

Clarke County

BROADBAND IMPLEMENTATION COMMITTEE MEETING MINUTES WEDNESDAY, MARCH 7, 2018



A meeting of the Broadband Implementation Committee was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Wednesday, March 7, 2018.

ATTENDANCE

Present: Robina Bouffault, Mary Daniel (arrived late), Scott Kreider, Bev McKay

Absent: None

Staff Present: Brandon Stidham, Planning Director

Others Present: Timothy Olinger (citizen), Peter Terzian (citizen), Tom Melgaard (citizen), one unnamed citizen

CALLED TO ORDER

Mr. Stidham called the meeting to order at 2:11PM.

AGENDA

The Committee approved the agenda by consensus as presented by Staff.

APPROVAL OF MINUTES

The Committee approved the January 22, 2018 meeting minutes as presented.

Yes: Bouffault (seconded), Kreider, McKay (moved)

No: none

Absent: Daniel

OLD BUSINESS ITEMS

Mr. Stidham reviewed the broadband website progress report. He noted that the "Frequently Asked Questions" page has been added to the website and has been receiving some traffic.

Mr. Stidham stated that he followed up with Kevin Manovich (NexGen Broadband) after the January 22 meeting. He noted in the meeting recording that Mr. Manovich said that his company typically looks for areas with a residential density of 15 homes per square mile as candidates for their fiber-to-the-home service. Mr. Stidham said that he had Staff assemble a map from the County GIS showing areas where there is a density of 15 addressed structures per square mile, adding that this includes homes, business buildings, barns, and accessory structures that have been assigned a 911 address. He noted that addressed structures usually have some level of occupancy or other activity warranting an

address and also potentially a need for broadband internet service. He said that he has provided a copy of this map to Mr. Manovich. Ms. Bouffault said that the County has a density of 80 people per square mile so the minimum 15 homes per square mile appears to be reasonable. Mr. Stidham said that he did receive a response from Mr. Manovich noting that they are experiencing delays in getting final approvals to proceed with their construction project. He also noted that Clarke County has been added to a form on the front page of the NexGen Broadband website for residents to indicate interest in fiber-to-the-home service. He added that he has been advising residents to complete that form and to ask their neighbors to do the same. Mr. McKay noted that this would be a good thing to advise the Schools superintendent of as they are also working on identifying broadband opportunities for students. Ms. Bouffault said that NexGen Broadband has not begun construction on the fiber optic line yet so we may be getting ahead of ourselves. Mr. McKay said that you can send out the information about the NexGen Broadband website form and people can draw their own conclusions about it. Ms. Bouffault replied that this is where we need to have a discussion and she did not think the Committee should waste its time with pie-in-the-sky projects. Mr. McKay said that the Schools want to send out information on the possibilities of broadband and that it would not hurt to include information on what we know about the NexGen Broadband project. Ms. Bouffault noted that she previously obtained the results of the Schools' last broadband survey but what the Schools could not provide is the location of the survey respondents as confidential. Mr. McKay said that if the Schools send out another letter to the parents, it would not hurt to include information on NexGen Broadband and this would not be a waste. Ms. Bouffault replied that it would be a waste because the service is not there.

Ms. Daniel entered the meeting at 2:16.

Mr. Stidham said that he has concerns with adding NexGen Broadband to the website as a provider because they are not yet providing a service. He asked the Committee what they thought about including a news item on the front page of the website encouraging people to fill out the form on the NexGen Broadband website to indicate their interest in service. Ms. Daniel said that a news item would be a better approach because there is a chicken and egg problem – NexGen Broadband will not provide service if they cannot determine a demand and if residents are not made aware of the potential service option, they will not express an interest in service. Ms. Bouffault said she thinks it is a big mistake to give them something that is not yet done. Mr. Kreider said that we would be giving them information on a possible service. Mr. McKay added that you can say that the fiber optic project is not done in the news item and report the information that NexGen Broadband has provided along with a link to their website. Mr. Stidham suggested saying even less in the news item, that NexGen Broadband is exploring the possibility of providing fiber-to-the-home service and that they have included a form on their website for residents to record their interest in the potential service. Mr. Kreider said that he is fine with this and Ms. Bouffault said that the news item should not say any more than this. Ms. Bouffault added that unless we are willing to do thorough due diligence on the company to determine their validity, it is not good for the County to legitimize them. Mr. Kreider replied that we would not be legitimizing the company, we would be passing on information about them. Ms. Bouffault said that we are trying to pretend that we have no participation in anything going on in this County and she is receiving a lot of complaints that the County is not doing enough to expand broadband. Mr. Kreider replied that maybe we need to change the name of the Committee to the Broadband Information Committee because it is not the Committee's purview to implement

