

A regular meeting of the Albemarle County Broadband Authority was held on February 1, 2021. The meeting was held electronically using Zoom and telephone starting at 5:00 p.m.

PRESENT AND ATTENDING REMOTELY: Mr. Bucky Walsh, Mr. Waldo Jaquith, Ms. Liz Palmer, Ms. Donna Price, Mr. Trevor Henry, Mr. Bill Fritz

ABSENT: None

Also Present: Mr. Richard DeLoria (Senior Assistant County Attorney), Mr. Mike Culp (ABBA, Chief Administrative Officer)

Agenda Item No. 1. Establish Quorum and Call to Order.

Mr. Walsh established a quorum and called the meeting to order.

Mr. DeLoria announced the following for the record:

Everyone on the phone and attending via Zoom from the public is in listen only mode. During public comment period - please enter your comment in the Chat and it will be read into the record. Include your full name and the magisterial district in which you reside, if you don't know your magisterial district please provide a general location or your home/business street address. We will run through the chat comments first and then take comments by phone. For those on the phone, please use *9 to indicate you'd like to make a public comment. We will ask you to provide your full name and magisterial district or general location of your home or business and then allow up to 3 minutes for your comment.

Because of the continuation of the COVID-19 pandemic and the limitations on group gatherings imposed by the Governor's Executive Orders, this meeting is being held by electronic communication means on the Zoom platform. It is authorized by the County's April 15th, June 17th, and September 2nd Continuity of Government Ordinances, this Authority's Resolution of April 22nd, and the Virginia statute signed into law on April 24th permitting this Authority to meet electronically to discuss and transact business necessary to continue its operations.

The public has real time audio-visual access to this meeting over Zoom and real time audio access over telephone, both as provided in the lawfully posted meeting notice. The public is always invited to send questions, comments, and suggestions to the Authority through the County's Information Technology. This meeting is being recorded and will be made available on the County's website. With that explanation, I ask the board members attending to identify themselves and their current location in general terms.

Mr. Walsh requested that each member and officer identify the location from where they were attending the meeting.

Mr. Fritz stated he was attending from home.

Ms. Price stated she was attending from home.

Ms. Palmer stated she was attending from home.

Mr. Henry stated he was attending from home.

Mr. Jaquith stated he was attending from home.

Mr. Walsh stated he was attending from home.

Agenda Item No. 2 Approval of Agenda

Ms. Palmer asked to discuss the special use permit application for Verizon (Scrubby) Tower as Agenda Item No. 7e

Ms. Palmer **moved** to approve the agenda.

Mr. Henry **seconded** the motion.

The motion was **approved** unanimously.

Agenda Item No. 3 Brief Announcements from the Board

There were no announcements.

Agenda Item No. 4 Public Comment

Mr. Michael Geisert submitted the following:

Dominion Power Under-grounding. CenturyLink and Comcast have declined to put comms in trench. Would have like to have everything underground and improved service.

Mr. David Ludwig submitted the following:

Good evening, I do have a public comment. Hoping I can fit this if I break it up...

Good evening. My name is David Ludwig. I am a resident of both Samuel Miller District and a project area which ABBA included within both its Spring 2020 RFP and 2021 VATI proposal. The first ABBA meeting that I attended seeking a broadband solution for our community was one year ago in January. I'm very appreciative of the efforts of ABBA and Albemarle County IT staff over the past year, and we have certainly expended considerable effort trying to work directly with ISPs ourselves, but it is nonetheless notable that 1 year later we still have no assured path to broadband improvements for our area. (1 of 3)... 2 of 3) In light of continuing uncertainty of a 2021 VATI award -- and recognizing that improvements from any potential 2022 VATI grant (also uncertain) would not likely be completed for at least another 2 ½ years from today -- will ABBA actively seek and consider opportunities to fund cost sharing agreements, directly with ISPs, outside of the once-annual VATI process, this calendar year? Or what other avenues, that can be achieved within the foreseeable future, will be available for residents not included in a VATI 2021 awarded proposal?... 3 of 3) Lastly, seeing that a presentation from Shentel is on this evening's agenda, I hope that discussion will include any specific plans that they may have for expanding upon their initial service offering in Albemarle County, including additional coverage areas and estimated timeframes, if there are any. We've seen many online ads for their BEAM service and are very interested, but according to their website, it is not currently offered at our address in the Taylors Gap area, which admittedly has terrain that would likely prove very challenging for any wireless internet solution dependent upon line-of-sight. Thank you all for your considerable time and effort contributed to securing these important services for our county.

