

**LOUISA COUNTY BROADBAND AUTHORITY  
BOARD OF DIRECTORS  
LOUISA COUNTY OFFICE BUILDING  
1 WOOLFOLK AVENUE  
LOUISA, VIRGINIA  
October 5, 2016 7:00 P.M.**

---

Present: Melvin Burruss, Steve Duren, Bernie Hill, Mary Johnson (arrived at 7:05 p.m.), Mark Luttner, Garth Wermter

Absent: Brian Sullivan

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

---

**CALL TO ORDER**

Mr. Wermter called the October 5, 2016 regular meeting of the Broadband Authority (BBA) Board of Directors to order at 7:01 p.m.

Mr. Wermter led the Pledge of Allegiance.

**ADOPTION OF THE AGENDA**

On the motion of Mr. Duren, seconded by Mr. Hill, which carried by a vote of 5-0, the Board approved the October 5, 2016, agenda as amended with the following changes:

- Added Discussion item on Telecommunications Ordinance
- Added Discussion item on DHCD Grant Update

**APPROVAL OF MINUTES**

**September 7, 2016- Regular Meeting**

It was stated that the sentence on the second page, fourth paragraph that read “Mr. Wermter stated that Wide Open should implement within the first thirty days,” should be changed to, “Mr. Wermter stated that Wide Open should start implementation within the first thirty days”. There was no further discussion or changes.

On the motion of Mr. Luttner, seconded by Mr. Hill, which carried by a vote 5-0, the Board approved the September 7<sup>th</sup> minutes.

## **NEW BUSINESS**

### **Discussion Item- Telecommunications Ordinance**

Ms. Finchum, Community Development Director, stated that she had a pre-application visit from a sole-tower provider who requested to locate their antennas and devices on the light poles in the VDOT right-of-way. Ms. Finchum mentioned that the provider had petitioned VDOT to allow them to do that. She stated that VDOT has allowed this to happen in Northern Virginia, but only on private roads, not public roads. Ms. Finchum stated that since she has worked with VDOT for quite some time, it would be difficult to convince VDOT to do this.

Ms. Finchum stated that in the meantime, the provider has said that they would like to locate one between the Lowes and the Wal-Mart, and if they cannot put it on the right-of-way, then they would like to put it on the light pole near the right-of-way on the Wal-Mart site.

Ms. Finchum stated that after looking at the ordinance for setbacks, she found that the setback for these attached structures is subject to the setback of the structure to which it is attached. She stated that if the structure has a lawfully non-conforming setback, then such non-conforming setback prevails. The setback for the free-standing is 25' from the edge of a right-of-way or easement that is 50' in width generally. Ms. Finchum stated that this raises a question as the poles are only regulated through the county through the site- plan process where a lighting plan is required; however no set-back for light- poles is in place. Ms. Finchum stated that they could basically say it is a light pole, place it at the right-of-way on private property, and completely circumvent the ordinance by putting a light on it. She stated that they could then put an antenna on it, therefore going around the ordinance altogether.

Ms. Finchum stated that she wanted to talk to the Planning Commission about the situation. She asked if the Broadband Authority would like to amend the said ordinance.

Mr. Wermter asked who allowed the light-pole to go into the right-of-way, more specifically the property owner. Ms. Finchum stated that the short answer was yes.

Mr. Hill asked what problems it could generate to circumvent the ordinance. Ms. Finchum stated that what should really be applied is a 25' setback. For light-poles, she stated there is no regulation on the height of the poles which could potentially pose an issue.

Mr. Hardy stated that Cavalier Elephant put in 200' light poles near the lake and put antennas on them. However, the county made the company take the poles down. Mr. Hardy stated that Governor Terry McAuliff said in his inaugural speech that he encouraged state agencies to work with local governments to expand Broadband. Mr. Hardy encouraged the Authority to write to Secretary of Technology or the governor with Louisa County's intentions. Mr. Hardy stated there would be less resistance from state agencies regarding the right-of-way.