broadband. Ms. Daniel said that the Broadband Plan does not state that we will implement broadband in the County, and the Committee is implementing the Plan's recommendations. Ms. Bouffault replied that she is not saying that the County should implement broadband, she is saying that the County should include broadband in its economic development and note that dark fiber is available in the County in its business areas. She said we are not being informative enough about what we have in existing assets and we have a lot more than we think we have. She noted an example of a privately-owned neighborhood wireless project in California as an example of something that could be promoted in Clarke. She said we are not going anywhere with just putting information on the broadband website. Mr. McKay said that this is already being done in the County. Mr. Stidham noted that the examples in the County are being operated by WISPs and the California example was established by a group of neighbors. Ms. Bouffault said that this is already being done in Loudoun and Fauquier but not in Clarke. She said we need to find a way to integrate this into the County's economic development plans. Mr. McKay said that the broadband providers are looking for customers to connect but are not actively selling it. Ms. Bouffault asked if Mr. McKay is saying that the County is taking no ownership of this at all, that the County has no economic development plan at all, and we have no ownership of getting this out and talking about it. Ms. Daniel replied it is exactly the opposite in that we are not the advertising agent for these companies, and Ms. Bouffault replied by asking why we have an economic development director. Mr. McKay said we are trying to figure out how to get internet to the people that live here and right now we do not have it. Ms. Bouffault said she disagrees and that we have a lot of possibilities but have not taken advantage of the assets that we have. She said we need a map of all the dark fiber in the County owned by the various companies. She also said that not everyone looks at the broadband website because we only mailed notices to the businesses, and added that residents may not be aware that dark fiber is running along their properties. Mr. McKay said he has no objection to informing people of where the dark fiber is located but is more concerned that there are so many people in the County that do not have access to dark fiber and need broadband access. He said that these are the people with the most urgent need. Ms. Bouffault said that the Committee needs to meet with Shentel and other fiber optic providers to see if we can work out a deal with them. Ms. Daniel replied that we cannot broker deals between businesses and citizens. Ms. Bouffault replied that she is not talking about a deal with the end user, she is talking about a deal to attract businesses to the County using broadband internet.

Ms. Daniel said she thought we were going to be discussing the planning for the roundtable meeting. Mr. McKay said we need to discuss whether to have a meeting with the WISPs and the fiber providers at the same time or hold separate meetings and this would be when we would find out what they have. Ms. Bouffault replied that we already know what they have and Mr. McKay said that we owe it to the citizens to have these meetings. Ms. Bouffault said that nothing will come out of this that is tangible and the citizens perceive that all we are doing is holding many meetings. She added that she has been on this for three years and we have not done anything that has been effective. She also said that she thought this Committee was established to do something other than talking to people. She said there are also several residents that have expressed interest in hosting tower sites but have found no takers as it appears there is no interest in building new towers in the County. Mr. Kreider said that they should talk to the WISP providers and Mr. McKay said that WISPs often use shorter, smaller towers for their service. Ms. Bouffault said that with 80 people per square mile we are far less attractive to providers than places with 600 people per square mile such as Loudoun County. She said the only answer is to find a way to make known what is currently available and go

from there. Mr. Stidham noted that he has been advising people that if they were not eligible for WISP or other services in the past, they should check again as technology is constantly changing and they might be able to be served now. Ms. Bouffault noted that one WISP provider recently lost service to areas of the County for four days and Mr. Kreider replied that a number of residents along the ridge lines lost power and internet for several days as a result of the storm. He also added that the Committee serves as a clearinghouse for information on broadband and that he does not think the Committee's activities should go beyond that. Ms. Daniel said she thought that we were going to be designing the roundtable meetings today. She also said that the Committee does seem to focus on WISPs and that she would like to see us broaden our scope.

