

**LOUISA COUNTY BROADBAND AUTHORITY
LOUISA COUNTY OFFICE BUILDING
1 WOOLFOLK AVENUE
LOUISA, VIRGINIA
October 3, 2018 7:00 P.M.**

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

Absent: Tommy Barlow, Mark Luttner, Duane Adams

Others Present: Bob Hardy, Louisa County Information Technology Director, Dr. Andrew Cohill, Mark Bowles

CALL TO ORDER

Ms. Johnson called the October 3, 2018, 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

Mr. Hill asked for three changes to be made to the current Agenda:

1. To remove CUP Update under New Business. It was resolved at the last meeting.
2. Move discussion on “Approvals required prior to Release of Contracts, Purchase Orders, and other Contractual” under New Business.
3. Add a discussion on Post Implementation Audit under New Business.

On the motion of Mr. Zivick, seconded by Mr. Jarvis, which carried by a vote of 6-0, the Authority voted to approve the Amended Agenda.

APPROVAL OF THE MINUTES

Ms. Johnson stated on page 3, the motion should read “On the motion of Mr. Zivick, seconded by Mr. Hill, which carried by a vote 5-0 , the Authority voted to state that the LCBBA had no objections to the CUP applications as long as all of the proper filings (FAA, etc.) were completed.”

Mr. Jarvis stated on page 1, under CUP2018-07, it should read “The tower will be on the Southside of CCC Road at 9,300 ft. from the airport.” Also, on page 2, Mr. Jarvis said structure involves construction that would exceed FAR 77.

Mr. Burruss would like for the minutes to reflect that he was present at the September 5, 2018

meeting.

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

PUBLIC COMMENT

Ms. Joanna Hickman, Mineral District questioned if the CUPs that were taken off of the Agenda have been approved.

Ms. Johnson stated the Authority was not to approve the CUPs but to provide comments.

NEW BUSINESS

Approvals required prior to Release of Contracts, Purchase Orders, and other Contractual Documents

Mr. Hill recommended clarification on requirements for approval of financial matters from the Authority before moving forward. This arose from the last meeting when a request for Mr. Hardy was made for a purchase order for Mountain Valley to order the Trevilians' Tower. Mr. Hill referred back to the September meeting minutes, stating the Chair and Vice Chairman indicated a purchase order was not needed. He said Wide Open Network ignored the statements and sent a PO for the Trevilians' Tower to Mr. Hardy.

Mr. Ogg asked Mr. Hill what approval was missing.

Mr. Hill stated approval from the Authority was missing. Mr. Hill explained the Authority never clearly said by way of policy that approval was required. However, Ms. Johnson stated in her comments the approval of the Authority was required. Mr. Hill suggested the items that need the Authority's approval be approved by vote of the Authority. Mr. Hill stated the motion that he is about to make is not a rebuke of any action by the Authority or of staff, the Authority needs to make a decision in advance to things accruing so the Authority knows what is coming up. Mr. Hill also recommended approval from the Authority to pay for travel expenses.

Ms. Johnson stated she understands the recommendation for everyone to recognize what the process is. However, Ms. Johnson stated she is also concerned about the process so things are not held up.

Mr. Hardy explained to the Authority the process for approving the purchase orders. Mr. Hardy stated this is a County project and the County has a contract with Mountain Valley and Wide-Open to pay from their CIP project. Mr. Hardy said each vender cannot get paid by way through the Authority if the invoice amount exceeds \$3,000. Mr. Hardy stated he has no issues with the process of the purchase orders and the recommendation from the Authority. Mr. Hardy added he understands the need to have an input in the process, but doesn't know how legal it can be since they are an advisory board authorizing the County to spend money.

Ms. Johnson suggested when purchase orders come in if Mr. Hill could advise the Authority of

how it fits in with the budget. She said the Authority can participate in an operational manner, but then the order will go through for the essences of time. Ms. Johnson also mentioned researching the bylaws to see how reimbursements for mileage and lodging is handled.

Mr. Hill asked if the Authority needs to make a motion on the discussion of the purchase orders.

Ms. Johnson confirmed no motion was needed. A motion on reimbursements of travel expenses still requires action.

Mr. Ogg asked if the County has a current reimbursement policy.

Mr. Hardy said the County does have a current reimbursement policy.

On the motion of Mr. Burruss, seconded by Mr. Layne, which carried by a vote of 6-0, the Authority voted to approve three members of the Authority to be reimbursed for overnight lodging and mileage for the conference in Roanoke, Virginia.

