

**LOUISA COUNTY BROADBAND AUTHORITY
BOARD OF DIRECTORS
LOUISA COUNTY OFFICE BUILDING
1 WOOLFOLK AVENUE
LOUISA, VIRGINIA
October 4, 2017 7:00 P.M.**

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

Absent: Brian Sullivan

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

CALL TO ORDER

Ms. Johnson called the October 4, 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. Hill, which carried by a vote of 6-0, the Board approved the October 4, 2017, agenda.

APPROVAL OF THE MINUTES

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

NEW BUSINESS

There was none.

UNFINISHED BUSINESS

Discussion- Update on RFP for Approval

Mr. Bussing stated that he sent out copies of the RFP and several revisions. He stated that that afternoon, he sent out the latest revision which included a change to exhibit L, the location of the Cross County Road tower. The location change was on the same property, and the exhibit had been updated accordingly based on Mr. Bussing's meeting with the property owner. Mr.

Bussing stated that the other revision was to the status for the scope section for the Cross County Road tower. There were no other changes to the previous revisions.

Ms. Johnson stated that she believed that it had been well circulated and that she had solicited for comment. She asked the Authority to entertain a motion to approve the RFP.

Mr. Hardy had several comments regarding the RFP. He mentioned the language on page 19 which stated that “bids will be excluded if they do not include digital copies”. He suggested that the language be changed to state that bids “may be” excluded so that the Authority had more flexibility.

Further discussion ensued regarding whether the language should or should not be changed.

On the motion of Mr. Wermter, seconded by Mr. Luttner, which carried by a vote of 6-0, the Board voted to approve the RFP as submitted, with no changes.

Mr. Bussing stated that the RFP would be issued on Thursday, October 5, 2017, as well as be advertised in the *Richmond Times Dispatch*. He stated that on October 19, 2017, they would hold a pre-bid meeting where interested contractors could meet and present any questions that they had. Mr. Bussing stated that the contractors would have until October 24, 2017, to submit any questions, and that they would respond to any questions as well as publish an agenda by October 26, 2017. He stated that by November 6, 2017, bids would be due, and that they planned to review the bids internally and on the November 7, 2017, and November 8, 2017, arrange interviews. He stated that interviews would be held between November 8th and 15th. He stated by November 13, 2017, they expected to make a recommendation to the Board of Supervisors.

Mr. Hill asked if Mr. Massie would be notifying the Authority well in advance regarding interview dates so that they could arrange their schedules to meet.

Mr. Bussing stated that he had already discussed all the dates with Mr. Massie so he was well aware.

Mr. Hill inquired as to whether Mr. Bussing or Mr. Massie would notify potential vendors about posting on EVA or another avenue.

Mr. Bussing stated that they could notify people that had already expressed interest. He explained the two timelines that he distributed to the Authority during the meeting regarding upcoming dates.

Mr. Hardy clarified that Mr. Bussing wanted to schedule a meeting in November, after the 13th but before the 20th if they wanted the Board to approve it.

Ms. Johnson asked that they establish the date for the meeting before the Board of Supervisors meeting in order for them to authorize the contract.

Mr. Barnes stated that he wanted to make sure that the completion date for the project was a conservative estimate. He stated that he would much rather they be conservative and beat the timeline than the project take longer.

Ms. Johnson asked if Authority members would be available to meet on Wednesday, November 15, 2017, at 7 p.m. for a work session.

Mr. Hardy clarified that they would be making a recommendation to the Board of Supervisors regarding the vendor.

It was established that a work session would be held on Wednesday, November 15th at 7 p.m.

Mr. Burruss inquired as to whether dates would be updated as the process went along so that the Authority would know whether the project could start on January 1, 2018. Mr. Bussing stated that once proposals were received, they would update the timelines accordingly.

Discussion- Update on Proposed Tower Locations

Mr. Bussing stated that the County of Louisa had approved any final changes and revisions that Eden & Associates had made to the site plans and had resubmitted them. He stated that the Twin Oaks Community had authorized them to start engineering processes which they had started including the FAA form 7460 which had been submitted, advertisements which had been published for the balloon flight dates and all other notifications which had been submitted. He stated that he had met with the property owner for the Cross County Road site and that they had crafted a MOU to send the owner and had also revised a site design. Mr. Bussing inquired as to whether that MOU needed to be sent to the Authority for review before it was sent to the property owner for acceptance.

Ms. Johnson stated that the Authority should review the MOU. She stated it could be reviewed at the regularly scheduled meeting on November 1, 2017.

Further discussion ensued regarding the need to have a work session to review the MOU. Mr. Bussing remarked that some Authorities would allow the letter to be approved with any revisions that the County Attorney suggested.

