



# **Clarke County Planning Commission**

**AGENDA – Telecommunications Subcommittee Meeting**

**Tuesday, January 24, 2017 – 4:00PM**

**BERRYVILLE/CLARKE COUNTY Government Center – Main Meeting Room**

- 1. Approval of Agenda**
- 2. Approval of Minutes – January 3, 2017 Meeting**
- 3. Discussion, Revised Draft Monopole Text Amendment**
- 4. Other Business**
- 5. Adjourn**

# Clarke County

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## PLANNING COMMISSION TELECOMMUNICATIONS SUBCOMMITTEE MEETING MINUTES TUESDAY, JANUARY 3, 2017 -- DRAFT



A meeting of the Planning Commission Telecommunications Subcommittee was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Tuesday, January 3, 2017 at 4:00PM.

### ATTENDANCE

**Members Present:** Robina Bouffault, Douglas Kruhm, and Jon Turkel

**Members Absent:** None

**Staff Present:** Brandon Stidham, Planning Director

**Other Participants:** George L. Ohrstrom, II; Mary Daniel; Anne Caldwell

### AGENDA

Mr. Turkel moved to approve the agenda as presented, seconded by Mr. Kruhm. All voted AYE.

### APPROVAL OF MINUTES

Mr. Turkel noted on page 3 of 52 that the "p"s should be shown as capital "P" or lower-case "p" as referenced. Ms. Bouffault noted on page 5 of 52, bottom line of first paragraph, that she did not say that Mr. Stidham's comments addressed her concerns. Mr. Stidham recommended striking all wording after "applicants" in that line and Ms. Bouffault agreed.

Ms. Bouffault moved to approve the November 14, 2016 minutes as amended, seconded by Mr. Turkel. All voted AYE.

### DISCUSSION – REVISED DRAFT MONOPOLE TEXT AMENDMENT

Mr. Stidham said that the revised draft provided by Staff includes comments provided by the members and Staff's changes to reconcile the draft with the Telecommunications Infrastructure & Broadband Study recommendations. He noted that this version incorporates all previously discussed changes in black italicized font and shows all new changes in red italicized font. He stated that it is rather lengthy set of changes and was unsure whether the members had sufficient time to review the document in detail.

Mr. Ohrstrom said that he discussed this with Mr. Stidham and Ms. Bouffault prior to the meeting. He said that even though the Board of Supervisors has requested the Commission and Subcommittee to use the Study as the basis for the text amendment, he did not think it would be a problem to use

other sources of relevant information as well. Mr. Turkel asked whether the Board directed the Commission to use the Study exclusively as the basis. Mr. Ohrstrom said that he thought the Board would allow some latitude to consider other information in developing the text amendment. Ms. Bouffault stated that she did not think the Board was fully aware of all the aspects of the Subcommittee's work. Ms. Daniel said there is continuing discussion of how the Study is to be used and added that it was not commissioned to be an end-all-be-all source on telecommunications and broadband. She added that it is about how all entities in the County can facilitate the commerce of it. Ms. Bouffault said that she agrees with Ms. Daniel and on Friday would like to talk more with the Commission about the public expectations of what the County is doing in this effort and the components of the issue that are not contained within the scope of the ordinance. She said there should be an informational component that is recommended to the Board to advise the public of the options that are available. Ms. Daniel said that getting information to the public is a challenge when you do not have a County newspaper and that the provider information can be conveyed through the County website. Ms. Bouffault said that she will be bringing an updated chart of 15 providers to the Commission meeting. Ms. Daniel said that the Board hired a consultant to provide an expert opinion on the subject and that if the Commission wants to recommend something outside of the consultant's Study to be prepared to say why it is necessary and where it came from. Mr. Turkel said there is the issue of the Subcommittee's scope of work versus the broadband availability expectation and added that there is overlap of topics but also a separation – "telecommunications" and "broadband" are not synonymous. Mr. Ohrstrom said that the public probably has the misunderstanding that if you have taller towers you automatically have better broadband. He added that we are a small county and do not have the resources to provide broadband access to everyone. Mr. Turkel added that we need to get out of the way as much as we can. Ms. Daniel also said that there is confusion that broadband is not a utility and that the County does not have much say regarding what degree the service is provided.

