

THE FRANKLIN COUNTY BROADBAND AUTHORITY HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, JUNE 16, 2020, AT 12:00 P.M., IN MEETING ROOM B75 LOCATED IN THE GOVERNMENT CENTER, 1255 FRANKLIN STREET, SUITE 104, ROCKY MOUNT, VIRGINIA.

THERE WERE PRESENT: Mike Carter
Tommy Cundiff
Leland Mitchell
Ronald Mitchell
Lorie Smith
Tim Tatum
Ronnie Thompson

OTHERS PRESENT: Christopher Whitlow, County Administrator
Mike Lockaby, County Attorney
Steven Sandy, Director of Planning & Community Development
Madeline L. Sefcik, Clerk

Leland Mitchell, Chairman called the meeting to order.

STEVEN SANDY, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

Mr. Sandy addressed the Board stating, to increase access to broadband in Franklin County, the Board of Supervisors and Broadband Authority adopted a Strategic Plan for Broadband Deployment in August 2019. This plan identifies an approach to develop a new fixed wireless system throughout the County as well as extend fiber to the home wherever possible and financially feasible. The County received \$650,000 in funding in 2019 from the Virginia Tobacco Commission to complete several fiber projects with Shen tel. In January of this year, the County received approval of a grant application through the Virginia Telecommunications Initiative 0,1 ATI) in the amount of \$2.3 million to assist in building Phase 1 of the Plan. Phase 1 of the Plan calls for the construction of six (6) new towers. These towers are proposed to be built at Snow Creek, Callaway, Sontag, Glade Hill, Westlake, and Summit View Business Park. The state recently authorized the County to begin due diligence work on these proposed towers while contract negotiations are finalized.

2019 Tobacco Commission Grant Project Update

Recent months have seen continued efforts by the County and its partners to deploy broadband in Franklin County. Work continues the Shentel projects approved under the 2019 Tobacco Commission Grant. See current project updates from Shentel below:

Waldsboro - project completed

Windy Gap

- AEP has a tentative start date of 6/8 for work to begin on the poles and anticipates on completing their work by mid-July.
- Work on the underground portion of the project is continuing.

Walnut Run

- All aerial permits have been cleared and the aerial portion of the project has been released to construction.
- Per construction, Shentel is anticipating on having construction completed by the end of August.
- Work on the underground portion of the project continues.

Burnt Chimney

- Payment vouchers are being processed today for AEP's invoices and checks will go out next week.
- Per AEP, AEP is anticipating on starting their work by mid-July and having all work completed by the end of August.

2020 VATI Grant Project Update

VA DHCD authorized the County and partners to move forward on due diligence work such as permitting, environmental, structural, engineering, etc. needed for construction to begin on project. This work has begun on all sites. Below is the latest update on the Shentel project in Union Hall area.

Old Salem School Road (Shentel Fiber Project)

- Pending redlines back from VDOT regarding the permit. Per Lisa Lewis, she is anticipating on having comments back to Shentel next week.
- Shentel's drafting team continues to work on the design.
- All of AEP's field work has been completed. Their contractor is processing the field data.

VA DHCD has provided the County with a draft agreement for the grant funding approved as part of the VATI 2020 grant program. The approval and execution of the contract between the County and VA DHCD in conjunction with the County's agreements with Shentel and Blue Ridge Towers/Brisnet will allow construction of this project to begin. Staff requests that the Authority approve the Chairman to sign this agreement after legal review is completed on behalf of the Authority.

Staff and County Attorney have developed contract documents with Shentel and Blue Ridge Towers/Brisnet for the VATI 2020 project to comply with the Public-Private Education Facilities Act of 2002 (PPEA). The draft documents have been attached for review and comment. Under PPEA requirements a public hearing has been scheduled to receive public comments at 6 pm on June 16th. In addition, the documents will be placed on the County's website and made available for public review at the County's Planning Department Office for thirty (30) days.

These contract documents set forth the obligations of each party for constructing infrastructure, deploying broadband service and processing payments to comply with State and Local requirements under the PPEA and VATI grant guidelines.

Under the Shentel agreement, Shentel agrees to install and operate the fiber project as outlined and provide service and customer support. Franklin County agrees to submit appropriate reimbursement requests to VATI for grant funding and provide project accountability.

Under the Blue Ridge Towers / Brisnet agreement, BRT agrees to construct towers, provide equipment including antennas, fiber, microwave backhaul; own and operate the fixed wireless system; provide customer service and market the Broadband Authority's new vertical assets (towers). Franklin County is providing county assets, accountability and staff resources including financial reporting and reimbursements to comply with state and local requirements.

2021 VATI Applications

Staff has also been preparing for the next rounds of funding for broadband. Staff is working with Shentel and Blue Ridge Towers / Brisnet to develop the 2021 VATI Application for Phase 2 of the

broadband deployment in the county. Any comments received will be discussed at the July 21st meeting prior to final approval of contracts

Finally, Staff will be preparing application materials for VATI 2021 funding. A Letter of Intent from the County is due on or before July 13, 2020 and final application deadline is August 17, 2020. Staff has developed a proposal with Blue Ridge Towers/Brisnet and Shentel for a Phase 2 buildout of fixed wireless and fiber respectively. The primary location for additional towers to support fixed wireless deployment are identified as Cahas Mtn ./ Naff, Endicott, Sago, and Windy Gap. The primary locations for fiber extensions with Shentel are identified as Hardy, Scruggs, Penhook, Union Hall, and Wirtz. Staff has proposed two Letters of Intent to DHCD for funding. One to partner with Blue Ridge Towers/Brisnet and one to partner with Shentel. Since these letters are due to DHCD on or before July 13, staff is seeking authorization for the County Administrator to sign these letters on behalf of the Broadband Authority.

