

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

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Present: Steve Duren; Mary Johnson; Mark Luttner; Garth Wermter

Absent: Melvin Burruss; Bernie Hill; Brian Sullivan; and Fitzgerald Barnes, Patrick Henry District Supervisor

Others Present: Stephanie Koren, Mineral District Supervisor and Bob Hardy, Louisa County Information Technology Director

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**CALL TO ORDER**

Mr. Hardy called the June 7, 2017 regular meeting of the Broadband Authority (BBA) Board of Directors to order at 7:00 p.m.

Mr. Hardy led the Pledge of Allegiance.

**ADOPTION OF THE AGENDA**

There were no changes to the agenda. No formal agenda was adopted.

**APPROVAL OF MINUTES**

On the motion of Mr. Wermter, seconded by Mr. Luttner, which carried by a vote of 4-0, the Board approved the May 3, 2017, minutes.

**NEW BUSINESS**

**Action Item- Election of Officers**

Mr. Duren nominated Ms. Johnson for Chairman which was seconded by Mr. Wermter. There were no other nominations for Chairman.

The Board approved Ms. Johnson's nomination for Chairman, which carried by a vote of 4-0.

Mr. Duren nominated Mr. Wermter for Vice Chairman which was seconded by Ms. Johnson. There were no other nominations for Vice Chairman.

The Board approved Mr. Wermter's nomination for Vice Chairman, which carried by a vote of 4-0.

Mr. Duren nominated Mr. Hardy for Treasurer which was seconded by Mr. Wermter. There were no other nominations for Treasurer.

The Board approved Mr. Hardy's nomination for Treasurer, which carried by a vote of 4-0.

Ms. Johnson nominated Mr. Hardy for Secretary which was seconded by Mr. Wermter. There were no other nominations for Secretary.

The Board approved Mr. Hardy's nomination for Secretary, which carried by a vote of 4-0.

At this time, the new Chairman, Ms. Johnson, proceeded to lead the meeting.

## **UNFINISHED BUSINESS**

### **Discussion- Update on Tower Locations**

Dr. Cohill introduced Mr. Dan McKinney, with Eden and Associates (E&A), who was doing site prep work and permitting for Wide Open Networks. He stated that balloon tests had been conducted on four site locations and three were completed. He stated that at one site location, an individual took the balloon before the four hour test was complete. Dr. Cohill stated that Wide Open Networks took a picture of the balloon in the back of the individual's pick-up truck. He stated that unfortunately, the balloon test at that site would have to be re-done.

Dr. Cohill stated that they had received communication from three service providers, IWisp, SCS AcelaNet, and Virginia Broadband, who had included letters and a status report. Dr. Cohill believed that three responses were the most to be expected. He stated that it was likely to have two providers on the towers, but that he would be surprised to see three located there. He said that currently, reverse auction might be the best way to proceed.

Mr. Hardy asked if there would be any interference by having two providers on the towers. Dr. Cohill stated that because the providers would use different frequencies and channels, interference would not be an issue. He stated that what was likely to happen was that the first provider to sign a contract would be able to pick the frequencies they wanted, and that the second provider would need to negotiate with the first provider regarding frequencies. He explained that there would be plenty of space on the towers.

Mr. Wermter suggested that the Authority have a plan in place in order for providers to "play nice". Ms. Koren agreed with the suggestion. Mr. Wermter agreed with Dr. Cohill that the provider bidding first should have first choice on frequencies, but that overlapping interference would be an issue. Mr. Hardy stated that that could not be regulated by the Authority. Dr. Cohill stated that it was important for the Authority to have a clause in the contract that stated that the Authority was not responsible for interference problems and that the providers would have to resolve those issues themselves.

Mr. Wermter asked how the Authority would mediate if circumstances were irreconcilable

between providers. Dr. Cohill stated that Wide Open Networks had never encountered that issue before.

Mr. Hardy stated that AcelaNet had mentioned that they were interested in moving to LTE. Dr. Cohill stated that it was likely that they would end up with one LTE provider which would eliminate the possible issue of interference.

There was brief discussion regarding 5G standards and compatibility.

Dr. Cohill stated that they had received signatures from the LCPS School Board.

### **Discussion- Update on CUP Permit Process**

Mr. McKinney discussed site work and stated that he had a lot of good news to report. He stated that the fast track sites at Moss Nuckols, Jouett Elementary School, the Louisa County Middle School and High School site, and the Holly Grove site all had their CUP applications in. He stated that neighborhood meetings were scheduled for Wednesday, June 14<sup>th</sup> from 4- 6 p.m. Mr. McKinney stated that he would like to see some friendly faces at the meeting. He stated that the Department of Community Development had not received many inquiries yet although the formal notices had just gone out regarding the project. He stated that the site at Holly Grove, they would be seeking a special exception through the Board of Supervisors, as advised by the Department of Community Development. Mr. McKinney explained that they wanted to respect the setbacks at the residential properties adjacent to the site and that for insurance reasons, they did not want the tower directly adjacent to either of the rescue buildings. He also stated that a surveyor verified that the Holly Grove site tower would technically be on the rescue squad site.