Ms. Caldwell suggested that the Clarke Observer could be a resource to notify the public since it is mailed to every household. She added that to ensure the information is provided, the County could consider paying for it to be included. Ms. Bouffault replied that this was a good idea. She added that most people will not go to the County website to learn about broadband options and that the County has to inform citizens of the options. She said that this is not part of the scope of what the Planning Commission does and thinks it is a perfect project for the Board of Supervisors to undertake. Ms. Daniel said that this would play into the Request for Information process. Ms. Bouffault said that the more proactive the County can be to get this information out to the public, the better off we will be.

Mr. Stidham asked about scheduling for the next Subcommittee meeting. Consensus was to meet before the next Briefing Meeting on Tuesday, January 24 at 4:00PM.

The meeting was adjourned at 4:18PM.

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Brandon Stidham, Planning Director

# Clarke County

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## PLANNING COMMISSION TELECOMMUNICATIONS SUBCOMMITTEE MEETING MINUTES MONDAY, NOVEMBER 14, 2016 -- EDITED



A meeting of the Planning Commission Telecommunications Subcommittee was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Monday, November 14, 2016 at 4:04PM.

### ATTENDANCE

**Members Present:** Robina Bouffault, Douglas Kruhm, and Jon Turkel

**Members Absent:** None

**Staff Present:** Brandon Stidham, Planning Director

### AGENDA

Ms. Bouffault moved to approve the agenda as presented, seconded by Mr. Turkel. All voted AYE.

### APPROVAL OF MINUTES

Mr. Turkel moved to approve the October 6, 2016 minutes as presented, seconded by Ms. Bouffault. All voted AYE.

### Discussion – Draft #1, Telecommunications Infrastructure and Broadband Study

Mr. Stidham asked the members how they would like to proceed with their comments and edits on Draft #1 of the Study. Ms. Bouffault suggested that Mr. Kruhm and Mr. Turkel provide their comments first.

Mr. Kruhm said that he reviewed Mr. Turkel's comments and he agrees with all of them, and Ms. Bouffault concurred. Mr. Kruhm noted on Page 12 that the reference to the Code of Federal Regulations should be explained. He noted that the third sentence on Page 13 is confusing and may be missing a comma. Mr. Stidham agreed and said he would work with Mr. Condyles to fix the sentence. On Page 16, third paragraph, Mr. Kruhm asked about the term "greenfields" in the referenced article. Ms. Bouffault asked whether it was appropriate to include an article in the middle of the study. Mr. Stidham said that it should be included at the end of the report in an appendix if Mr. Condyles believes it to be important, and that it can be summarized at this point in the report. Ms. Bouffault agreed that it should be moved to the appendix. Mr. Turkel said that "greenfields" references an open opportunity for companies to move into a market and address a need. Mr. Kruhm referenced a run-on sentence in the third paragraph on Page 32. Ms. Bouffault noted that at this point and in other places in the report, Mr. Condyles speaks for the County and should be speaking for himself as consultant instead.

Mr. Kruhm also said that he was concerned about the County entering into a contract in the future with a service provider that would preclude another technology from providing broadband service to residents and businesses. Mr. Stidham added that he had a long discussion with Mr. Condyles about recommendations on partnering, noting that he did not believe that including a list of vendors on the County website was considered partnering but rather a basic first step that all counties should undertake. He also said that they talked about partnering with a small “Pp” versus partnering with a big “P” – taking initial steps of promoting provider availability and refining County ordinances and then later considering the feasibility of undertaking partnerships with providers and possible County investment in broadband infrastructure. He recommended to Mr. Condyles that he address both approaches separately in the report. Ms. Bouffault said that providers are profit-based and that you will not get the big “P” partnering opportunities without the small “Pp” efforts. She added that there is no easy answer to expanding broadband accessibility.

