

**LOUISA COUNTY BROADBAND AUTHORITY  
BOARD OF DIRECTORS  
LOUISA COUNTY OFFICE BUILDING  
1 WOOLFOLK AVENUE  
LOUISA, VIRGINIA  
July 19, 2017 7:00 P.M.**

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

Absent: Brian Sullivan, Garth Wermter

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

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**CALL TO ORDER**

Ms. Johnson called the July 19, 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**

Ms. Johnson made one modification to the agenda and requested that an item be added under unfinished business for the discussion of the general wireless site lease agreement terms.

**APPROVAL OF THE MINUTES**

**June 7, 2017- Regular Meeting**

Ms. Johnson noted a spelling change to Mr. McKinney's name.

**June 26, 2017- Special Meeting**

Ms. Johnson noted a spelling change to Mr. McKinney's name. Ms. Johnson stated that in the second paragraph under discussion, she stated that the "memorandum of association" needed to be changed to "memorandum of agreement".

Ms. Johnson clarified that on the second page in the first paragraph, that she met with one landowner and that she and Mr. Hardy met with another landowner. She requested to strike "several" landowners and state "surrounding" landowners instead. She stated that in the last paragraph in the last sentence that she had spoken with both departments on the telephone before the meeting.

On the motion of Mr. Luttner, seconded by Mr. Burruss, which carried by a vote of 5-0, the Board approved the June 7, 2017, minutes and June 26, 2017, minutes as amended.

### **NEW BUSINESS**

There was none.

### **UNFINISHED BUSINESS**

#### **Discussion- Update on Approved CUP Applications**

Mr. McKinney stated that there were three approved CUP applications for the Middle/High School location, Jouett Elementary School location, and Moss-Nuckols Elementary School location. He stated that regarding the site plan portion of the project, that site plans had been drafted for each of the three sites, and that he expected them to be internally reviewed and submitted to Louisa County in the following week. He stated that it typically took about thirty days to work through the staff reviews for the sites. Mr. McKinney stated that because it was a pretty simple site, there were not expected to be any issues. He stated that they were on track to bid on the first three sites by the middle of September 2017. Mr. McKinney asked whether there were any questions.

Mr. Burruss asked to be introduced to Mr. McKinney. Mr. McKinney introduced himself and described Eden and Associates' relationship regarding the Louisa County Broadband project.

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

Mr. McKinney stated that the second highest priority after the construction of the first three sites was to identify the remaining three tower sites. He stated there had been a fair amount of interest throughout the County determining where those three sites would be. He stated that they were currently in conversation with Twin Oaks as well as the Ruritan Club. He stated that the Ruritan Club was in the process of determining whether they wanted to host a tower on their site.

Mr. Barnes asked for clarification regarding which Ruritan Club Mr. McKinney was referring to. Mr. McKinney clarified that it was Holly Grove Ruritan Club.

Mr. McKinney stated that they were looking at Twin Oaks, Red Hill in the northern portion of the County, Trevilians Elementary School, water tower/tank at Zion Crossroads, Bumpass Park, Buckner Road, and Cross County Road. He stated that they had produced propagation maps to determine how all of the aforementioned site locations would or would not work with the network.

Mr. McKinney stated that regarding the Twin Oaks Community, a potential location had been identified and had requested that it be staked in order for them to visualize how the site would fit on the property. Mr. McKinney stated that he had contacted a surveyor and that the earliest he could stake the site would be the following week. He stated that the Twin Oaks Community would then have a meeting among themselves to determine whether they want to host the tower

site. He stated that they were still waiting on a response regarding the Holly Grove Ruritan site as well as continuing to talk with some of the private property owners that were interested in potential sites.

Ms. Johnson asked that Mr. Hardy expand on the other radio tower sites.

Mr. Hardy stated that the Red Hill site near Gordonsville and the Zion Crossroads site were both proposed sites for the new radio implementation for Louisa County. He stated that they were currently spending \$6 to \$7 million on upgrading the radio systems which would include two new towers, one near Gordonsville and one near the Zion Crossroads water tower. He stated that to his knowledge, they would be full sized cell towers.