He stated that the tower on the Louisa County High School/Middle School site would be 120 foot tower due to the airspace for the airport. There was a 50,000 foot zone from the end of the runway that needed to be clear. Mr. McKinney stated that the FAA had reviewed the tower height and had provided their recommendation for the tower height, which would allow a 120 foot tower there. Mr. McKinney emphasized that the entire town of Mineral was also under the airspace surface so there was no better location option for the Louisa County High School/Middle School tower location.

Mr. McKinney stated that the balloon that had been taken from the Jouett site location was believed to have been flying for at least two hours. He stated that documentation had been included in the application packet of the incident and that he expected to be going back out to conduct the balloon test in the near future.

Mr. McKinney stated that the neighborhood meeting was the following week and that the DCR meeting would be held on June 28<sup>th</sup>. He stated that it was his understanding that there would be a joint meeting of the Board of Supervisors and Planning Commission. Ms. Koren stated that the meeting would be held on Wednesday, July 5<sup>th</sup>.

It was asked what the details were on the neighborhood meeting. Mr. McKinney stated that the meeting would be held in the Administration Building and that all four fast- track site locations

would be discussed. He stated that a formal presentation would be given on the purpose and need of the towers, then the floor would be opened up for public comment. He stated that staff would be there to facilitate the meeting and officially record any comments that were made.

Mr. McKinney stated that one adjacent property owner to one of the sites had a concern about the view of the tower from her property and was hopeful that another site would be better suited. Mr. McKinney advised her to attend the neighborhood meeting to have her comments and concerns officially recorded and to be taken into consideration.

There was brief discussion regarding the tower height at the Holly Grove site.

Ms. Koren asked whether the 120 foot tower height impacted coverage there.

Dr. Cohill stated that the coverages would be slightly less and mentioned that Wide Open Networks used web-based propagation study software that had stopped working that week. He stated that they would have updated propagation studies by the next meeting. He stated that taller towers required a bigger area than what was available at those two site locations.

Mr. Wermter stated that he had received a private document from a service provider which displayed their existing coverage plots. He stated that the area around the high school was interesting. He stated that the 120 foot tower would fill a gap for the provider, and that they would locate on the tower. He reminded the Authority that the primary purpose of the project was to build infrastructure and that 120 feet was still above the tree line. Mr. Wermter also stated that the second purpose was to build relay points.

Mr. Wemter stated that the Ruritan Club site could support a larger tower than the Holly Grove Rescue Squad site, and that they thought that they might end up with a tower somewhere to the north or northwest.

Ms. Koren stated that someone had inquired as to why the Authority had not asked the Town of Mineral for a portion of Walton Park for a tower location. Mr. Wermter stated two reasons.

1. It would line up with the FAA exclusion zone for the approach as it needed to be outside of 50,000 feet or ten miles. It was stated that Walton Park was within three miles of the runway.
2. The high/middle school location was already deemed important to the project even though the towers could not be as tall at that site.

Dr. Cohill stated that utility poles would play a large role in Louisa County due to tree coverage.

Mr. Wermter stated that he had had a conversation with someone regarding wooden poles and that they were prone to twist do to humidity which could wreak havoc for WISPs. He asked whether this had happened in Dr. Cohill's experience. He said that he had never heard that it was enough to be an issue. Dr. Cohill stated that the most common complaint they received was regarding rain and snow.

It was stated that IWISPs preferred to use metal poles rather than wooden poles. Further

discussion ensued regarding wooden poles.

Mr. Duren stated that he had held a meeting with Twin Oaks. He stated that Twin Oaks needed to have a wide community meeting and in the future, might require someone involved with the project to speak with the whole community.

Mr. Hardy inquired as to whether the meeting regarding the Holly Grove Ruritan site had happened. It was stated that it still needed to happen. Ms. Johnson stated that she would reach out to Mr. Sullivan regarding the meeting schedule and that she would handle it if need be.

In regard to the neighborhood meeting, Mr. McKinney stated that the Department of Community Development had not received many comments thus far. Mr. McKinney stated that he thought the greater community was supportive of the broadband project. There was brief discussion regarding turnout for the neighborhood meetings and when certified mail was sent out. It was stated that the meeting was also advertised in the local newspaper.

Mr. McKinney stated that Mr. Bussing was still trying to schedule a meeting with the WISPs. Mr. Hardy suggested that some Authority members attend the meeting on June 14<sup>th</sup> with Mr. Bussing. There was brief discussion regarding who could attend before the 4 p.m. neighborhood meeting.

Mr. Hardy stated that as far as site identification was concerned, he had had several people call him about private land volunteering. He stated that most were requesting huge payouts. He stated that they were looking for people who wanted service in their neighborhoods so that it could benefit everyone.

