

Clarke County

BROADBAND IMPLEMENTATION COMMITTEE MEETING MINUTES MONDAY, JULY 16, 2018



A meeting of the Broadband Implementation Committee was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Monday, July 16, 2018.

ATTENDANCE

Present: Robina Bouffault, Mary Daniel, Scott Kreider, Bev McKay

Absent: None

Staff Present: Brandon Stidham, Planning Director; Cathy Kuehner, Director of Public Information

CALLED TO ORDER

Mr. Stidham called the meeting to order at 2:04PM.

APPROVAL OF MINUTES

The Committee approved the May 3, 2018 meeting minutes as presented.

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

No: none

The Committee approved the June 20, 2018 meeting minutes as presented.

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

No: none

NEW BUSINESS ITEMS

Mr. Stidham began the follow-up discussion of the June 20 roundtable meeting by asking the members if they had any general comments. Ms. Bouffault said that she thought the providers were reasonably forthcoming but they each promoted their own companies. She said that she was concerned that the providers are not interested in working with one another. Ms. Daniel said she thinks that the Committee should decide whether to take a position on the Sanitary Authority's approach to selecting providers to locate on their water towers based on comments from the providers at the roundtable meeting. Mr. Kreider replied that the Sanitary Authority owns the water towers and it is their business and Mr. McKay agreed. Mr. McKay added that he does not think that the Sanitary Authority should be giving out space on the towers for free. Ms. Bouffault reiterated that due to the County's population density, we are far less attractive to providers than our neighboring counties so we need to be more innovative in how we look at this issue. Ms. Daniel said that the providers are expecting the County to invest in their infrastructure like other counties have done and we are not going to do this. She added that our tax dollars are invested in the water towers and that if rural

broadband is a priority, then some direction may need to be provided to the Sanitary Authority and should probably come from the Board of Supervisors. She added that the Board will likely look to this Committee for recommendations on the issue. Mr. McKay said that the Sanitary Authority believes that it is their obligation to maximize the return on rental rates for the benefit of the taxpayers. Mr. Kreider suggested that the Committee find out what appropriate rental rates are for cellular providers and WISP companies. Mr. Stidham noted that George Condyles is providing consulting services to the Sanitary Authority for this project and has advised them on what the acceptable market rates should be.

Mr. Kreider said that the one thing we can do for providers is to consider changing zoning regulations to allow 80-foot high small lattice towers and he asked whether ham radio antennas can be up to 80 feet without a permit. Mr. Stidham replied that building permits are typically required for ham radio antennas. Mr. Kreider asked if small lattice towers up to 80 feet could be allowed with a building permit and up to 120 feet with a site plan and building permit. Mr. Stidham noted that the representative from Winchester Wireless was the only provider expressing a need for lattice towers although the other providers agreed with him. Mr. Stidham also noted that no WISP providers have contacted the Planning Department to request a permit for a lattice tower or to discuss the regulations. Mr. McKay noted that one of the provider representatives showed a picture of a WISP lattice tower and he noted that they are not as visually impactful as a lattice cell tower. He said that if they are allowed, they should be set back away from property lines and closer to the property owner's residence than to neighboring residences. Mr. Kreider added that they would have to be set back equal to the tower's fall zone. Ms. Bouffault said that this would be a reasonable regulation. Mr. Kreider suggested requiring construction within 100 feet of the main dwelling and allowing them to be approved with a zoning permit. Mr. Stidham asked the Committee if they would be comfortable with lattice towers up to 80 feet allowed with a zoning permit instead of a site plan and a 100 foot setback from property lines and the members said yes. Members also agreed to allow lattice towers up to 120 feet with a site plan to be approved by the Planning Commission. Mr. Stidham said that he would send this to the Planning Commission for development. He said that he would add WISP lattice towers as an allowable design for Class 2 Wireless Communication Facilities. He also said that they need the maximum specifications for these towers to include in the regulations and recommended getting that information from the providers. Mr. Kreider said that it is important to get the maximum dimensions of the pad for the towers.

Mr. Stidham stated that Ms. Kuehner has provided a draft news release to inform landowners that WISPs are looking for sites and structures to locate their equipment. Ms. Kuehner reviewed the draft news release noting that it is intended to make residents aware of this opportunity and provide them with information to connect them with the providers. Ms. Daniel said that contact information for the providers should be included in the news release. Mr. Stidham said that Staff recommends sending the draft to the providers to determine whether they want to be mentioned in the news release and, if so, to confirm their contact information. He also said that it should be made clear that if the County is contacted by an interested property owner, all four providers will be notified as the County is not partnering with one provider over the others. Ms. Daniel asked who would be receiving inquiries and sending them out to the providers, and Mr. Stidham replied that it would probably be him. Mr. Kreider said that he did not think the County should be in the role of middle man in this situation and said that he agrees with the County's role as it is described in the draft news release. Ms. Bouffault

said that she does not mind contacting the providers on behalf of interested citizens that may not have the time to research and make contact with the providers themselves. Ms. Daniel noted that if we give the impression that we are helping citizens connect directly with providers and that does not occur in practice, then we may have a bigger problem. Mr. Kreider said that he would not mind listing silo locations on the website but that this is as far as he is willing to go.