Ms. Pam O'Dea submitted the following:

We are on Green Creek Road and got our letter in the mail in December that fiber is almost here. We called and signed up, but haven't heard anything since. Can you please give us an ETA on when we will be hooked up? We are currently quarantined so we are really feeling the pain of not having broadband

Agenda Item No. 5 Approval of November 25, 2020 Minutes

Mr. Henry **moved** for approval of the minutes.

Mr. Walsh **seconded** the motion.

The motion was **approved** unanimously.

Agenda Item No. 6 Old Business

Agenda Item No. 6a VATI 2020 and 2021 Updates

Mr. Derek Kelly from CenturyLink provided an update on the VATI 2020 project. Fiber is going in on Rolling Hill Road and Buffalo Run. The next project will be Scottsville Road which is currently 75% complete. Keene will follow quickly. As of last week, 7 of the 8 projects have some fiber in. Hatton is the one project without installation of any fiber yet. Additional Crews are being brought in to complete the work.

Mr. Kelly stated that boring is being done for the Green Creek Road project and fiber installation started last week. A couple of thousand feet (½ mile) have gone in but the total project is around 10 miles. Conduit has been installed in some places, but the fiber has not gone in yet.

Ms. Palmer asked about the timeline.

Mr. Kelly stated that the contract is to be done by March, but they will be asking for an extension.

Ms. Palmer asked how much of an extension is being requested.

Mr. Kelly stated that CenturyLink may ask for 90 days but doesn't believe they will need all of that time. CenturyLink hopes to be done in April or May. Mr. Kelly stated that as crews finish smaller projects they can be diverted to the larger projects.

Mr. Culp gave an update on the VATI 2021 project.

Mr. Culp stated that the application submitted 10 project areas. The Rural Digital Opportunity Fund, RDOF and VATI have significant overlap. Negotiations with the FCC to resolve impacts can take up to 6 months. RDOF does introduce fiber into the County but it is not known which projects will be funded or when projects would be completed. DHCD has asked to rescope the VATI 2021 application to temporarily or permanently remove RDOF funded areas. It still is not known what will be funded by VATI. Mr. Culp stated that the likelihood that one or another funding source will come thru is high. Mr. Culp stated that the County should know by the next ABBA meeting what will be funded in VATI 2021.

Mr. Walsh noted that some VATI funding has been announced and that ABBA is in the second round because of the RDOF issue.

Mr. Kelly noted that the overlap with RDOF is less than 400 units. The largest impact is in the Campbell/Cobham area (around 300 units). The Bucks Elbow area was removed due to overlap (75 units). Mr. Kelly stated that after rescoping the project is still about 1700 units. Mr. Kelly noted that removing Bucks Elbow reduces the per unit cost and improves the VATI application.

Mr. Walsh asked how do these changes impact ABBA funding.

Mr. Culp stated that this needs to be discussed prior to February 8.

Mr. Henry stated that if the project is descope the funding from ABBA should be reevaluated.

Ms. Palmer stated that the funding assumed a cost per home so it could be adjusted accordingly.

Mr. Walsh stated that ABBA tried to make the application look as good as possible by funding as much as possible.

Mr. Henry noted that leaving ABBA funding where it is means more per house is funded by the locality.

Mr. Henry asked if this improve the application with DHCD.

Mr. Culp stated yes. Mr. Culp noted that the deadline is Feb 8. Leaving funding the way it is will improve the application. ABBA could adjust the contribution to account for a change in the scope of the project.

Mr. Jaquith asked what the change is to the \$640K ABBA has committed to.

Mr. Kelly stated that the funding was \$308 per home. Funding could be changed by \$115K due to the removal of homes.

Mr. Fritz stated that it sounds like we are getting into contract negotiation that should be discussed in closed session.

Mr. DeLoria stated that this can be done and is appropriate.

Mr. Walsh requested Mr. DeLoria prepare what is necessary to go into closed session later tonight.

Agenda Item No. 6b ABBA Financial Report (attached)

Mr. Henry stated that there has been no change from the previous report.

Mr. Henry stated that CenturyLink will prepare a single invoice for the VATI 2020 project.

Agenda Item No. 7 New Business

Agenda Item No.7a Progress to Universal Broadband Goal

Mr. Culp noted that he and Mr. Henry are working together on making a presentation to the Board of Supervisors about broadband which is a strategic priority of the Board of Supervisors.