Mr. Kruhm concluded his comments by stating that the report needs to accurately represent the good and bad about the state of telecommunications in the County. He also said that the report needs to include a chart that describes broadband speeds and capacities as they relate to usage patterns by residents, businesses, and home businesses. Ms. Bouffault said that the problem is that provider websites are typically vague as to the service they can provide and in what areas. She also noted that she researched the availability of Winchester Wireless and they stated that they cannot serve her home due to the amount of tree coverage. She asked whether Mr. Condyles contacted providers to determine the number of customers and service locations. Mr. Stidham said that he did not know if Mr. Condyles spoke with each provider. He added that Mr. Condyles said that WISP providers are able to add antennas to towers relatively easily. Ms. Bouffault asked if we could add WISP antenna locations to our tower inventory map. Mr. Stidham replied that he is not sure because WISP providers are not required to report their locations because they are considered unlicensed. Ms. Bouffault suggested that Staff could call the providers and ask. Mr. Stidham expanded on Mr. Kruhm’s suggestion of a broadband capacity and usage chart by describing how it would be depicted in the report and could be useful to homeowners and businesses. Mr. Turkel noted that coverage can vary significantly from area to area in the County even across short distances. He added that he manages a rental and the first question from potential tenants is about the reliability of internet access. He also noted that there are gaps in cellular communications and we need to make sure that those needs are addressed as well.

Mr. Turkel said that he agreed with Staff’s comments and that he would provide comments in more general terms. He said that the Subcommittee is working towards allowing 199 foot towers and he thought that Draft #1 did not do enough to explain how 199 foot towers could be approved. He added that Staff’s comment about distinguishing more clearly between Class 3 and Class 4 towers would help address his issue. He said that we need to work to reduce regulatory barriers and allow tower placement to be market driven, and perhaps in the future look to County investment in infrastructure if needed. He also agreed that the consultant references speaking on behalf of the County a bit more than he is comfortable with and should be addressed as the consultant’s recommendations.

Mr. Kruhm said that he agreed with Mr. Turkel’s comments regarding distinguishing better between Class 3 and Class 4 towers in the report. Mr. Stidham replied that if you are creating a road map for

Class 3 towers that clearly shows how they can be approved, you also need to create a road map for Class 4 towers that is equally clear. He added that if you are not clear on how Class 4 towers can be approved, then there is the potential that a decision on the tower will be based upon the opinions of the public hearing speakers. If you have specific requirements to be followed to get a Class 4 tower approved, the governing body could have more confidence in ruling favorably on an application that satisfies all of the requirements. Ms. Bouffault said that if an applicant can justify the need for a Class 4 tower, then the County should not be limiting itself. Mr. Stidham replied that this is why the report needs to be clear on what an applicant has to prove to get a Class 4 tower approved. Ms. Bouffault said that the report is written as though the focus is on Class 3 towers.

Ms. Bouffault noted that the report does not recommend placing a tower at Blandy Experimental Farm where we know that there is wired broadband internet, and she asked whether it would be beneficial to approach Blandy about locating a future tower there. Mr. Stidham replied that the closest PCTDA is located in White Post and he speculated that one may be needed there because the existing water tower is at capacity. He also wondered whether this PCTDA could be moved closer to Blandy and still be able to address the coverage issues. Ms. Bouffault said that a tower at Blandy could potentially provide coverage for most of the southern end of the County. Mr. Stidham said that he would ask Mr. Condyles about moving PCTDA #6 to Blandy since the topography in this area is very similar. He said that you could also leave the PCTDA in White Post but to add language to prefer tower location on publicly-owned properties like Blandy or the Department of Corrections property in Double Tollgate.