Mr. Stidham noted that the Committee has already met with Shentel and several WISP providers in previous meetings. He suggested holding a second meeting with Shentel to discuss how they could better serve business customers and County WISPs and also whether they would serve a group of residents as business customers using a private wireless system. He said they could then schedule the WISP roundtable with this information in hand and use as a discussion topic. Mr. McKay replied that the more people we can talk to, the more people we could get interested in doing something. Mr. Kreider replied that the Committee can accomplish some tasks but others will have to be done privately like the private wireless system model from California. Ms. Bouffault said we have to make sure that people are aware of the possibilities. Mr. Stidham said that if we meet with Shentel and they have no interest in doing this, we have an answer and can then ask the same of Comcast, Verizon, or other companies that own fiber optic lines in the County. Ms. Daniel said that it makes sense to meet with Shentel because they have the most fiber optic lines in the County. Ms. Bouffault said that Comcast has copper lines in Shenandoah Retreat and Boyce but want a lot of money for new residential connections. She added that Comcast may be more willing to talk to us about opportunities but the key is finding the right person to meet with. Both Mr. McKay and Ms. Daniel said that it would be a good idea to meet with both Shentel and Comcast. Ms. Bouffault said that she would try to find the appropriate person to meet with from Comcast and Mr. Stidham said that he would reach out to the Shentel representative that previously met with the Committee. Mr. McKay suggested having community meetings with these providers so they can see and hear about the citizens' interest in service. Mr. Stidham replied that holding community meetings if these providers are interested in participating is exactly within this Committee's responsibilities. Ms. Daniel said that she always thought that informational meetings of this type would be one of the functions of this Committee.

Mr. Olinger said that he lives in Frogtown and has several neighbors that are willing to help fund a better broadband option for their neighborhood and asked whether Shentel would consider serving them. Mr. Stidham suggested that if one of the neighbors has a clear view into the valley, they should consider contacting the WISP providers to determine whether they can serve the neighborhood. Mr. Olinger asked whether the County limits tower heights to 80 feet and Mr. Stidham said that towers up to 199 feet are allowable with additional zoning approval but noted that they may not need to go up that high in order to get line of sight to the broadcast tower for WISP service. Mr. Olinger also said that one WISP provider that visited their neighborhood said that they are waiting to get approval to put their equipment on the County's water towers. Mr. Stidham noted that the Clarke County Sanitary Authority is currently negotiating with WISP providers to allow them to locate equipment on the water towers. He added that there is a distance limitation with wireless

internet and any WISP antennas on County water towers would be closer to potential customers located on the mountain. Ms. Daniel asked about the rules for towers up to 50 feet in height. Mr. Stidham replied that towers up to 50 feet are reviewed by the zoning administrator, towers up to 80 feet are reviewed by the Planning Commission, and towers over 80 feet up to 199 feet require a special use permit and public hearing process with the Commission and Board of Supervisors. He added that there are additional requirements for towers over 120 feet. Ms. Daniel said that there are more safety issues with taller towers requiring a more stringent review. Mr. Stidham added that tower developers do not want to build towers any taller than they need for their providers. Mr. McKay said that the Visual Link representative said they can put their equipment in trees and Ms. Daniel added that WISP providers prefer silos or tall buildings. Mr. Kreider told Mr. Olinger that WISP providers might be more likely to install equipment on a tower that they construct rather than having the WISP provider build the tower.

