that Authority members would not sign the leases, but that they were simply making recommendations to the Board of Supervisors for approval. She asked Ms. Robinson if she could provide clarification on this issue regarding this concern. Ms. Johnson stated that she understood that it was covered under the county's umbrella policy. She stated that this would be discussed in more detail during closed session.

### **CONSENT AGENDA**

There was none.

### **APPROVAL OF THE BILLS**

There were none.

### **CLOSED SESSION**

On the motion of Mr. Wermter, seconded by Mr. Hill, which carried by a vote of 5-0, the Board voted to enter Closed Session at approximately 7:48 p.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711.A.3 and A.6 VA Code Ann., for the purpose of discussion of the investment of public funds for the acquisition of real property for a public purpose and whereas negotiating and bargaining involved in discussion and open meetings would adversely affect the bargaining position of the Authority and to the extent necessary to aid their discussion to discuss the award of public contracts involving the expenditures of funds in discussions of the terms, or scopes of such contracts if discussed in open session would adversely affect negotiations

**RESUMPTION OF REGULAR SESSION**

On the motion of Mr. Wermter, seconded by Mr. Hill, which carried by a vote of 5-0, the Board voted to return to regular session at approximately 8:00 p.m.

**RESOLUTION - CERTIFICATION OF CLOSED SESSION**

On the motion of Mr. Wermter, seconded by Mr. Hill, which carried by a vote of 5-0, the Board voted to adopt the following resolution:

**WHEREAS**, the Louisa County Broadband Authority Board of Directors has convened a Closed Meeting pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, §2.2-3712.D of the Code of Virginia requires a certification by the Louisa County Broadband Authority Board of Directors that such closed meeting was conducted in conformity with the Virginia Law.

**NOW, THEREFORE BE IT RESOLVED** that the Louisa County Broadband Authority Board of Directors does hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting was heard, discussed or considered by the Louisa County Broadband Authority Board of Directors.

<u>NAME</u>	<u>VOTE</u>
Melvin Burruss	Yes/Aye
Steve Duren	Yes/Aye
Bernie Hill	Yes/Aye
Mary Johnson	Yes/Aye
Garth Wermter	Yes/Aye

**FINAL COMMENTS**

Mr. Barnes commended the Authority members on their work and stated that other localities were also forming broadband authorities.

On the motion of Mr. Wermter, seconded by Mr. Hill, which carried by a vote of 5-0, the Authority voted to approve the form site lease, subject to amendments, 2 paragraphs 1(d), 10, 13(a), 13(b) with the description of the site as exhibit (a), definition of easements as exhibit (b), removal of exhibit (d) and references, completion of length fields with additional information.

On the motion of Mr. Wermter, seconded by Mr. Duren, which carried by a vote of 5-0, the Authority voted to approve the lease agreement with the Twin Oaks Community subject to amendments referencing Louisa County Broadband Authority, appropriate signatory authority for both Louisa County and the Twin Oaks Community, description defined as exhibit (a), revision to section 3, revisions to section 7 and revision to section 8.

### **WEBSITE UPDATES**

Mr. Hardy stated that he would add approved minutes to the website.

### **NEXT MEETING**

The next Broadband Authority meeting will take place on Wednesday, September 20, 2017, at 7:00 pm.

### **ADJOURNMENT**

On the motion of Mr. Hill, seconded by Mr. Duren, which carried by a vote of 5-0, the Board voted to adjourn the September 6, 2017, regular meeting at approximately 9:05 p.m.

BY ORDER OF:

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MARY JOHNSON, CHAIRMAN  
BOARD OF DIRECTORS  
LOUISA COUNTY BROADBAND AUTHORITY