Ms. Bouffault indicated that she has a list of grammatical corrections for the consultant to address. She noted that on Page 15, StarBand is listed as a satellite provider that went out of business in 2015. Mr. Turkel recommended removing the coverage map taken from the All Points Broadband website. Mr. Stidham asked whether the pages showing coverage and rates for providers should be removed from the report (starting on Page 25) and replaced with general discussion of providers and their typical rates and coverage speeds. The members agreed that this would be a better approach. On Page 56, Ms. Bouffault said that the word "maximum" in the third line should be replaced because it gives the appearance that 120 feet should be the maximum height of towers, and Mr. Turkel agreed. Ms. Bouffault suggested that the overall number of towers could be reduced if the emphasis were placed on towers up to 199 feet in height. Mr. Stidham replied that this was his first question to the consultant and based on the modeling that he did, Mr. Condyles stated that focusing on taller heights would not result in an overall reduction in the number of towers. Mr. Turkel noted that the 120 foot tower appears to be a special class of tower recommended by the consultant. Mr. Stidham said yes, that a tower of this class should be routinely approved if it meets all of the County's technical requirements and is located at or near a PCTDA. Mr. Turkel noted that it appears these are the only tower locations discussed and that Class 4 towers are not addressed.

Ms. Bouffault said that she did some research of various counties and found reports from Atlantic Technology Consultants where it appears the company has represented providers on tower applications to counties. Mr. Stidham asked whether these were actually reports produced by Atlantic in reviewing tower applications on behalf of counties rather than in representing private sector providers and Ms. Bouffault said no. Mr. Stidham replied that Mr. Condyles indicated during the procurement process that his company only represents local governments and does not represent the private sector. Ms. Bouffault replied that Mr. Condyles may not represent the private sector but

his associated company does. She added that Mr. Condyles is not calling himself the Atlantic Group, he is calling himself Atlantic Technology Consultants. She also referenced reports from Southampton, Dinwiddie, Spotsylvania, and Greensville Counties and said she was concerned that the consultant may be developing his suggestions to enable his major clients to come in more easily. She added that this is her own unfounded, unsubstantiated concern. Mr. Stidham replied that if this were the case, would the consultant not be recommending even looser regulations. Ms. Bouffault replied no, that the regulations might be tailored for the clients' needs. Mr. Stidham noted that when we began meeting with Verizon Wireless to address their concerns, they only asked for the maximum height to be increased to 120 feet. He also thought he remembered Frank Stearns mentioning that not many 199 foot towers are being constructed these days. Ms. Bouffault asked Mr. Stidham if he has spoken with Mr. Condyles about his associated company. Mr. Stidham replied that he did not understand how Mr. Condyles's recommendations would set up a better situation for private sector clients. Mr. Stidham asked to see the cover sheets of reports that Ms. Bouffault had found and noted that they are similar to the reports that Mr. Condyles distributed to the Subcommittee at an earlier meeting as examples of his work for counties. He added that they do not appear to be reports produced for the private sector applicants ~~and Ms. Bouffault said that this addresses her concern.~~

Mr. Turkel and Ms. Bouffault suggested addressing the concern on Page 56 by replacing the word "maximum" with "targeted." Mr. Stidham agreed and made note of the change to present to the consultant. Ms. Bouffault also had concerns with the wording of the paragraph at the bottom of the page. Mr. Stidham shared the same concerns and read off the alternate wording that he recommended the consultant to use, and Ms. Bouffault found the alternate wording acceptable.

Mr. Stidham said that he would be speaking with Mr. Condyles tomorrow and would present these corrections and concerns. Ms. Bouffault asked Mr. Stidham if he would verify that Mr. Condyles only represents private sector clients and Mr. Stidham replied that he would do so.

The meeting was adjourned at 4:50PM.

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Brandon Stidham, Planning Director