Mr. Wermter stated that he would like to get some thoughts and that there are two competing principals on the discussion. He stated that the first principle was that the Authority really did want to open up competition and make it easier to get Broadband to Louisa County. Mr.

Wermter stated that the second principle was that they would like to do that within a little bit of structure. He stated that the glass from the light structure would probably be heavier than the antenna itself.

Mr. Wermter stated that he would like to get some thoughts on the discussion, but that he was strongly in favor of making it easier for someone to put up a 30' pole but that the law should not be abandoned. He stated that it would probably be a good idea to get rid of some of the gray area.

Mr. Wermter stated that it would be good to define "pre-existing".

**Discussion Item- Providing Authority members access to the Louisa County "LCBBA" Email Distribution List**

Mr. Hardy stated that it is frequently not allowed to have outside users on the distribution list. He said that anyone from the public could then email the LCBBA. Mr. Burruss stated that it was not a good idea to have their emails made public. It was stated their individual emails were already available to the public. Ms. Johnson stated that having a distribution list would display transparency.

On the motion of Mr. Hill, seconded by Ms. Johnson, which carried by a vote 6-0, the Board approved the LCBBA distribution list.

**Discussion- Kickoff Meeting for Construction of Wireless Towers**

Mr. Wermter stated that he and Mr. Duren received and approved the contract for Wide Open and accepted their terms. He stated that Wide Open's schedule called for completion of everything by June 21<sup>st</sup> 2017. Mr. Wermter stated that they were looking at Fast- Track Tower Construction to begin in January with completion at the end of April. He stated that the second phase towers were tentatively set to be completed by the end of May.

Ms. Johnson stated that she might be able to be help in this area in regard to codes and site plan approval. Mr. Wermter stated that she had just volunteered to be on the Tower Construction Liaison Committee.

Mr. Burruss requested a copy of the completion schedule. Mr. Wermter stated that he would be sending the document that evening.

Mr. Wermter stated that milestones for payment favor completion, in other words, the business would not get paid until the projects were completed.

Mr. Wermter stated that there are five milestone items. The first "seven steps" were considered the first milestone. This was considered to be design and identification of all tower sites. The competition of this step was not expected to be completed until the end of March.

Mr. Wermter stated that Milestone two was considered to be Fast-Track Tower construction. It was stated they have 60 days to complete and is scheduled to be completed by the end of April.

It was asked whether there would be a kick-off meeting for the Authority. Mr. Wermter stated that the expectation would be to have the meeting in November 2016. He stated that it did not need to be a full board meeting, and could just be an update meeting.

Mr. Hardy stated that it was important that the Authority be just as involved in the process as the contractor. After speaking with providers and hearing feedback from existing tower owners, he said that options were open for the Authority to discuss. Mr. Hardy stated that it would make more sense to cover the highest population possible, based on the providers that were available currently. He stated that there was a large amount of rural land in the county and a number of volunteers with land would be willing to provide a space for the towers, with no cost to the county, if they receive Broadband. Mr. Hardy stated that these sorts of options still need to be discussed by the Authority.

Mr. Wermter agreed with the statements that Mr. Hardy made. He stated that one difficulty in the current phase was that sites would have to be identified otherwise there would be nothing to react to. He stated that there should be both technological as well as political considerations for tower placement.

Mr. Hardy asked whether it could be possible to have a “wide open” discussion with Wide Open during a work session.

It was stated that the assumption of fast-track towers at Louisa County Public Schools should be questioned. Mr. Duren stated that he was hesitant to make decisions based on what a provider says as that certain provider might not be in business in the future. He stated that the Authority should be cautious based on what one provider says.

Mr. Wermter stated that from a competitive standpoint, any WISP that wanted to locate on the towers might have good ideas based on their research. Terrain and canopy issues would be considered to be placement issues.

There was further discussion in regard to establishing a work session date to discuss the item more in depth. Mr. Wermter stated that the special session on October 25<sup>th</sup> at 7 p.m. would be publicized so that WISPs could plan to attend. Mr. Wermter requested that Mr. Duren contact Wide Open to make sure they could attend the meeting.

