

**LOUISA COUNTY BROADBAND AUTHORITY
BOARD OF DIRECTORS
LOUISA COUNTY OFFICE BUILDING
1 WOOLFOLK AVENUE
LOUISA, VIRGINIA
FEBRUARY 18, 2015
7:00 P.M.**

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

Absent: Brian Sullivan and Bernie Hill

Others Present: Mike Lockaby, County Attorney; Bob Hardy, Information Technology Director; Allyson Finchum, Community Development Director; Stephanie Koren, Board of Supervisors, Mineral District; and Fitzgerald Barnes, Board of Supervisors, Patrick Henry District

CALL TO ORDER

Mr. Burruss called the February 18, 2015, meeting of the Broadband Authority (BBA) Board of Directors to order at approximately 7:00 p.m., which was followed by the Pledge of Allegiance.

ADOPTION OF THE AGENDA

On the motion of Mr. Wermter, seconded by Ms. Johnson, which carried by a vote of 5-0, the Board approved the February 18, 2015, agenda, as amended, with the following changes:

- Added a discussion to new business regarding meeting dates; and
- Moved new business after unfinished business.

APPROVAL OF MINUTES

January 6, 2015

On the motion of Ms. Johnson, seconded by Mr. Wermter, which carried by a vote of 5-0, the Board approved the minutes of the January 6, 2015, meeting.

UNFINISHED BUSINESS

Discussion Item: Update – Telecommunications Ordinance/Master Plan Revisions

Ms. Johnson said during the last meeting, the BBA made final revisions to the Telecommunications Ordinance draft and voted to approve the document. Ms. Johnson indicated that the draft ordinance was scheduled to go before the Board of Supervisors at their February 17, 2015, meeting for referral to the Planning Commission for review; however, it was removed

from the agenda so the BBA could have further discussion regarding conditional use permits (CUP), specifically for pole mounted wireless communication facilities (WCF).

Ms. Johnson noted that the draft ordinance outlined the processes for by right uses, CUPs, and special exceptions, but the State also allowed Special Use Permits (SUP), which was not currently included in the County's ordinance, but could be added. Ms. Johnson briefly discussed the requirements, process, and fees of a SUP and mentioned that she thought this addition would address some outstanding issues and concerns related to pole mounted WCFs. The BBA requested additional clarification between the various processes, which was explained by Mr. Lockaby. Mr. Lockaby further provided a comparison of SUP requirements enforced by other localities and additional discussion ensued amongst the BBA in regards to the feasibility of implementing separate processes for the different zoning districts and the required processes and submittals for each of the permit options.

On the motion of Mr. Wermter, seconded by Mr. Luttner, which carried by a vote of 5-0, the Board requested that Ms. Johnson and Mr. Wermter work with the County Attorney to revise the proposed ordinance amendments to include language that:

1. Permits a by-right use for free-standing WCF's, which are less than 100 feet and located in one of the following zoning districts with a minimum of 50 acres:
 - a. Agricultural District (A-1 and A-2);
 - b. Industrial District (IND);
 - c. Industrial Limited District (I-1); or
 - d. Industrial General District (I-2); and
2. Permits the use of a SUP process for WCFs less than 100 feet in all other zoning districts, and require 1) notification to all adjacent land owners; 2) structural integrity approval on the pole, and; 3) a public hearing with the Board of Supervisors.

NEW BUSINESS

Discussion Item: Consultant Introduction & Next Steps

Mr. Matt Bussing, representative with Design Nine, presented the BBA with a presentation that included a brief overview of following:

- Technology options;
- Mapping;
- Telecommunication infrastructure and communication services;
- Community asset and development; and
- Effects of broadband shortfalls in the County.

PUBLIC COMMENT

Mr. Joe Snyder, Elected President of the Reedy Creek Property Owner's Association (POA), spoke in favor of the BBA's efforts on revising the Telecommunications Ordinance and noted that the Reedy Creek Subdivision was in support of moving forward with the proposed changes.

Mr. Joe Cline, Mineral District and representative of The Waters at Lake Anna, agreed with Mr. Snyder's comments and reiterated the importance of affordable and accessible broadband in the County.

Mr. Larry Zemke, Mineral District, stated his opinion concerning the proposed processes and their effect on affordable and reliable internet service in Louisa County, as well as the perception being presented by the choice of words used in public meetings.

Mr. Nick Sadowski, Louisa District, addressed the Board regarding the lack of internet service and the importance of broadband access to citizens in Louisa County.

Mr. Brian Gilbreth, Louisa District and owner of CVALink, commended the BBA and staff on their efforts and asked that they continue to assess the need for affordable broadband service.

Mr. Barnes apologized if some statements he made during the February 17, 2015, Board Meeting were offensive, but it was important to allow the process to take place.

CLOSED SESSION

On the motion of Mr. Wermter, seconded by Mr. Luttner, which carried by a vote of 5-0, the Board voted to enter Closed Session at approximately 8:58 p.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711.A.34 VA Code Ann., for the purpose of discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6, specifically relating to business plans for build out of a broadband internet system.

RESUMPTION OF REGULAR SESSION

On the motion of Mr. Wermter, seconded by Mr. Duren, which carried by a vote of 5-0, the Board voted to return to regular session at approximately 9:22 p.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

On the motion of Mr. Wermter, seconded by Mr. Luttner, 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>
Mary Johnson	Yes/Aye
Brian Sullivan	Absent
Bernie Hill	Absent
Melvin Burruss	Yes/Aye
Steve Duren	Yes/Aye
Garth Wermter	Yes/Aye
Mark Luttner	Yes/Aye

NEW BUSINESS (cont.)

Discussion Item: Regular Meeting Dates

On the motion of Mr. Wermter, seconded by Mr. Luttner, which carried by a vote of 5-0, the Board voted to move the BBA's regular meeting date to the first Wednesday of every month.

WEBSITE UPDATES

Mr. Hardy commented that he would make necessary updates regarding actions taken during the current meeting.

ADJOURNMENT

The February 17, 2015, On the motion of Mr. Wermter, seconded by Mr. Luttner, which carried by a vote of 5-0, the Board voted to adjourn the February 18, 2015, meeting at approximately 9:30 p.m.

BY ORDER OF:

MELVIN BURRUSS, CHAIRMAN
BOARD OF DIRECTORS
LOUISA COUNTY BROADBAND AUTHORITY