

**LOUISA COUNTY BROADBAND AUTHORITY  
BOARD OF DIRECTORS  
LOUISA COUNTY OFFICE BUILDING  
1 WOOLFOLK AVENUE  
LOUISA, VIRGINIA  
July 5, 2018 7:00 P.M.**

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**Present:** Mary Johnson, Jeffrey Zivick, Melvin Burruss, Bernie Hill, and Timothy Layne, Tommy Barlow, Jim Ogg (non-voting)

**Absent:** Ed Jarvis, Mineral District, Make Luttner, Cuckoo District, Duane Adams

**Others Present:** Bob Hardy, Louisa County Information Technology Director, Eleni Rackley, Administrative Assistant

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**CALL TO ORDER**

Mr. Bob Hardy called the July 5, 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**

Ms. Johnson stated to move up the Election of Officers from New Business, to Adoption of Agenda 2B.

**Action Item: Election of Officers**

Mr. Hardy asked the Authority if there are any nominations for Chairman.

Mr. Hill nominated Ms. Johnson for Chairman.

There were no more nominations for Chairman.

On the motion of Mr. Hill, seconded by Mr. Burruss, which carried by a vote of 5-0. The Authority voted to have Ms. Johnson as acting Chairman.

Ms. Johnson opened the floor for nomination of Vice Chairman.

Mr. Burruss nominated Mr. Hill for Vice Chairman.

Ms. Johnson asked for any other nominations. There were none.

On the motion of Mr. Burruss, seconded by Mr. Zivick, which carried by a vote of 5-0. The Authority voted to have Mr. Hill as acting Vice Chairman

Ms. Johnson stated that in the past the Authority has combined Secretary and Treasurer, did anyone opposed to that.

No one opposed to combining Secretary and Treasurer.

Ms. Johnson indicated Mr. Hardy in previous years has been appointed Secretary/Treasurer. Ms. Johnson mention she does not think it requires a nomination but would require a motion. Ms. Johnson asked the Authority if there were any other nominations for Secretary/ Treasurer.

No other nominations besides Mr. Hardy for Secretary/Treasurer.

On the motion of Mr. Layne, seconded by Mr. Hill, which carried by a vote of 5-0. The Authority voted to have Mr. Hardy as acting Secretary/Treasurer.

### **APPROVAL OF THE MINUTES**

On the motion of Mr. Hill, seconded by Mr. Layne, which carried by a vote of 5-0. The Authority voted to approve the June 6, 2018, regular meeting minutes as amended.

Mr. Hardy addressed the Authority stating, him and Ms. Rackley wanted to confirm the non-preapproved minutes for the upcoming meeting can be posted to the County's website, with the draft watermark.

The Authority confirmed to post minutes on the website.

### **PUBLIC COMMENT**

There was none.

### **NEW BUSINESS**

Addressed in adoption of the Agenda.

### **UNFINISHED BUSINESS:**

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

Mr. Hill stated the towers will be delivered to LCHS tomorrow, July 7, 2018, and construction will begin next week. Mr. Hill asked that Dr. Cohill address the Authority with more details.

Dr. Cohill confirmed they do expect the towers to be delivered tomorrow, July 7, 2018. Dr. Cohill stated he had checked earlier in the day with Mt. Valley, Mt. Valley said they spoken directly with the two truck drivers who are bringing the steel from Peoria. The trucks were loaded on Monday, July 2, 2018, and are expected to arrive between 8:00 am – 10:00 a.m. on July 7, 2018. The

Production of the towers will begin next week. Dr.Cohill stated LCHS will be first, because this is where the towers will be delivered. Dr. Cohill mention Jouett would be next on the list followed by Moss-Nuckols. Dr.Cohill stated after speaking with Mt. Valley, LCHS and Jouett towers will be up in the next two weeks. Dr. Cohill said there will be time for the Moss-Nuckols tower to be, but that they are still negotiating with the Schools to get access to the rear fence of the softball field. Dr.Cohill stated they need to move the rear fence about 10 feet to excavate from one of the anchor pens. Dr.Cohill said per his conversation with Mt.Valley, and if they can get a 28 hour window they can remove a portion of the fence allowing them to remove the fence, excavate the pen, pour concrete, install the pen, and put the fence back. Dr.Cohill stated they do not have a confirmed date for this 28 hour period from the schools. Dr.Cohill said he is in daily contact with the schools trying to work this time frame out. The electrical work will continue during the next two weeks with hopes to also have the fencing up and most of the work completed by the end of the month for the first 3 towers.