Mr. Hardy presented a map showing existing towers and providers in the surrounding area. He stated that there would be a three mile radius. If that was considered in addition to the possibility of using existing towers, then coverage could be much better. Mr. Hardy stated the importance of working with providers (iWISP, CVAlink, etc.) to discuss their locations, and if they would be willing to share.

Ms. Johnson stated that it would make sense for existing providers in the area to want to participate, otherwise more competition would be brought into the area. Mr. Wermter stated that

that concept was one of the Authority's strategies to open direct competition, although it would not be the first step that would need to be taken.

It was stated that LTE was broadening the coverage area for some WISPs in the area. Mr. Wermter stated that this concept would affect the circle radiuses on the map presented by Mr. Hardy.

Mr. Hardy stated that some towers listed on the map were not physically there, but had been proposed. Ms. Johnson stated that a visual of topography would be helpful to see when planning the placement of the towers.

### **Discussion- Virginia Telecommunications Initiative/DHCD Grant Update**

Mr. Wermter stated that DHCD had a new set of grants out for "Shovel Ready" projects.

Mr. Hardy inquired about having the Public Comment item up further in the agenda. Mr. Wermter sought a motion to have a public comment period at that time for the particular meeting. The motion passed unanimously 6-0.

### **PUBLIC COMMENTS**

Mr. Andrew Smith, a citizen from the Holly Grove area, stated that the area was underserved in regard to service. Mr. Smith stated that he did have knowledge of a potential tower being placed near the rescue squad although he and his family lived closer to the Ruritan Club in Holly Grove. Mr. Smith stated that both he and his spouse worked from home and that a quarter of his neighbors did as well. He stated that service was one bar or less. Mr. Smith stated that he wanted to stress how underserved the Holly Grove area was and that he hoped that the topography would be factored into the decision. He said that he loved the idea of utilizing already existing towers for the project.

Ms. LeAnn Seibert stated that she had Verizon as well as Exceed, an amplifier, and a 20 feet antenna on her roof and yet still had unacceptable service. She stated that she did not know what to do other than to leave.

Mr. Wermter made the comment that several members of the Authority were in the same situation and understood firsthand.

Ms. Seibert asked if she could ask several questions of the Authority. Mr. Wermter stated that she may.

Ms. Seibert asked if there was a broad estimation on what speeds and service reliability were anticipated to be. Mr. Wermter stated that the intention was to build infrastructure. He stated that the goal of the Authority was not to be the final ISP but rather to make it easy for WISPs to locate and change the economics around in order to get more service around the county.

There were no further public comments or questions.

### **Discussion- Virginia Telecommunications Initiative/DHCD Grant Update (continued)**

Mr. Wermter stated that the Virginia Telecommunications Initiative and DHCD Grant were considered to be the same thing.

Mr. Hardy stated that the Governor of Virginia had recently put forth \$1.25 million a year for two years to provide funds for IFPs to serve broadband. The DHCD Grant required that a government entity apply for the grant for an ISP, which would fosters public/private partnerships. Mr. Hardy stated that the grant would go to the ISPs, not the county or authority itself.

Mr. Hardy stated that one of the ISPs he talked to applied for funding for six or seven counties. He mentioned that some of the competition would be stiff.

Mr. Wermter stated that the consensus he heard was that the expectation was for “Shovel Ready” projects, not for planning projects.

### **UNFINISHED BUSINESS**

#### **Discussion Item/Status Update – Private fiber construction on 231 Update**

Mr. Hardy stated that “231 Update” should say “208 Update”. He stated that Century Link had upgraded their infrastructure along the right-of-way on Route 208, down School Bus Road, and was currently on the section from School Bus Road on Route 522 toward Montpelier in Hanover, Virginia.