Post Implementation Audit

Mr. Hill stated in anticipation of the completion of the second procurement milestone, he suggested a post implementation audit in advance of the next phase of procurement. This will help the Authority better evaluate the request for payment. Mr. Hill said he and Mr. Zivick volunteer to conduct the audit.

Mr. Jarvis asked if this request derived from the conversation earlier.

Mr. Hill stated the audit is an evaluation of contract performance. Mr. Hill said the contract itself with Wide-Open Networks contains a lot of requirements for project management, reporting risk management, and the level of management of the vendor for the tower construction. Mr. Hill stated they will look over how well all these things are being conducted and the quality of deliverables.

Mr. Zivick said they will be assessing a contract performance but would prefer it to be an audit of contract deliverables. Mr. Zivick asked for Mr. Hardy's opinion on if he feels this is necessary.

Mr. Hardy said they met their contract obligations for the payment of the second invoice.

Discussion ensued on the Post Implementation Audit.

Ms. Johnson made an appointment for Mr. Zivick and Mr. Jarvis to conduct the post implementation audit, specifically making sure the contract obligations have been met and the deliverables have been delivered.

UNFINISHED BUSINESS:

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

Dr. Cohill addressed the Authority stating the weather has been creating many challenges. Dr. Cohill said last month they thought the electric would be in by now, but the electric is not in primarily due to Hurricane Florence. Dr. Cohill stated the Moss-Nuckols site is relatively dry so in the next week to 10 days all of the tower work will be completed. Dr. Cohill stated Dominion is scheduled to be on site at LCHS on Saturday, October 6, 2018. Dr. Cohill said they are in contact with CVEC every two or three days in regards to the Moss-Nuckols site. He noted that Jouett does have its electrical services installed. He stated once all three sites have electric, the last major work is to finish the electrical wiring and the propane tank installation. Dr. Cohill stated they are very close to the end of the three sites. Dr. Cohill said they have the final draft of the site plan and they are continuing to collect information and make minor changes. Dr. Cohill said the site plan will be submitted in the next week to 10 days. On behalf of the Authority, Dr. Cohill continues negotiating with SCS to get space on the Chopping Rd. Tower because of issues with the County Admin Tower. He said that SCS has agreed to the height of the Tower and will be drafting an agreement to the Authority for review. Dr. Cohill mentioned SCS also needs to schedule an engineering study which will take 2 weeks once it is approved. Once the site plan and purchase order is approved for Trevilians, Mountain Valley can immediately start with site clearing and foundation work in advance to the Tower arriving.

Ms. Johnson asked if Dr. Cohill has been meeting with the schools and if they are satisfied with the location and guy wires.

Mr. Hardy said at this time the schools are satisfied. Mountain Valley has met with Wide- Open and suggested to rotate the Tower slightly to get the guy wires further away from the soccer field. Mr. Hardy said he does not see an issue with the set up at all. Mr. Hardy asked if the building permit application will be ready after the site plan has been approved.

Dr. Cohill stated it will be ready.

Mr. Jarvis asked if the professional engineering costs on the Chopping Rd. Tower have been factored into the budget.

Mr. Hardy said is it not something that has been factored in, but he feels it is necessary to spend.

Questions and comments were addressed by the Authority regarding the Chopping Rd. Tower

Discussion – Proposed Towers

Trevilians CUP Application

Discussed under LCHS, Jouett Elementary School, and Moss-Nuckols Elementary School Tower Construction Update

Update on potential tower location for Holly Grove area

Mr. Layne stated Scott and Vicky McCray from Holly Grove were in attendance and said they had some questions they would like to ask the Authority.

Mr. McCray stated he is curious about the footprint of the tower and guy wires. Mr. McCray said by giving up part of his land, he hopes that he will be able to get broadband out of the deal.

Ms. Johnson said she would like have a meeting to discuss further detail with Mr. Hardy, Mr. Layne and the McCrays. Ms. Johnson asked for them to get with Mr. Layne and schedule a meeting time.

Buckner Bumpass Park

Mr. Hardy stated they are still in the negotiation process with a responder from the RFP Ground Lease for the Buckner-Bumpass Park.

Discussion – System-wide Lease RFP

Mr. Hardy said the System-wide Lease should be coming any day now, and they are aware they will keep the leasing of their tower on a separate System-wide Lease from all of our Towers.

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

Mr. Hardy stated the fiber project is moving along. Mr. Hardy said he has a meeting with the IT director of the schools Friday morning about ordering switch equipment. Mr. Hardy will also be meeting with Clay Stewart and Wide-Open to discuss what they are planning on putting in the towers and switches. Mr. Hardy said they will be trying to workout how all the fibers are integrated with the backhaul radios and towers.

