

LOUISA COUNTY BROADBAND AUTHORITY

Regular Meeting

July 5, 2018, 7:00 pm

Louisa County Administration Building
One Woolfolk Avenue, Louisa, Virginia 23093

1. Call to Order (**Mary Johnson**) & Pledge of Allegiance
2. Finding a Quorum & Adoption of Agenda
3. Approval of Minutes
 - a. June 6, 2018 - Regular Meeting
4. Public Comment
5. New Business
 - a. Action Item : Election of Officers
6. Unfinished Business
 - a. Discussion – LCHS, Jouett Elementary School, and Moss-Nuckols Elementary School Tower Construction
 - b. Discussion – Proposed Towers
 - i. Trevilians CUP Application
 - ii. Holly Grove Site
 - iii. Buckner Bypass Park
 - c. Discussion – Co-location of Louisa County EMS Radio Towers
 - d. Discussion – Systems Operations (Towers, Backhaul, and Fiber)
 - e. Discussion – System-wide Lease RFP
7. Public Comment
8. Chairman/General Manager's Report
9. Director and Liaison Reports
10. Consent Agenda
11. Approval of the Bills
12. Closed Session
13. Adjournment

**LOUISA COUNTY BROADBAND AUTHORITY
BOARD OF DIRECTORS
LOUISA COUNTY OFFICE BUILDING
1 WOOLFOLK AVENUE
LOUISA, VIRGINIA
June 6, 2018 7:00 P.M.**

Present: Mary Johnson, Jeffrey Zivick, Melvin Burruss, Bernie Hill, and Timothy Layne, Duane Adams, Ed Jarvis, Jim Ogg (non-voting)

Absent: Tommy Barlow, Mountain Road District, Make Luttner, Cuckoo District

Others Present: Bob Hardy, Louisa County Information Technology Director, Sandra Robinson, County Attorney, Eleni Rackley, Administrative Assistant

CALL TO ORDER

Mr. Bob Hardy called the June 6, 2018, 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

Mr. Hill motion to postpone the Election of Officers to the next regular meeting scheduled for July 5, 2018. Mr. Jarvis seconded, which carried by a vote of 6-0.

Mr. Hardy stated the current decision is until the Authority finds replacements for current positions, everyone on the Authority can all serve as officers. He stated Ms. Robinson would weigh in on this discussion later in the meeting.

Mr. Burruss mentioned how the public comment section is scheduled before all other business matters. He stated the public may want to address their concerns and make public comment after all business matters have been discussed. He said he would like to give the public the opportunity to comment on what has been discussed during the meeting.

Ms. Johnson stated that Mr. Burruss brought up a valid point and is open to his suggestion.

Mr. Burruss suggested/motion to add a second public comment period, after unfinished business and before public hearing.

Questions and comments were addressed regarding Mr. Burruss' public comment section suggestions.

On the motion of Mr. Burruss, seconded by Mr. Ogg, which carried by a vote of 6-0, the Authority motioned to add a second public comment period, after unfinished business and before public hearing.

Mr. Hill motion to add the Treasurer's Report under New Business. Mr. Jarvis seconded.

On the motion of Mr. Hill, seconded by Mr. Jarvis, which carried by a vote of 6-0, the Authority motioned to adopt the June 6, 2018, agenda as amended with the previous changes.

APPROVAL OF THE MINUTES

On the motion of Mr. Hill, seconded by Mr. Layne, which carried by a vote of 6-0. The Authority voted to approve the April 4, 2018, regular meeting minutes as amended.

On the motion of Ms. Johnson, seconded by Mr. Jarvis, which carried a vote of 6-0. The Authority voted to adopt the May 2, 2018 regular meeting minutes as amended.

PUBLIC COMMENT

There was none.

NEW BUSINESS

Action Item: Election of Officers

This item was postponed to the July 5, 2018, meeting under the Adoption of The Agenda

Ms. Robinson addressed the Authority explaining the SCC statute under which the Broadband Authority was created and the relative voting powers of the recently appointed members. She stated that discussion had ensued some time ago as to whether the Board of Supervisors were going to change the makeup of the Authority's membership. She explained that conversation extended to, and considered at one point in time, the elimination of eligibility by voting districts. In the interim, the Board of Supervisors decided to increase the membership by two "At-Large" members, which was done by resolution at the May 7, 2018, Board meeting. She said that because the statute under which the Broadband Authority was created is silent, the SCC does not feel like they have the authority to amend the articles filed with respect to the Broadband Authority. Mr. Robinson stated at this moment, the SCC plans to send the amendments back to the County, since they have no authority to make those changes and is now solely in the discretion of the Board of Supervisors. Ms. Robinson reminded the Authority that there are still some limitations to the membership relative to voting power. She explained there is a co-provision that limits the power to be exercised by a Board comprised of equal number of the local governing body. She said with the two additional "At-Large" members, only seven will be able to exercise the power of the Authority.