#### **Discussion Item/Status Update – Committee Reports**

##### **RFP Review Committee (Hill/Wermter)**

It was stated that this committee could be taken off the list as the Board of Supervisors did approve the RFP which was now considered to be a contract with Wide Open. Mr. Hardy stated that the committee should be left intact as more IFPs would be coming up in the future.

##### **Tower construction liaison committee – Duren/Wermter/Johnson**

Mr. Wermter stated that he had recently appointed Ms. Johnson to the committee. Mr. Wermter stated he would like the tower construction companies to come prepared to the special meeting on October 25<sup>th</sup>, 2016.

Ms. Johnson stated that she would start getting prepared for the permitting aspect of it.

##### **Inter-county broadband effort committee – Duren/Hardy**

Mr. Wermter stated that it was important to start communicating with the Louisa County Public Schools as well as the Louisa County Water Authority in case there was ever a need to put a provider on a water tower.

Mr. Wermter also mentioned that the Intra-county committee should actually be considered the Inter-county commission.

### **ISP outreach and marketing committee – Sullivan/Johnson**

There was no update.

Mr. Sullivan made a brief comment about the ISP that he was provided with. He stated that although they are small businesses, they need to learn how to communicate with other parties as it will reflect on the Authority.

Ms. Johnson asked whether the Authority had control over the quality of service. Mr. Wermter stated that control would be possible. Ms. Johnson advised that that be on a list.

Mr. Wermter stated that the first step has to be access then quality. If there is only one WISP that is willing to locate on the tower, then communicate with them to make sure that their customer relations and service are good.

Mr. Wermter stated that this would be best achieved through encouragement, not regulation. He stated that the Authority was not trying to be a WISP, it was trying to be an infrastructure provider.

### **PR committee – Johnson/Wermter**

Mr. Wermter stated that he would write up the first piece for the Central Virginian. Ms. Johnson advised doing an outline that she could assist with but stated that she would need Mr. Wermter's expertise.

Mr. Wermter stated that he had the first five topics written down.

### **Alternative funding committee – Sullivan/Luttner**

Mr. Luttner stated that there were no new reports.

Mr. Wermter stated that the Housing Community Development was offering a \$75,000 planning grant which the Authority could potentially use for additional planning services. He advised that Mr. Luttner become familiar with the DHCD grant for the "Shovel Ready" project.

### **Extra-County broadband interface committee – Luttner/Burruss**

Mr. Luttner stated that he looked into Hanover County and found no effort in the locality to create a Broadband Authority. According to online information, Mr. Luttner stated that the Hanover Board of Supervisors had stated that it was up to the private sector to decide. Mr. Luttner said that Hanover County regularly gets citizen complaints about the lack of service,

similar to Louisa County. Mr. Luttner said that he would provide more information at a later time.

**State/federal effort committee – Koren/Hill**

Ms. Koren stated that a friend from the FCC would talk to Mr. Hardy about getting to the root as to where in rural development the issue was with being classified as rural.

**PUBLIC HEARINGS**

There were none.

**CHAIRMAN/GENERAL MANAGER’S REPORT**

There was none.

**CONSENT AGENDA**

There was none.

**APPROVAL OF BILLS**

There were none.

**WEBSITE UPDATES**

Mr. Wermter requested that approval of the Wide Open contract should be noted on the Broadband website. Mr. Hardy stated that normally the entire contract is not posted online.

Mr. Wermter asked if county staff could write a press release. Ms. Johnson stated that Mr. Goodwin had previously offered to write a press release.

There were no other updates.

**FINAL COMMENTS**

There were none.

**NEXT MEETING**

The next Broadband Authority meeting will take place on Tuesday, October 25, 2016, at 7:00 pm.

**ADJOURNMENT**

On the motion of Mr. Hill, seconded by Mr. Duren, which carried by a vote of 6-0, the



Board voted to adjourn the October 5, 2016, regular meeting at approximately 8:51 p.m.

BY ORDER OF:

---

GARTH WERMTER, CHAIRMAN  
BOARD OF DIRECTORS  
LOUISA COUNTY BROADBAND AUTHORITY