Ms. Johnson advised Mr. Bussing to secure a letter of commitment from the property owner and send some language over to Mr. Foster for review, as language would have to be in place for the lease agreement anyway. She stated that a work session would not be required on October 18th, but that the County Attorney's Office could go ahead and begin reviewing potential lease language.

Ms. Johnson stated that she met with the Parks, Recreation and Tourism Advisory Committee on October 5th and that the committee had approved the tower location at the Buckner Bumpass Park. She stated that she believed she could attend the Lake Anna Rescue regular meeting on Tuesday, October 10, 2017, in order to present to them. She anticipated that they would be in

favor of working with the Authority. She believed that would hopefully be finalized at the meeting on Tuesday.

Mr. Hill asked why they were not meeting the setback requirements at that location. Ms. Johnson clarified that it was considered an encroachment because it was in a no build area. She stated that they needed Lake Anna Rescue's support and approval in order to move forward. She stated that with a willing neighbor, it would be a much easier process of acceptance and approval.

Mr. Bussing stated that in regard to the Trevilians' tower location, he had an agenda and that he needed to arrange a meeting with school staff there in the near future.

Mr. Hardy asked to be included in the meeting with the IT Director and Facilities Manager at Trevilians Elementary School.

Ms. Johnson stated that she had no update on the radio towers.

Mr. Hardy stated that the last information he heard was that the location could be on property that LCPS owned.

Mr. Barnes stated that the property was located in the Green Springs District.

Ms. Johnson stated that she would keep Authority members updated regarding the tower locations as more information was learned. She stated that she had raised the question as to whether the Broadband Authority could submit when radio tower applications were going in. She stated that the County Attorney's Office was working on an opinion regarding the matter.

Mr. Burruss asked whether Mr. Bussing could write down dates so that Authority members could note the progression of the project.

Mr. Bussing stated that he would provide an update to the project timeline accordingly.

Discussion- Louisa County Public Information Sub- Committee

Ms. Johnson stated that she had given an impromptu presentation at the regular Louisa County Board of Supervisors meeting held on October 2, 2017. She stated that she had explained why they were using wireless as opposed to fiber. She had stated that she had tried to dispel some of the misconceptions on the cost of fiber. She stated that the Authority's research had estimated that the project would cost somewhere between \$60- \$100 million dollars if fiber were to be used. She stated that although they would love to have fiber, it was simply too expensive. She stated that the Authority has done a lot of work since the time they first established the Authority and that the information she presented was well received and would be posted on the county website.

Mr. Hill stated that not only would fiber cost roughly \$60 million dollars, but that ongoing maintenance fees would be next to impossible to pay for.

Ms. Johnson stated that wireless was a common well-used technology that would evolve and was not outdated.

Mr. Bussing stated that most communities that built fiber projects had done so with grant assistance. He stated that because the Authority was established and had created a project, it would put Louisa County in a much better position when the next infrastructure rates and funding became available.

Mr. Wermter stated that some grant organizations he had spoken with had effectively agreed with that same notion, stating that the next round of funds would be for localities that would be able to offer some funds for the projects as well rather than the grants being no-match.

Ms. Johnson stated that she found it extremely frustrating that every grant opportunity that they had previously pursued, their particular project had always been lacking in some aspect, whether the area was not rural enough, they were not far enough along in the project, etc.

Ms. Koren mentioned that she continued to be in touch with the U.S. Secretary of Agriculture in the hopes of trying to redefine “rural” to include places like Louisa County. She stated that the Department had noted that that was an issue and VACo and NACo were also trying to resolve the issue with the Department of Agriculture as well.

PUBLIC COMMENTS

Bob Arment, Mineral District, asked whether the Authority was planning to rent space on the towers to the ISPs. Ms. Johnson stated that they would be leasing space. He asked whether the Authority knew how much income that they would be generating from that rent. Ms. Johnson stated that the concept was to provide the infrastructure so that ISPs could locate on the towers in order to provide economic incentives. She stated that because Louisa County was rural, they did not have the customer base to build their own towers and provide a network between the towers. She stated that they would lease the space on the towers so that ISPs could sell their product. She stated that the Authority was focusing on underserved areas or areas that had no service. Mr. Arment inquired as to whether the Authority was anticipating the ISPs to build 100 foot towers to repeat the signal. Ms. Johnson stated that this was part of the reason why they did revisions to the Louisa Telecomm ordinance, in anticipation of this.

Willie Gentry, Cuckoo District Supervisor, stated that Ms. Johnson did an exceptional job presenting at the Louisa Board of Supervisors meeting on Monday, October 2nd. He thanked the Authority members again for all of their hard work. He stated that he thought the report was exceptional and was glad that it was posted on the county website as well. He stated that there were so many people in the public that just did not know anything about the project or what was going on.