Ms. Johnson stated that she spoke with Louisa County Fire and EMS Chief Keith Greene to verify that the Authority would be given the opportunity to co-locate on that tower and that when the appropriate time came, that the Authority could coordinate its activities with the CUP permit process which would essentially allow the Authority to be included on the CUP application thus eliminating the need for a separate CUP application. Ms. Johnson stated there were two sites that had been identified that had a much lesser impact to the overall budget.

Mr. Hardy stated that he was unsure how much higher the cell towers would be in comparison to other towers but that he would try to look into it.

It was asked where the Twin Oaks Community was located. Ms. Koren stated that the Twin Oaks Community was located off of Old Mountain Road, in the Mineral District which was south of Route 605.

There was brief discussion regarding the tower location in the Twin Oaks Community. Mr. Hardy brought the map of tower locations within the County to the Authority's attention. Brief discussion ensued regarding several of the locations.

Ms. Johnson stated that she had spoken with Parks and Recreation Director James Smith regarding his feedback on the potential tower location at Bumpass- Buckner Park. She stated that Mr. Smith thought that there might be an opportunity at the property. Ms. Johnson stated that both the Trevilians Elementary School site as well as the Bumpass- Buckner site were both County owned sites which would make the process fairly easy to move quickly on.

Mr. Hardy clarified that the maps shown were not propagation maps and were five miles circles. He stated that if LTE was implemented, that coverage could extend from seven to ten miles. He stated that there would be more overlap with LTE which would actually help give better coverage throughout the areas.

Ms. Johnson asked Ms. Robinson whether the names and information of the private land owners should remain anonymous. Ms. Robinson stated that the information should be anonymous until a contract was in place.

Ms. Johnson stated that she had asked Wide Open to prepare propagation maps, but that if property owners' names were on the maps, that those maps be withheld at the meeting. She stated that the maps be amended and sent back out to the Authority members.

Mr. Hardy discussed the maps further and pointed out several known internet providers within the County.

Ms. Johnson expressed that she wanted to keep the momentum going and that Authority keep moving forward on the project.

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

Ms. Johnson stated that it was apparent in the last CUP process that the Authority had not officially discussed with the existing tower owners how to coordinate activities that would be mutually beneficial. She stated that Mr. Duren did research to make sure that the towers that were on the map were actually there. She stated that she would like a member volunteer to take responsibility for the continuation of that project, assisting with the research, making phone calls, and setting up meetings and document correspondence with existing tower owners. She asked if there were any volunteers.

Mr. Duren stated that there was not a lot of money at stake regarding existing tower owners. Ms. Johnson stated that she knew of one existing tower owner that had expressed interest. She stated that she did not want to miss an opportunity that would eliminate the need to construct a tower and allow that saved money to be used elsewhere in the broadband project. She stated that the Authority represented the final answer for the County as they had all been appointed by their district supervisors to be on the Board.

Ms. Koren concurred and thanked Ms. Johnson for emphasizing the need for due diligence.

Ms. Johnson stated that she would be helping with the some of the work as well. It was asked whether there was already contact information for the existing tower owners and whether a letter could be sent out to each of them, asking if they would be interested in working with the Authority.

Ms. Johnson stated that that there were conditions in many of the CUPs that expressly stated that the tower owners would provide space on their tower for Louisa County Fire and EMS, Louisa County, or Louisa County Broadband. She stated that just posing the question to tower owners did not go into the depth that was needed for the response. Ms. Johnson stated that there were agreed upon conditions within many of the CUPs that allowed space to be provided to the County.

Mr. Hardy stated that there were four or five site locations that were being put up and that research needed to be conducted. He stated that existing tower owners needed to be talked to that were within two miles of those sites. He stated that this was also a requirement of the CUP process in order to explain why alternative sites would not work, whether for height reasons or other reasons.

Ms. Johnson stated that documentation was required, and that although she believed there was limited opportunity on the existing towers, she did not believe it to be true that there was no opportunity.