Mr. Burruss asked Dr.Cohill who makes the decisions for Moss-Nuckols.

Dr.Cohill stated he is speaking with Sal, who is the facilities manager.

Mr. Burruss asked who Sal is waiting on for approval from.

Dr.Cohill indicated he was unsure on who Sal is waiting on approval from, but could find out and let the Authority know.

Mr. Burruss said he would like to know so this possibly the Authority could push the issue more.

### **Discussion – Proposed Towers**

#### **Trevilians Elementary School**

Dr.Cohill stated an application has been submitted and was reviewed by the Planning Department. There is a Neighbor Meeting scheduled for July 11, 2018 at 4:00 p.m.

Ms. Johnson said application would then reviewed by their Development Review Committee.

Mr. Hardy stated they no longer have the Development Review Committee.

Ms. Johnson stated it be the Neighborhood Meeting straight into the Planning Commission for review. Ms. Johnson asked if we had a date for the Planning Commission.

Dr.Cohill said he does not have an exact date, but knows it is sometime in August. Dr.Cohill stated this has to happen prior to the Board of Supervisors meeting, which scheduled the first week in September.

Mr. Ogg asked if the balloon test has been done.

Dr.Cohill confirmed the balloon test has been done and was also completed this month

### **Holly Grove Site**

Mr. Hardy stated he gave a first draft to legal, legal then “dressed it up” for a letter of intent of agreement to file a CUP on the Land Owner’s behalf. Mr. Hardy and Mr. Layne went out to the Land Owner’s property. Mr. Hardy stated according to the Land Owner’s memory they did not discuss price or a lease. Mr. Hardy said he was under the impression that the Land Owner had offered his property at no cost. Mr. Hardy indicated that a dollar was put into the lease, because that is what you do when it is a no cost lease agreement. The Land Owner said they had never spoke about what the agreement would be because they were waiting to hear back about what the revenue might be. The Land Owner’s stated they are giving up a fair amount of their land and access to their land for this project. Mr. Hardy stated that the Authority has the option to authorize a type of grounded payment.

Mr. Hill asked what the address was for this location.

Ms. Johnson stated the address of this Land Owner’s property is confidential.

Mr. Hill said on his list that he sent out he does not call this site Holly Grove.

Mr. Hardy noted the Holly Grove site is on West Chapel Road. Mr. Hardy stated originally they had planned to be on 522 in the Orchard are but another cell tower company has plans to put a cell tower there. The tower in the Holly Grove Site area covers more of the lower corner and people in the Holly Grove area. Mr. Hardy stated the site is a very good site and worth having, the issue is how much the Authority can afford to purchase this land as a lease.

Mr. Hardy explained the Site-wide lease is not finished yet, but will be finished very shortly and negotiations and selection of an anchor tent.

The adenoma of the RFP:

- \$0 per month for the first 6 months
- \$100 per month for the next 6 months
- \$250 per month thereafter per each tower.

Ms. Johnson asked Mr. Hardy is it expected of them to come back with a price.

Mr. Hardy stated the Land Owners would like for the Authority to come back with an offer.

Ms. Johnson stated the Authority will discuss this in Closed Session.

### **Buckner Bumpass Park**

Mr. Hardy mention the Buckner Bumpass Park is still awaiting for the Authority to issue a RFP on being able to get a cell tower to build on County property. Mr. Hardy would also like to get an RFP response on other tower companies who are willing to build on their own properties that they secure a lease for, and what it would take for them to do this prior to them getting a cell carrier, and what help they would need from the County. It will be a two paragraph RFP. Mr.

Hardy stated Mr. Goodwin reviewed this RFP today, July 5, 2018, and the RFP was approved to be sent out.

Mr. Ogg asked has anyone shown interests in a cell tower in Buckner Bumpass Park and on 522.