Ron Withers, Mineral District, inquired as to whether the Authority was providing backhaul between the towers for the providers. Ms. Johnson stated that they would be. Mr. Withers asked who was running and monitoring that equipment, managing that capacity as well as how

upgradable was the backhaul. He stated that there were a lot of false comments being made regarding wireless technology and its upgradability. He said that building the towers was only half of the battle. He stated that the next part of it was maintaining that network and capacity for the providers that would be located on the towers.

Mr. Wermter stated that the challenge for the Authority was building the structure for the towers. He stated that putting or changing a radio for backhaul was not the most difficult aspect and would only cost about \$5,000. He stated that the current structure was the expectation that they would provide backhaul service but would also allow WISPs to use their own backhaul. He stated that there had been mixed feedback from different WISPs regarding which they would prefer but that the physical structures were imperative. He stated that they had talked about different radios to use but that RFPs would most likely clarify that. Mr. Wermter encouraged citizens with questions or ideas to email the Authority members and that they were open to new ideas.

Mr. Hardy stated that some of the initial design by Design Nine was to build ten (10) towers with radio backhaul between them. He stated that the radios they had talked about then would be two (2) to six (6) gigabits per second. He stated that LCPS planned to put in fiber at five (5) school locations, and that strands would be added to the schools' fiber. He stated that four (4) of the sites so far would be on school properties so they would be connecting those towers to fiber for additional speeds. Mr. Hardy stated that the backhaul would be charged once to the vendor/ISP; they would provide their internet service into that infrastructure. He stated that they would transport it to all ten (10) towers which would encourage the ISP to locate on all ten (10) towers. He stated that the income had not been defined yet, but that the Authority would not pay back the \$1 million and would be paying for the operating costs. He stated that part of the Wide Open Networks' contract included operating the radios for the first year. He stated that the next step he believed would be an IFP.

There were no other public comments.

PUBLIC HEARINGS

There were none.

CHAIRMAN/GENERAL MANAGER'S REPORT

There was none.

CONSENT AGENDA

There was none.

APPROVAL OF THE BILLS

Ms. Johnson stated that they did receive an invoice from Wide Open Networks for completion of the first milestone that needed to be approved.

Mr. Burruss stated that he could not approve something that he had not seen. He stated that he would like to see the backup of the completion of the power site design and that he did not remember what the first milestone was.

Mr. Wermter stated that the first milestone was the completion of the tower designs which had been completed.

Mr. Burruss inquired as to whether the Authority had approved the tower designs. He stated that he would like to see what he was signing off on.

Mr. Hill stated that they needed to approve the deliverables and then approve the invoice.

Further discussion ensued. Mr. Hardy stated that he had received the invoice that was dated in August but that he had not received it until September. He stated that the RFP displayed all tower designs, which had all been completed. He stated that the completed tower designs had also been displayed on the RFP. He stated that as they were issuing the RFP, they were approving the designs as well. Mr. Hardy stated that the site plans, RFP and site designs for the tower designs were all there.

Mr. Barnes stated that the work had been done and the vendor had done what they needed to do. He recommended that the Authority approve the invoice to be paid by the County.

On the motion of Mr. Wermter, seconded by Mr. Luttner, which carried by a vote of 6-0, the Board voted to approve the invoice from Wide Open Networks.

Ms. Johnson acknowledged and took responsibility for the manner in which that particular invoice had come through. She stated that as more invoices were received, they would get better at it.

Mr. Barnes emphasized that the vendor understand that the invoice would not be paid until it was approved at the next Louisa County Board of Supervisors meeting on Monday, October 16, 2017.

Ms. Johnson advised that the Treasurer be notified so that he/she could put it on the agenda for Authority meetings.

Mr. Bussing stated that he would make sure that deliverables were attached to invoices in the future.

FINAL COMMENTS

Mr. Barnes encouraged the Authority and thanked them for their continued work.

WEBSITE UPDATES

Mr. Hardy stated that he had uploaded the presentation from the Board of Supervisors meeting and the most recently approved minutes from the Authority meetings had also been uploaded. He stated that he would upload the September meeting minutes that had been approved at the current meeting in the near future.

NEXT MEETING

The next Broadband Authority meeting will take place on Wednesday, November 1, 2017, at 7:00 pm.

ADJOURNMENT

On the motion of Mr. Wermter, seconded by Mr. Hill, which carried by a vote of 6-0, the Board voted to adjourn the October 4, 2017, regular meeting at approximately 8:00 p.m.

BY ORDER OF:

MARY JOHNSON, CHAIRMAN
BOARD OF DIRECTORS
LOUISA COUNTY BROADBAND AUTHORITY