Ms. Kuehner said that social media and news releases can be used to convey messages that the Committee wants to provide to the public, such as the County being interested in mapping silo locations. She added that the Committee should consider the different kinds of messages that they want to send out. Mr. Stidham noted that the Committee may not want to say that the County wants to map available silos and other vertical assets but instead say that this is one opportunity for interested property owners. Ms. Daniel asked if a new WISP started service in the County and requested copies of everything that we provided to the other WISPs, do we have the ability to provide it? Mr. Stidham replied that we would add the new provider to the list of available WISPs but that we are not acting as a middle man and cannot provide the names of all property owners that have contacted the other WISPs about locating towers and equipment. Mr. Kreider said that a page can be added to the website to list names and contact information of interested property owners that the providers can contact directly. Mr. McKay said there are a lot of property owners that have assets but never look at the County website and asked how to reach those people. Mr. Kreider said that if we post to the website and social media, we have done our due diligence. Ms. Bouffault noted that she has directed two providers to contact Phil Jones about his silo but both seem to be more interested in locating on the County water towers. She added that it appears that they want sites that are ready to go instead of sites where they would need to do additional work. She also asked if it is worth spending time to document potential tower and equipment sites if the WISPs are not interested in using them. Mr. Kreider said that for the providers, it comes down to how much money they can make off of locating their equipment on a silo.

Ms. Kuehner said that residents need to be reminded over and over that the citizens have some responsibility in this issue and that the County is not going to install broadband infrastructure for them. She added that if the citizens hear this message enough times then they will reach out to the wireless providers on their own. She said she thinks we want to communicate that the County will not connect the citizens with the providers and that it is up to the citizens to do it on their own. Mr. Stidham said that topographic information is available on the County's online GIS. He added that the providers say they do not have time to do the research but they have to know where they want to invest in infrastructure and what the topography and vertical assets are in those locations. Ms. Daniel said that the impression she got from the roundtable meeting is that the providers want the County to help identify property owners that are interested in talking to them and potentially taking them to meet the property owners. Mr. McKay asked if there is a problem with a Committee or Board member taking a provider to meet with an interested property owner regarding a possible tower site. Mr. Stidham replied that he would be concerned that the other providers would accuse the County of favoritism. Mr. Kreider added that all of the providers are businessmen and it is not the County's job to do their research for them. Ms. Daniel said she did not think that there would be a problem posting a list of interested property owners on the broadband webpage for providers to use as a research tool. Mr. McKay said he does not have a problem connecting providers with landowners as much as he does providing public funds to a private company to invest in the County. Ms. Bouffault reiterated

that we have to do more than counties like Frederick because of our population density. She added that the providers are going to go where they can get the most return on their investment. Ms. Daniel said that the question we are wrestling with is getting providers to invest in the County versus favoring a single provider to accomplish the task. She said we are also trying to decide whether to involve ourselves in the business relationship between the parties and we do not have anything to offer besides our land use regulations. Mr. Kreider added that people need to understand that if they moved here from Loudoun and Frederick, they cannot expect the same services like broadband that they had in their previous location. He also said that he does not know how providers make money if they invest \$1200 in a tower and only have a couple of customers paying \$50 per month. Ms. Daniel said that the Committee was formed to help facilitate broadband expansion and we keep coming back to serving as an information clearinghouse.

Mr. Stidham asked the Committee if they want to ask the providers if they want to be included in the news release and to confirm their contact information. Members agreed to do this. Mr. Stidham said that he would exclude NOVA Wireless because they did not attend the roundtable meeting. He also said they will make a few modifications to the news release and give the providers a week or two to respond before issuing the release on the website and social media. Ms. Kuehner asked the Committee members to identify approximately five messages regarding broadband that can be sent out repeatedly over social media. An example could be to post a picture of a silo with the message that silo owners may have an opportunity to work with WISP providers for broadband service.

Mr. Kreider asked if the Board of Supervisors should talk to the Sanitary Authority about the space rental rates for WISPs. Mr. Stidham replied that he did not think they need to do so since they are working with market rates provided to them by George Condyles.

Mr. Stidham said that he will plan on sending the text amendment request on WISP lattice towers to the Planning Commission and will solicit the providers for technical specifications to use in the text amendment.

OLD BUSINESS ITEMS

Mr. Stidham reviewed the website progress report. He noted some discrepancies in how Weebly calculates the website traffic and is not sure whether they should rely on this information for future reports.

Mr. Stidham also reviewed a map prepared by Staff that shows approximate locations of Comcast service in the County. Ms. Bouffault asked if the Shentel lines could be added to this map and Mr. Stidham replied that he did not think that they had the Shentel information in a GIS layer and would have to do it by hand. Mr. McKay said that the map could help show potential backhaul locations.

Mr. Stidham also advised the Committee about the surplus monopole that the County owns. He is attempting to get manufacturer information on the monopole to see if Mr. Condyles can determine whether it has reuse value to the WISPs.

Members agreed to hold the next meeting in mid-September.

The meeting was adjourned by consensus at 3:15PM.



Brandon Stidham, Planning Director