Ms. Johnson asked for this particular night if Mr. Ogg will have the ability to express his voting powers as one of the seven members.

Ms. Robinson responded even though the Board's authority is going to be exercised through the seven members, it's those seven members who are not labeled as either ex-officio or At-Large members that are eligible to vote. She said she does not recall specifically how many of the members have reappointed at this time, and the terminology used for their appointment, but if a member has not been reappointed, by statute they shall continue to serve and perform the duties of their office until their successor is appointed. Ms. Robinson stated for those members who have been appointed to the At-Large membership, she asked they do **not** attempt to exercise any privileges, such as voting. She stated At-Large members can participate in discussions and attend the meetings, but in terms of exercising the vote to transact business, At-Large members cannot participate.

Mr. Ogg asked if he can offer a motion at this current meeting. Ms. Robinson stated as someone who does not have voting rights her answer would be no.

Mr. Ogg then asked Ms. Robinson could he be the pivotal vote in determining a quorum.

Ms. Robinson responded as an At-Large member, he is not allowed to vote at this time.

Discussion ensued among the members regarding Mr.Ogg's At-Large Membership and membership requirements in general.

Mr. Adams said in the interest of time, he would like to move on with this discussion. He added the Board will have more information on this matter at their next meeting.

Treasurers Report:

Mr. Hardy stated:

- In FY15, 2015 there was \$100,000 in the CIP project to cover the cost of the design study. Design Nine was awarded the contract.
- There was \$55,000 in 2015 remaining after FY15. The Board added \$1,095,777 for the Tower project in January 2017. An additional \$3,362 was spent on the original Design Nine study. Leaving a balance of \$1,146,790
- Wide Open has paid one bill paid in FY18
- Lake Anna Surveys, surveyed Moss-Nucklos and Jouett. Twice at Moss-Nucklos the site has been moved from its original placement.
- Wide Open has a contract for \$159,727 remaining.
- Mountain Valley was awarded a contract to build six towers and two co-locations. The contract can be reduced if they change the way one of the towers are built. The cost can also increase if it is decided to add another tower.
- A purchase order has been issued for the Abbot Radio done by IFP which is currently under design now.

Mr. Hardy stated there is a budget for the beginning operations of the Backhaul Radio network. He added that due to the sensitivity of the County's/ School's information, his recommendation

to the Board of Supervisors will be that the IT department of the County and School manage the contract.

Ms. Johnson asked Mr. Hardy if that part of the expense for the operations budget was not included in the original budget.

Mr. Hardy confirmed it was not part of the original budget.

Mr. Hardy repeated for those who were not at the last meeting, the E-Rate funding is a \$1.3M project. The Broadband Authority with the E-Rate funding gets \$0.70 cents back on the dollar. Mr. Hardy explained if E-Rate funding is received for dark fiber, they will contribute another 10%. He added the FCC will also contribute another 10% since the government is putting in contributions.

Ms. Johnson said as it stands right now they need to be aware that there is \$55,000 still remaining from the FY2015/2016 budget. Ms. Johnson explained that she is sure they will be using these funds as they go down the agenda and operations of the fiber. Ms. Johnson also asked Mr. Hardy to keep her informed of any changes.

Mr. Hardy asked if there were any questions.

Mr. Hill noted he wanted clarification on the radios. Mr. Hill asked if they have already placed the order for the radios.

Mr. Hardy responded that the contract for the radios has been awarded, but does not know if the purchase order has gone out yet.

Mr. Hill asked if the contract would be for a fixed amount.

Mr. Hardy confirmed it would be a fixed amount. He added the band width of a couple of radios for the schools. Mr. Hardy stated this increase would more than likely not come out of the Authority's CIP.

UNFINISHED BUSINESS

Discussion- Expiration of Director Appointments

Ms. Johnson went over the following director appointments/reappointments:

- Mr. Burruss, reappointed to represent the Patrick Henry District. ;
- Mr. Jarvis, appointed to represent the Mineral District.
- Mr. Ogg, appointed as an At-Large member.
- Mr. Hill, reappointed to represent the Jackson District.
- Mr. Zivick, appointed to represent the Green Spring District.

- Mr. Layne, reappointed to represent the Mountain Road District.

Ms. Johnson said as far as she is concerned she will continue to serve at this capacity until her supervisor either reappoints her or finds a replacement.

Ms. Johnson stated Mr. Luttner will also continue to serve at the same capacity ~~as she~~ until he is either reappointed or replaced.

It was noted that Mr. Luttner has requested to be replaced

Discussion – LCHS, Jouett Elementary School, and Moss-Nuckols Elementary School Tower Construction

Ms. Johnson asked Dr. Cohill to give an update on tower construction at the Jouett, Moss-Nuckols, and LCHS locations.

Dr. Cohill addressed the Authority stating a balloon test was conducted today, June 6, 2018.