Mr. Hardy stated that the Radio Committee was Board approved going forward with the radio improvement that included two towers, one in Zions Crossroads near the water tower and the other on Red Hill Road just south of Gordonsville on the west side of Route 15. Mr. Hardy stated that the sites would back fill into the areas that experienced poor coverage currently. Mr. Hardy stated that the towers would be cell phone tower types and that there would be room for equipment to be put up there as they would be owned by Louisa County.

Mr. Hardy verified that those towers would be for public safety radio. Brief discussion ensued regarding the radio project. He stated that it was going to be a regional approach.

Ms. Johnson asked if a formal agreement (to include fees, terms, access) had been decided on for possible landowners interested in having potential towers on their property. Dr. Cohill stated that typically for cell site leases, it was more for leases. He stated that many of the places in Louisa County would be considered rural providers. He stated that in that case, a site lease would be a few hundred dollars. There was further discussion regarding lease payments. Dr. Cohill stated that one possible suggestion would be to pay a lump sum up front for a five or ten year lease. He stated that these towers had a low profile and were not intrusive. He stated that the main priority was that the Authority have a three acre plot to place a 180 foot tower on.

Ms. Johnson stated that she would like to move forward to finalize something that was more

concrete. She requested that a tentative proposal or contract be put together in order to move forward with discussions with potential landowners.

Dr. Cohill recommended that the Authority start looking for people interested in ten year leases. He stated that the Authority did not have to pay everyone the same amount but should offer everyone the same price up front. He stated that it was a community benefit.

Mr. Duren stated that Twin Oaks already had fiber between their buildings. Brief discussion ensued regarding Twin Oaks and what could potentially be offered to the neighborhoods there.

Ms. Johnson emphasized the importance of putting a draft lease together so that every member was in unity when discussing the project with potential property owners. She also stated that some of the other locations needed to be discussed.

Dr. Cohill stated that propagation studies were one of the things he was trying to figure out. He stated that they had talked informally with two different construction firms who had confirmed that bid prices would be substantially lower if all sites were identified and bundled in the same RFP. He stated that one possibility would be to put language in to include contract amendments which would save money by not having to bid out a second round.

Mr. Wermter stated that the propagation studies were needed.

Brief discussion ensued regarding the process of the RFPs.

There was further discussion regarding the height of the towers and the potential impact that they might have on the locations.

Ms. Johnson discussed the topic of co-locating on existing towers. There was speculation regarding which IWISPs might be allowed to locate on those towers and which providers were currently on the towers. Ms. Johnson requested that a list of the existing providers and owners be put together.

Dr. Cohill stated that he had the list. Ms. Johnson stated that it was time to readdress the topic. Dr. Cohill stated that the requested payment amount for space on the tower was quite high which was why it had not been pursued previously.

Ms. Johnson stated that some of the space on the towers had been dedicated to Louisa County during the CUP process. She stated that it would make sense to use the space that was available to Louisa County.

There was further discussion regarding the potential process and opportunity to the project to utilize the space on existing towers.

It was decided that the map should be considered and the existing tower space be taken into account. Mr. Hardy stated that currently, the Authority had not definitively decided that it would go to commercial towers. Ms. Johnson stated that it would be proactive to start considering this

option currently in order to possibly fill in space later.

Mr. Duren stated that he would contact the owners of the towers and discuss the Authority's ideas currently. Ms. Johnson suggested that he should speak with Ms. Linda Buckler and Mr. Jerrell Timberlake in the Department of Community Development to discuss the towers' CUP, that way he would know what the conditions of the permit were before he discussed potential options with the owners.

### **PUBLIC COMMENTS**

There were none.

### **PUBLIC HEARINGS**

There were none.

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

There was none. Mr. Hardy suggested that Ms. Johnson put together the list of existing committees within the Authority in order for the new Chairman to reassign what responsibilities the members should be doing.

### **CONSENT AGENDA**

There was none.

### **APPROVAL OF THE BILLS**

There were none.

### **CLOSED SESSION**

There was none.

### **WEBSITE UPDATES**

Mr. Hardy stated that he would try to include a map of the five or six additional tower location areas in order to get interested individuals to volunteer for a nominal fee for use of their land. Ms. Johnson requested that the DRC and neighborhood meetings be posted on the main page of the county website. Ms. Koren suggested that Mr. Goodwin verify that that could be done first.

Brief discussion ensued regarding the neighborhood meeting and the Development Review Committee meetings' process.

### **FINAL COMMENTS**

There were none.

**NEXT MEETING**

The next Broadband Authority meeting will take place on Wednesday, July 19, 2017, at 7:00 pm.

**ADJOURNMENT**

On the motion of Mr. Wermter, seconded by Mr. Luttner, which carried by a vote of 4-0, the Board voted to adjourn the June 7, 2017, regular meeting at approximately 8:20 p.m.

BY ORDER OF:

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MARY JOHNSON, CHAIRMAN  
BOARD OF DIRECTORS  
LOUISA COUNTY BROADBAND AUTHORITY