Mr. Hardy said that one company has shown interest in building a tower in both places, as well as 1 or 2 other locations.

Mr. Burruss asked will the revenue from the towers from the Broadband will go to the cell phone providers.

Mr. Hardy confirm that is correct, depending on how the lease is written.

Questions and comments were addressed by the Authority regarding the construction of the Buckner Bumpass Park Towers.

Mr. Zivick asked the Authority to quickly discuss how the status of activities are being communicated.

Dr. Cohill addressed Mr. Zivick's question stating after speaking with Mr. Hill on the next status report all of the activities will be reorganized by the individuals sites and what has been completed, in process, and what has not been completed.

### **Discussion – Co-location of Louisa County EMS Radio Towers**

Ms. Johnson stated the towers are still in the conditional use process. Once the conditional use process is approved, Ms. Johnson would like to coordinate with Dr. Cohill to submit a Co-location Application. Ms. Johnson stated there will be 3 applications for Co-location Applications, two after the CUP process is completed (if approved) and one as soon as the tower study comes back.

Questions and comments were addressed by the Authority regarding the location and construction of the EMS Radio Towers.

Mr. Barlow asked is there anything the Authority can do to expedite the CUP process.

Ms. Johnson said in order to have this process expedited the code would have to be changed on the Conditional Use Process or not make it necessary to do the Conditional Use Permit. Ms. Johnson stated originally the Board of Supervisors was not going to have the Conditional Use Permit but wanted to the citizens input, which ended up being a CUP.

Discussion ensued regarding the CUP process on this project.

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

Ms. Johnson stated a Resolution passed from the Board of Supervisors, stating it was to clarify the County's and the Schools' IT Departments are going to manage the fiber and wireless infrastructure because it is so co-mingled. Also, there will be separate internet providers. The Authority will be responsible for managing the providers that locate on our infrastructure or our towers. Ms. Johnson said there has been a preauthorization from the Board, to select/approve an Anchor Tenant as a result of the RFP that went out.

### **Discussion – System-wide Lease RFP**

Mr. Hardy stated there was a response to the site-wide RFP Lease, SCS Broadband was the sole respondent. SCS will meet the requirements as the RFP was published. There was one omission for the transmission cost, speaking in regards to backhaul of all the towers and charging one monthly fee for them. Mr. Hardy stated that number has been left off, and part of negotiating/ final approval of signing this lease would be negotiating a number back into the lease. Mr. Hardy mentioned the number they were thinking was \$350 a month to transport their internet signal through our whole wireless network. The other amount was meant in the Holly Grove Site discussion.

Ms. Johnson asked has the lease been amended to include this transmission cost.

Mr. Hardy stated it has not been amended yet but that this has been discussed with them.

Ms. Johnson said the lease will be amended with this information if they are selected.

Mr. Hardy indicated they had an issue/suggestion with the concept of requiring they are on all of our towers within 2 months of our notifications to proceed, due to things such as inclement weather and things that are beyond their control. Mr. Hardy stated that they would give us a letter stating why these things were not completed in the time frame.

Questions and comments were addressed regarding the terms and agreement of the lease for the RFP.

On the motion of Mr. Hill, seconded by Mr. Zivick, which carried by a vote of 0-5. The Authority voted to sign the lease with SCS Broadband as amended for 2 month deadline, and the additional cost of the transmission fee of \$350.

On the motion of Mr. Zivick, seconded by Mr. Hill, which carried by a vote of 5-0. The Authority voted to approve signing the lease with SCS Broadband, with two amendments to the RFP contract as written. The first being, if SCS cannot complete their insulation in 2 months they required to submit an explanation and action plan to the Board for how they will complete that insulation. The second amendment is to include a vision of them to pay a prorated amount based on the number of towers available, \$350 payment per month to the County, based on 10 towers with \$35 per tower, with a max of \$ 350.