Dr. Cohill stated there are three sites under construction right now - Jouett, LCHS, and Moss-Nuckols. He said due to the amount of rain during this past week, the construction team was unable to perform work. He reported as of today, the LCHS site was still too wet to conduct business. Dr. Cohill indicated that construction should resume at Moss-Nuckols and Jouett Elementary as early as tomorrow. Dr. Cohill provided a brief update on the LCHS tower construction site.

Discussion – Proposed Towers

Trevilians Elementary School

Dr. Cohill mentioned he met with Community Development to go over the tower application approval process. He stated the application deadline is June 18, 2018 and the application should be completed by then. Dr. Cohill said the balloon test was one of the final things he needed for his report, and most of the other materials are complete. Dr. Cohill said he will be forwarding his report to Community Development in time for the information ~~ean~~ to be advertised and delivered to the Planning Commission this summer. Dr. Cohill went over the radio project. He stated the PO has not been issued since there will be upgrades made to the radios. Dr. Cohill stated a vendor has been selected and he believes this vendor has decent pricing on the radios. Dr. Cohill noted they received no bids for anchor tenant service providers. Dr. Cohill said they reissued the RFP and responses are due tomorrow, June 7, 2018.

Dr. Cohill opened the floor to questions.

Mr. Ogg asked Dr. Cohill to provide details of the Anchor Tenant RFP.

Dr. Cohill explained that he did not receive any responses.

Mr. Hardy stated he has contacted the companies who expressed interest and at least one of the companies explained they had miss read the due date.

Questions and comments were addressed by the Authority regarding the construction timeline and the threat of incoming inclement weather.

Mr. Adams stated he wanted to make sure the Authority and the Board express their sense of urgency and frustration with the movement of this project. Mr. Adams expressed that when a member of this Authority expresses his concern for the rain, that the response received should have a sense of urgency instead of a lack of one. Mr. Adams noted his frustration with the delay of construction

Dr. Cohill stated he has reached out to at least 4-5 providers and is hopeful to have at least one service provider in a day or two.

Mr. Zivick asked if the work between each of the towers are independent or if there is any dependency from Tower A to Tower B.

Dr. Cohill addressed Mr. Zivick's question by stating there is no dependency from Tower A to Tower B. He said there is work going on simultaneously at all three sites.

Ms. Johnson says she cannot express enough to Dr. Cohill to give this project his full attention.

Dr. Cohill asked if Mr. Hill should still receive and review updates before they are sent out.

Ms. Johnson stated she would still like for the updates to go through Mr. Hill for review.

Discussion ensued regarding urgency and communication on this project.

Holly Grove Site

Discussion ensued regarding the Memorandum of Understanding (MOU) requested at the last meeting.

Further discussion will continue at the next Broadband Meeting scheduled for July 5, 2018

Buckner Bypass Park

Mr. Hardy explained how the County has received an offer from a power company to build a tower on County property. He stated there have been other to build towers on privately leased land, if the County could help them pay for maintenance. Mr. Hardy states these two offers will need to be procured under valid procurement laws.

Discussion – Co-location of Louisa County EMS Radio Towers

Ms. Johnson stated it appears the two Towers are still in the conditional use process, and that it is moving slowly.

Discussion – Systems Operations (Towers, Backhaul, and Fiber)

Discussed in Buckner Bypass Park Section

Discussion – System-wide Lease RFP

Discussed in Buckner Bypass Park Section

PUBLIC COMMENTS

Ms. Robin Donald-Haul, Mineral District, addressed the Authority thanking them for adding a second public comment section. Ms. Donald-Haul explained she does not have a question at this time, but in the past she has and finds this public comment section much more covenant.

Ms. Joanna Hickman, Mineral District, appeared before the Authority and requested the Broadband Authority's agenda and packet be placed online for public view.

Ms. Johnson stated she does not see an issue with having the agenda and packet online, without the minutes included in them. Ms. Johnson asked if we can add the mailing list, agenda, and packet to the website. Mr. Hardy stated Ms. Rackley will provide him the information to update the website.

Mr. Gentry, Louisa County Board of Supervisors, Cuckoo District, addressed the Authority expressing he is very impressed with the meeting tonight and appreciates how engaged and on time of things the Authority is. Mr. Gentry stated before he leaves tonight, he would like to know when the completion date is for the first three towers.

Mr. Hardy mention to Mr. Gentry that the completion date was the middle of June but with all this rain it has set the completion back two weeks. Mr. Hardy stated it could possibly be the end of June and latest completion middle of July.

CHAIRMAN/GENERAL MANAGER'S REPORT

There was none.

DIRECTOR AND LIAISON REPORTS

There were none.

CONSENT AGENDA

There was none.

APPROVAL OF THE BILLS

None

CLOSED SESSION

There were none.

FINAL COMMENTS

There were none.

NEXT MEETING

The next Broadband Authority meeting will take place on Thursday, July 5, 2018, at 7:00 pm.

DRAFT