Mr. Henry recommend that ABBA adjourn until Feb 17th so that ABBA board members can participate in the Board of Supervisors discussion if they want.

Agenda Item No.7b Ongoing Meetings with Internet Service Providers

Mr. Culp stated that he is meeting with internet service providers on a regular basis. Mr. Culp stated that he is asking basic questions to know where the internet service providers are providing service and what service they provide in those areas.

Agenda Item No.7c Public Lookup Map and Broadband Survey Discussion

Mr. Culp presented a draft of the mapping that is being develop. This mapping includes what services are available in the County. The mapping will be completed and put on the Albemarle County Broadband Pages.

Mr. Jaquith stated that having a single mapping site to show where service is and where it is coming will be a useful resource.

Mr. Fritz asked if this mapping will be available as a layer in GIS.

Mr. Culp stated that it would be a layer in GIS.

Agenda Item No.7c Shentel Presentation of BEAM (Dan Meenan)

Mr. Culp noted that the RFP/RFI that ABBA previously released was used with the Coronavirus Relief Fund to get service deployed.

Mr. Meenan stated that service was launched on October 5th. Mr. Meenan stated that they have 7 sites covering 3,000 underserved residents. County CRF was used for 6 sites and 1 site in Scottsville was funded by Shentel. Mr. Meenan noted that Shentel will use direct mail and digital ads to notify people that service is available. Mr. Meenan gave an overview of the service provided and how it is installed.

Mr. Meenan noted that Shentel is looking for 4 more additional sites.

Mr. Jaquith asked if Shentel is happy they started in Albemarle County.

Mr. Meenan stated yes.

Mr. Walsh asked what the upload speeds are.

Mr. Meenan stated that the upload speeds are 3 meg to 7 meg depending on the level of service.

Ms. Palmer asked how tall the towers are.

Mr. Meenan stated that 5 of the 7 were existing towers built before the current wireless policy. Mr. Meenan stated he would provide more information to Ms. Palmer by email.

Agenda Item No. 7e Verizon (Scrubby) Tower

Ms. Palmer noted that this tower is in an historic district. A community meeting has been held and the application still requires a public hearing with the Planning Commission and Board of Supervisors. Ms. Palmer noted that the applicant has stated the cell towers are the only things reviewed differently because they are in an historic district. The applicant has also stated that the proposed tower will bring broadband to underserved people. Ms. Palmer stated that residents say that activity at the wineries and breweries reduces service in the area. Ms. Palmer stated that she wanted ABBA to know about the request and see if ABBA wanted to provide any comments.

Mr. Fritz noted that being in an historic district makes the request a Tier III which requires a special use permit. Administrative Tier II requests are reviewed for impacts on historic resources.

Ms. Price stated that activities at the area do impact services and the addition of a facility will improve service.

Mr. Fritz stated that the existing wireless policy is about visibility and doesn't take into consideration the need for service. Mr. Fritz noted that updating the wireless policy is currently listed as resource restricted.

Closed Session

Mr. Walsh **moved** that the Albemarle County Broadband Authority go into a closed meeting as authorized by the Virginia Freedom of Information Act, section 2.2-3711(A) of the Code of Virginia under:

- Subsection 6 to discuss and consider:

The investment of public funds for broadband deployment within a public utility's service area in the County, where competition or bargaining is involved and where, if made public initially, would adversely affect the financial interest of the Authority and Albemarle County; and

- Subsection 29 to discuss and consider:

The award of public contracts involving the expenditure of public funds and discussion of the terms or scope of such contract where discussion in an open session would adversely affect the Authority's bargaining position or negotiating strategy.

Specifically, the Authority will discuss and consider

1. Rescoping the VATI 2021 Application and Contract with CenturyLink and modifying the Authority's contribution.

Ms. Palmer **seconded** the motion.

The motion was **approved** unanimously.

Mr. Walsh **moved** that the Broadband Authority certify by recorded vote that to the best of each Director's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the Closed Meeting were heard, discussed, or considered in the Closed Meeting.

Ms. Price **seconded** the motion.

The motion was **approved** unanimously.

Ms. Price **moved** to continue funding for VATI 2021 at \$640,000 level despite change in number of units included in the project.

Ms. Palmer **seconded** the motion.

The motion was **approved** 5:1 (Mr. Jaquith)

Agenda Item No. 8 Adjourn

Ms. Price **moved** to adjourn the meeting to a joint meeting with the Board of Supervisors on February 17.

Mr. Henry **seconded** the motion.

The motion was **approved** unanimously.