### **PUBLIC COMMENTS**

None

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

Ms. Johnson stated she received notification from the Community Development Department, we are now on their rotation list for any Conditional Use Permits regarding towers. Ms. Johnson said they have sent back 3 applications regarding towers, 2 of them are new and 1 is a renewal. The renewal is for CWS Tower, original application was in 2017/ CUP 2017-05. Ms. Johnson stated one application they may want to discuss is, Louisa County shall be allowed at its request to utilize a mutually agreed upon location no lower than 145 ft. in elevation on the tower at no cost and reasonable accommodations for a 12x20 equipment shelter for its communication needs. This otherwise perpetual reservation may be waived at the discretion of the County Administrator. Ms. Johnson asked the Authority, would they want an Anchor Tenant on this tower.

Mr. Hardy stated he would say no because it is very similar to what the Authority was planning on in Twin Oaks, and there is another tower being built about 2 ½ miles from this tower. Mr. Hardy said it's not a bad location to put a cell tower or ISP to go on to, but he does not feel it needs to be one of our towers or plans. It does not stop anyone from going on the property, if we wanted to make this part of our site-wide lease we would need to make some negotiations on how to make this happen.

Discussion ensued on the renewal of the CWS Tower, and approval of other two applications.

On the motion of Mr. Layne, seconded by Mr. Hill, which carried by a vote of 5-0. The Authority voted to approve applications , CUP 2017-05, 2018-02, 2018-03.

### **DIRECTOR AND LIAISON REPORTS**

Ms. Johnson asked Dr. Cohill to give an update on the FCC at the next Broadband Authority meeting.

### **CONSENT AGENDA**

There was none.

### **APPROVAL OF THE BILLS**

Mr. Hardy stated we have a second round of 3 bills from Mountain Valley. Mountain Valley asked back in April to get paid for the steal towers, ordered from the tower company.

Mr. Ogg mention the Towers are to be delivered tomorrow, July 6, 2018.

Mr. Hardy said we did not authorize payment back in April as Mr. Hill stated, the towers are not here yet and they cannot get paid for them. Our contract does not have progress points for

payment, it does have payment for material that are on site or at Mt.Valley. Mr. Hardy stated that Mr. Hill mention that our process should be:

- our consultant authorize the payment
- Mr. Hill our liaison approves the payment
- Goes to Broadband Authority for approval
- Then to The Board of Supervisors for final approval/payment

Ms. Johnson asked Mr. Hardy if he wanted to act on this today.

Mr. Hardy stated they should get paid for the equipment they have purchased.

Questions and comments were addressed by the Authority regarding the payment of bills.

On the motion of Mr. Hill, seconded by Mr. Zivick, which carried by a vote of 5-0. The Authority voted to delay the bills until after the materials are delivered and Dr.Cohill has inspected the delivery. Bill will be up for review for payment in the August meeting.

Mr. Hardy stated the next bill, CVACT has a work order done that will provide electricity once we apply for membership. The bill is for \$428, and must be paid in advance.

Ms. Johnson asked who is becoming a member, Louisa County or Louisa County Broadband Authority. If Louisa County becoming a member, the Board of Supervisors should be aware. If Louisa County Broadband Authority is becoming a member and within the budget, and expected than this is just part of our budget stated Ms. Johnson.

Mr. Hardy said he is not sure of who would be applying for membership.

Ms. Johnson asked Mr. Hardy to get more information on this bill, who will be applying for membership, who will be paying for them, etc.

Discussion ensued on the CVACT bill and membership.

### **CLOSED SESSION**

On a motion of Mr. Hill, seconded by Mr. Zivick, which carried a vote of 5-0. The Authority voted to go into Close Session.

Mr. Hill stated Code Section 2.2-3711 of Virginia Code.

The Broadband Authority went into Close Session at 8:50 p.m.

### **ADJOURNMENT**

On a motion of Mr. Hill, seconded by Mr. Layne, which carried a vote of 5-0. The Authority voted to go into Open Session.

Ms. Johnson cited the Virginia Freedom of Information Act.

**Roll Call:**

- Mr. Burruss - Yes
- Mr. Hill- Yes
- Mr. Zivick - Yes
- Mr. Layne- Yes
- Ms. Johnson- Yes

On a motion of Mr. Hill, seconded by Mr. Zivick, which carried a vote of 5-0. The Authority voted to adjourn at 9:25 p.m.

**NEXT MEETING**

The next Broadband Authority meeting will take place on Wednesday, August 8, 2018, at 7:00 p.m.