Mr. Stidham said that it sounds like the members would like to schedule their next meeting with Shentel and Verizon. Ms. Bouffault replied that Shentel and Verizon are competitors and should not be paired in the same meeting, and Mr. Kreider suggested meeting with Shentel and Comcast. Ms. Bouffault said that this would work better. Mr. Stidham said that we would meet with them to determine whether they would be willing to sell commercial broadband service to groups of residents that want to establish a private neighborhood wireless network as well as other service options. Mr. McKay said that we need to have the WISP roundtable shortly after this next meeting. Mr. Stidham said that any information that they learn from Shentel and Comcast that is pertinent to the WISP providers can be passed on at the WISP roundtable meeting. Ms. Daniel said that as we make contact with the providers, it is important for Staff to have the correct contact information for the appropriate representatives to pass along to interested parties. Mr. Stidham noted that there are still some providers that he does not have contact information for such as Wave2Net and Nova Wireless. Ms. Daniel said that we may be talking with our surrounding jurisdictions in the near future to serve their rural areas adjacent to our shared boundaries.

Mr. Stidham noted the suggested meeting dates and said that he could propose the next meeting with Shentel and Comcast on one of the first four dates – April 4, 5, 9 and 10. Based on the members' schedules, Mr. Stidham said that the order of preference would be the 9th, 5th, 10th, and 4th. Mr. Kreider asked how the public will be notified that the Committee will be meeting with the Shentel and Comcast representatives. Mr. Stidham said that all Committee meetings are posted to the County website and he has been sending copies of the meeting packets to any citizens that request a copy. He added that the purpose of the meeting is fact-finding and that if something comes out of the meeting that is pertinent to the citizens, we can take further steps to notify the public and promote the new options. Mr. Stidham also asked any members of the public that would like to be on the email list for meeting packets to see him after the meeting and provide their contact information. Ms. Daniel asked about the WISP meeting scheduling and Mr. Stidham said that we can discuss that at the end of the next meeting. Ms. Daniel said that this could mean that the WISP meeting would not be held until the end of May at the earliest. Mr. Stidham replied that we should have as much information as possible for the WISP meeting because we only want to have that meeting one time. Mr. McKay asked about whether to have a night meeting and Mr. Kreider said that the WISP meeting should be a night meeting. Mr. Terzian recommended wider publicity for the WISP meeting to ensure attendance. Ms. Daniel asked for suggestions on how to better notify the public since the

meetings are posted to the County website and she posts notices to her Facebook page. She also suggested trying to post a notice in the Clarke Observer but Mr. Stidham noted that there might be a problem with timing since it is only a monthly publication. Mr. Stidham added that Cathy Kuehner (Winchester Star) could write an article on the meeting. Ms. Daniel said that if we notify the Observer by the first week of the month, it can get in the next edition. Mr. Terzian noted that there are a lot of technologically-savvy people in the County that could help out with promoting the Committee's efforts. Mr. Olinger said that most people on the mountain would allow companies to put poles on their property if they could get broadband internet.

Mr. Stidham provided a recap of the previous meeting's discussion with Kevin Manovich from NexGen Broadband for the benefit of the audience. He recommended that residents fill out the form on the front page of the NexGen Broadband website so that the company will have information on where the demand for fiber-to-the-home service is located.

Mr. Stidham reviewed HB 1258 and noted that it has been adopted by the House and the Senate with all members of the County's delegation voting against it. He said that there were minor changes made but the problematic elements that he noted previously remain in the adopted version of the legislation.

Mr. Melgaard asked what the chances are that small neighborhoods like where he lives on the mountain will be able to get broadband internet. Mr. Stidham replied that it all depends on the providers' business plans and whether they see value in serving these areas. He added that NexGen Broadband has a 15-homes per square mile metric that may be met in many rural areas throughout the County and on the mountain. Ms. Daniel said that everyone will eventually have broadband internet access because it has become so important especially to economic development, but the big question is how long will it take and what will the cost be of delaying expansion of this service to the County's rural areas. She also noted that there are lots of evolving technologies that might be potential solutions in the near future. Mr. Stidham described the TV white space efforts for the audience members. Mr. McKay noted that WISP providers are careful about which technologies they choose to invest their limited infrastructure funds on which can cause delays in expanding service. Mr. Kreider said that it is important for small communities, especially on the mountain, to communicate their demand together to the providers.

The meeting was adjourned by consensus at 3:18PM.



Brandon Stidham, Planning Director