					Update: 11/16/2020
4-4300-91097-491097-950030-9999 (EXPENSE CODE)					
BROADBAND INCENTIVES					
	Fund Balance	Commitment/ Projected Expenses	Paid Expenses	Remaining Project Funds	
Initial FY21 Balance (includes deposit of VATI 2019 award and reappropriation of unspent FY20 funds to FY21)	\$1,306,415.16				
VATI 2019 Project at Midway Commitment (PO 2021-7298 CVEC)		\$0.00	\$373,248.00	\$0.00	PROJECT CLOSED OUT AND PAYMENT MADE
	\$933,167.16				
VATI 2020 Project at 8 locations Commitment (PO 2021-7747 CenturyLink)		\$291,300.00	\$0.00	\$291,300.00	*CenturyLink prerogative to bill quarterly or in one single invoice
	\$641,867.16				
VATI 2021 Project _____ Commitment (not yet awarded, with CenturyLink)		\$640,000.00	\$0.00		
	\$1,867.16	\$931,300.00	\$373,248.00	\$1,867.16	
Appropriation of \$3,715.00 PT Wages and \$285.00 FICA moved to 950030 Broadband Incentives on 11/4/2020.					
< > SUMMARY 2019 VATI CVEC - Midway 2020 VATI CL - 8 loc 2021 VATI CL - _____ BACK UP					

Appendix A ABBA Financial Report (2 of 2) CARES and CRF Specific County Broadband Projects 11/25/2020

Project / Benefit

Project / Benefit	Funding Source	CARES/CRF Amount	Scope
<p><u>Shentel BEAM /</u></p> <p>This project while initially targeting 500+ ABBA identified unserved locations; the total count of serviceable locations will exceed 2,000.</p>	<p>51% vendor, 49% local CRF</p>	<p>\$697,194*</p> <p>unserved locations with a series of direct mailings; 5 of the 6 sites are now online and * This P.O. amount Shentel is working site 6 with a mid-Dec. activation. https://iwantbeam.com includes a descriptive video explaining the benefits of using fully licensed spectrum for fixed wireless week to reflect early deployments. Starter plan offers speeds up to 25 Mbps for \$60 a month. Up to 50 Mbps is completion of site 5 \$80 a month and get Up to 100 Mbps for \$160 a month. These offerings are dependent on of 6. how close the location is to a serving tower site.</p>	<p>BEAM is a fixed wireless service and Shentel is prioritizing the 500+ ABBA identified unserved locations with a series of direct mailings; 5 of the 6 sites are now online and * This P.O. amount Shentel is working site 6 with a mid-Dec. activation. https://iwantbeam.com includes a descriptive video explaining the benefits of using fully licensed spectrum for fixed wireless week to reflect early deployments. Starter plan offers speeds up to 25 Mbps for \$60 a month. Up to 50 Mbps is completion of site 5 \$80 a month and get Up to 100 Mbps for \$160 a month. These offerings are dependent on of 6. how close the location is to a serving tower site.</p>
<p><u>Firefly Burchs Creek /</u></p> <p>This project was scoped to include additional locations but scaled back due to CARES deadlines.</p>	<p>13% vendor, 87% State</p>	<p>\$230,245</p>	<p>In summary, up to 62 locations served through a fiber broadband extended project adding to our VATI funded Midway project. Corner of Midway Road up Burchs Creek Road and the neighborhoods off Burchs Creek Road will be offered fiber service (https://www.fireflyva.com) (up to 1gbps down/1gbps up ~\$80 per month) with the basic service of 100mbps down/100mbps up at ~\$50 per month. This project is currently obtaining necessary easements and 1/3 of it is flagged for construction to start soon.</p>
<p><u>Nelson Cable /</u></p> <p>This project is also subject to CARES deadlines or otherwise may have included more locations.</p>	<p>18% vendor, 72% local CRF up to 27 locations including</p>	<p>\$32,500</p>	<p>This project is a fiber to the premise project. It is utilizing easements Nelson Cable has with APCo in and around Scottsville. This is Phase 1 of a fiber build and will offer fiber service to 2 public safety facilities. Nelson Cable already has all equipment procured for the project and is beginning construction. From their website Nelson Cable will offer the following speeds:</p> <ul style="list-style-type: none"> a. 25/25: \$9.95 per month – available to qualifying households with school age children b. 50/50: \$39.99 per month c. 100/100: \$48.99 per month d. 500/500: \$63.99 per month e. 1,000/1,000: \$78.99 per month