Mr. Duren stated that he would take on the responsibility since he had some basis of understanding regarding the existing towers.

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

Ms. Johnson stated that she had been appointed to the Public Information Sub-Committee by former Chairman Gath Wermter, and stated that she had not done much regarding her role of reaching out to the public and familiarizing them with the project and its role in the County. Ms. Johnson stated that it was imperative moving forward that the general public understand the Authority's mission, and that the LCBA was not selling or providing broadband services. She clarified that the Authority was providing the backbone network and infrastructure and wanted the public to understand how the LCBA business model worked. Ms. Johnson stated that it was necessary to have someone to stay up to date by providing press releases and ideas of how to get the word out in order to generate interest in possible property locations. Ms. Johnson stated that she needed the names and contact information of any interested private property owners so that she could contact them.

Mr. Hill volunteered to do some writing for the sub-committee, and Mr. Burruss agreed to assist. It was asked whether there was a budget for this activity. Ms. Johnson stated that there were plenty of opportunities on social media platforms to get the word out at a low cost.

Ms. Koren added that if there was an area in the County that the Authority knew towers should be located in, to reach out to Home Owner Associations or the area's local organizations in order to get the word out quickly.

Ms. Johnson stated that once the Authority had an opportunity to look at the propagation studies and knew the needed areas, then they would know but that she wanted to know that there was a commitment.

Mr. Hill stated that he would send the contact information to Ms. Johnson regarding the property owner who contacted him.

Ms. Johnson asked Ms. Robinson what her recommendation would be regarding a designated spokesperson to speak on behalf of the Authority. Ms. Robinson recommended that the best course of action was always to have one person designated in order to have a clear and consistent message. Ms. Johnson asked Ms. Robinson whether it should be formalized by a resolution.

It was clarified that a motion should be made to nominate Mr. Hill as the LCBA Public Information Officer and as the Chairman of the Public Information Sub-Committee.

Ms. Robinson clarified that Mr. Hill would serve as the spokesperson and Chairman of the Public Information Sub-Committee and whoever was nominated as the next Chairman of that committee would in turn become the next spokesperson as well.

The Board concurred.

Mr. Burruss stated that as part of the Public Information Sub-Committee, he would like to nominate Mr. Hill as the Chairman.

On the motion of Mr. Burruss, seconded by Mr. Duren, which carried by a vote of 4-0-1, the Board nominated Mr. Hill as the Chairman of the Public Information Sub-Committee.

On the motion of Mr. Burruss, seconded by Mr. Luttner, which carried by a vote of 5-0, the Board nominated Mr. Hill as the spokesperson of the Public Information Sub-Committee.

### **Discussion- General Terms of Wireless Lease Agreement**

Ms. Johnson stated that it was appropriate that the Authority look into the terms of the agreement as a general document. Ms. Johnson stated that she would be looking at Ms. Robinson for any suggestions that needed to be considered, not only schools but for private property as well.

Ms. Robinson stated that there were a few items to be considered. She stated that under paragraph four (4), there was a twelve (12) month notice period for terminating the lease and that she suggested a shorter time period for the convenience of either party.

Mr. Hardy stated that they would be removing the tower if the ground lease was terminated. He stated he was not sure how quickly that would occur. Mr. Hardy stated that they would certainly have to cover that in the carrier lease as well since they would be located on the tower.

Ms. Robinson stated that the item could be taken care of in two parts. She suggested that the Authority simply provide the party with a notice of intent to terminate the lease by a certain date and have the agreement provide for enough time to remove the tower in a timely fashion but that it did not have to necessarily fall into that time period.

Ms. Robinson stated that in paragraph twenty-one (21) that there should be provision added that specifies the landlord will not in the future of the term of the lease dispose of any hazardous waste or materials on the site.

Mr. Duren stated that in paragraph one (1), "Description and Purpose", that only self-supporting towers were mentioned, however, some of the towers would be guyed wire towers.

Ms. Robinson stated that this would be a general document to utilize for all contracts but that each agreement would take its own turn.