Ms. Johnson asked if there has been any interests in services to provide the fiber to the home.

Mr. Hardy stated there has been interest.

Discussion ensued regarding fibers.

Discussion – Co-location of Louisa County EMS Radio Towers

Mr. Hardy stated the CUPs have been approved and are in the site plan process. Mr. Hardy said there has been some communication on the elevation of the towers and what they have available. He stated there is at least one cell carrier who would like to locate on the towers which will bring revenue to the County.

TREASURER’S REPORT /APPROVAL OF THE BILLS

Mr. Hardy stated there were no bills to approve at this time but did ask if there was a comment on paying for the professional engineers.

Ms. Johnson said the Authority would like to see the agreement/proposal.

On the motion of Mr. Jarvis, seconded by Mr. Zivick, to not exceed \$2,500 on a professional engineer on the SCS Chopping Road Tower.

Mr. Hardy suggested respectfully to amend the motion to recommend to the County that they spend this money on the engineer study and the CIP budget in the amount not to exceed \$2,500. Mr. Hardy said it is the County spending the money.

Ms. Johnson asked if this is Authority money.

Mr. Hardy said this is not included in the Authority budget, this is coming from the CIP budget on the Broadband Authority Budget.

On the amended motion of Mr. Jarvis, seconded by Mr. Zivick, which carried by a vote of 6-0, the Authority voted to recommend approval for engineering fees for the SCS Chopping Road Tower.

PUBLIC COMMENTS

Joanna Hickmann, Mineral District, addressed the Authority wanting confirmation SCS is the System-Wide carrier who has been contracted. Ms. Hickmann stated the Authority had spoken earlier in the meeting regarding fiber that has been laid and then possibly being tapped into by an ISP that would serve residents. Ms. Hickmann asked if this was with fiber or wireless.

Mr. Hardy stated it would be with fiber.

Ms. Hickmann asked for clarification on the fourth tower that was mention earlier.

Ms. Johnson said the Authority is also working off of two EMS Radio Towers, and also trying to work out a co-location in Bumpass-Buckner area, Holly Grove area, and the Chopping Rd. Tower.

CHAIRMAN/GENERAL MANAGER'S REPORT

None

DIRECTOR AND LIAISON REPORTS

Mr. Burruss stated what is the current status of the website.

Ms. Johnson said this continues to be a struggle, and the Authority continues to search for someone with talent in marketing and PR.

Mr. Zivick mention reaching out to the schools and seeing if they offered a graphic design program or had someone who would be willing to operate the website.

Mr. Burruss stated Ms. Hickmann does a fabulous job of designing websites and recommended her to design the website. Mr. Burruss asked if the Chair would contact Ms. Hickmann and discuss the marketing design of the website.

Questions and comments were addressed by the Authority regarding the website.

CONSENT AGENDA

None

CLOSED SESSION

On the motion of Mr. Jarvis, seconded by Mr. Layne, which carried by a vote of 6-0, the Broadband Authority voted to enter Closed Session at 8:22 p.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711 (A) (29) VA Code Ann., for the purpose of discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

REGULAR SESSION

On a motion of Mr. Jarvis, seconded by Mr. Hill, which carried a vote of 6-0, the Authority voted to go back into regular session.

Roll Call

Vote

Mr. Melvin Burruss	Yes
Ms. Mary Johnson	Yes
Mr. Ed Jarvis	Yes
Mr. Bernie Hill	Yes
Ms. Jeffrey Zivick	Yes
Mr. Timothy Layne	Yes

RESOLUTION - CERTIFICATION OF CLOSED SESSION

On the motion of Mr. Hill, seconded by Mr. Layne, which carried by a vote of 6-0, the Broadband Authority voted to adopt the following resolution:

WHEREAS, the Louisa County Broadband Authority has convened a Closed Meeting this 3rd day of October 2018, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by the Louisa

County Board of Supervisors that such closed meeting was conducted in conformity with the Virginia Law.

NOW, THEREFORE BE IT RESOLVED on this 3rd day of October 2018, that the Louisa County Broadband Authority 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 of Supervisors.

Ms. Johnson said in lieu of discussion in closed session there is a need for a work session meeting. Ms. Johnson stated the 17th of October is available, there was a quorum established.

ADJOURNMENT

On the motion of Mr. Jarvis, seconded by Mr. Hill, which carried by a vote of 6-0, the Board voted to adjourn the October 3, 2018, regular meeting at approximately 9:30 p.m.

NEXT MEETING

A work session meeting will take place on Wednesday, October 17, 2018, at 7:00 p.m.

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