Mr. Duren suggested that an underline be placed beneath the word as a reminder for which tower the agreement was specifying. Ms. Johnson also suggested that a strikethrough could be used.

Mr. Burruss stated that in paragraph six (6), "Access to the Site", whether the Authority would have to notify the homeowner each time they were coming onto the site. Ms. Robinson stated that typically, a homeowner would state that notification be provided and then that it would be put into an agreement but that it was on an individual basis.

Mr. Hill stated that he did not see in the agreement which party carried liability coverage on the site. Ms. Robinson stated that there was no requirement that the agreement identify the landowner for injuries resulting. She stated that arguably, it could fall under that provision. She stated that those kinds of concerns could fall under paragraph five (5) of the agreement, "Indemnification", as issues and concerns arose but that the insurance provision was a good item to consider.

Ms. Johnson asked that Ms. Robinson look at the agreement more closely. She inquired as to what umbrella the Authority fell under for insurance purposes and as to whether it was the County's liability. Ms. Robinson stated that that was something that needed to be verified.

Mr. Hardy stated that the \$1 million allocated by the Board of Supervisors would be the County buying the goods and services, therefore, he believed that the ownership might stay with the County rather than being transferred to the Authority.

Ms. Robinson stated that that would need to be verified. She stated that in most contracts, there was mutual responsibility between both parties to have some type of coverage.

Mr. Duren inquired as to whether the schools or County owned properties could decide to terminate the contract. Ms. Robinson stated that the school property was owned by the Louisa County School Board but that there would not be a contract for county owned property such as the Bumpass- Buckner Park.

Ms. Johnson stated that it should be verified that the language in the agreement that designated Louisa County as the grantee was accurate since the Authority was not included in the language.

Ms. Johnson stated that the discussion on the general terms of wireless lease agreement be tabled as there still needed to be further verification on the potential amendments to the agreement.

**PUBLIC COMMENTS**

There were none.

**PUBLIC HEARINGS**

There were none.

**CHAIRMAN/GENERAL MANAGER'S REPORT**

There was none.

## **CONSENT AGENDA**

There was none.

## **APPROVAL OF THE BILLS**

There were none.

## **CLOSED SESSION**

On the motion of Mr. Duren, seconded by Mr. Hill, which carried by a vote of 5-0, the Board voted to enter Closed Session at approximately 8:00 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
2. In accordance with §2.2-3711.A.4 VA Code Ann., for the purpose to protect the privacy of individuals in personal matters not related to public business

## **RESUMPTION OF REGULAR SESSION**

On the motion of Mr. Duren, seconded by Mr. Hill, which carried by a vote of 5-0, the Board voted to return to regular session at approximately 8:45 p.m.

## **RESOLUTION - CERTIFICATION OF CLOSED SESSION**

On the motion of Mr. Duren, 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
Mark Luttner	Yes/Aye
Mary Johnson	Yes/Aye
Bernie Hill	Yes/Aye

**FINAL COMMENTS**

On the motion of Mr. Hill, seconded by Mr. Burruss, which carried by a vote of 5-0, the Board voted to appoint Mr. Duren as an official spokesperson, along with Chairman Johnson, to speak with interested parties for leasing their properties for the purposes of putting up a broadband tower.

**WEBSITE UPDATES**

Ms. Johnson requested that Mr. Hardy post the minutes on the Louisa County website in a timely fashion. Mr. Hardy requested that the Public Relations Committee write up a summary to put on the website as far as the current state of affairs and what the next steps were for the Authority.

**NEXT MEETING**

The next Broadband Authority meeting will take place on Wednesday, August 2, 2017, at 7:00 pm.

**ADJOURNMENT**

On the motion of Mr. Luttner, seconded by Mr. Burruss, which carried by a vote of 5-0, the Board voted to adjourn the July 19, 2017, regular meeting at approximately 8:47 p.m.

BY ORDER OF:

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MARY JOHNSON, CHAIRMAN  
BOARD OF DIRECTORS  
LOUISA COUNTY BROADBAND AUTHORITY