During this COVID -19 pandemic, staff has also worked with the Franklin County Schools, Ferrum College, Tri-Arca Community Health and state funding agencies to try and find additional funding for broadband deployment and / or increased broadband access. Staff worked with American Electric Power to provide funding to the Franklin County Schools to increase wifi access in the parking lots of Snow Creek, Sontag, and Henry Elementary Schools. The schools have secured funding for the remaining 13 sites.

Currently, staff is evaluating the CARES Act to determine what funding may be available to assist the County and local non-profits with broadband development and Tele-Health initiatives. Additional application information will be reviewed at the July 21st meeting in anticipation of the August 17th application deadline.

Staff respectively requested that the Authority authorize the County Administrator to submit Letters of Intent with Blue Ridge Towers / Brisnet and Shentel for 2021 VATI applications.

In addition, staff recommended that the Authority approve the agreement with VA DHCD for the 2020 VATI funding reimbursement in the amount of \$2,383,039 and authorize the Chairman and County Attorney to sign the agreement on behalf of the Authority.

(RESOLUTION #01-06-2020)

BE IT THEREFORE RESOLVED that the Authority authorize the County Administrator to submit Letters of Intent with Blue Ridge Towers / Brisnet and Shentel for 2021 VATI applications, and that the Authority approve the agreement with VA DHCD for the 2020 VATI funding reimbursement in the amount of \$2,383,039 and authorize the Chairman and County Attorney to sign the agreement on behalf of the Authority.

VOTING ON THE MOTION IS AS FOLLOWS:

MOTION BY: Lorie Smith

SECONDED BY: Ronald Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Carter, Cundiff, L. Mitchell, R. Mitchell, Smith, Tatum, Thompson

Chairman Mitchell recessed the Authority until approximately 6:00 PM to hear the previously advertised public hearing.

Chairman Mitchell called the board meeting back to order to hear the previously advertised public hearing.

1. Pursuant to the provisions of Section 56-575.17 of the Code of Virginia of 1950, as amended, the Franklin County Broadband Authority will hold a public hearing.

The Franklin County Broadband Authority advertised for and received solicited conceptual proposals from Blue Ridge Tower, Inc. (BRT), and Shenandoah Telecommunications Company (Shentel), to enter into a public-private partnerships to provide fixed wireless broadband services and fiber/cable services, respectively, under the provisions of the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), Virginia Code §§ 56-575.1 et seq. The PPEA is an alternative procurement method by which the Authority may solicit proposals or accept unsolicited proposals for creative and innovative public-private partnerships for solutions to issues of public infrastructure, planning, and provision of services.

This BRT proposal calls for BRT to construct eight new towers throughout the county ranging from 80-195 feet in height, six to be owned by the Authority, as well as connecting fiber optic cable. In addition, the proposal calls for utilizing four existing towers. The Shentel proposal calls for extending approximately 7.5 miles of new fiber to the home in the Union Hall area of the county. The estimated cost of design, engineering, and construction for the entire project is approximately \$4.6 million, with contingencies for unfavorable subsurface conditions. BRT would then locate fixed wireless communications equipment on the new towers, as well as on the existing facilities in the County. Deployment is expected within 18 months. In return, it would provide wireless broadband internet to the general public on a nondiscriminatory basis. This project represents Phase 1 of a multi-year and multi-phase approach to broadband deployment in Franklin County. The agreement also calls for a mechanism for resolving customer complaints, ensuring quality service, and regular replacement of facilities. Finally, BRT will provide management services to assist in finding and managing other persons who may wish to collocate their wireless facilities on the towers, thereby ensuring a long-term income stream for the Authority to partially offset construction costs. \$2.3 million dollars of funding from the VA Telecommunications Initiative is proposed to leverage the private provider funding for this project.

MR. STEVEN SANDY, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT PRESENTED THE FOLLOWING:

CASE # A-11-19-001 - BROADBAND

Pursuant to the provisions of Section 56-575.17 of the Code of Virginia of 1950, as amended, the Franklin County Broadband Authority will hold a public hearing on June 16, 2020, beginning at 6:00 P. M. in the Board of Supervisors meeting room located in the Franklin County Government Center at 1255 Franklin Street, Rocky Mount, VA, 24151. The purpose of this hearing is to obtain public comment on PPEA conceptual proposals and proposed comprehensive agreements for a system to provide fixed wireless broadband services and fiber extensions.

The Franklin County Broadband Authority advertised for and received solicited conceptual proposals from Blue Ridge Tower, Inc. (BRT), and Shentel, to enter into a public-private partnerships to provide fixed wireless broadband services and fiber/cable services, respectively, under the provisions of the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), Virginia Code §§ 56-575.1 et seq. The PPEA is an alternative procurement method by which the Authority may solicit proposals or accept unsolicited proposals for creative and innovative public-private partnerships for solutions to issues of public infrastructure, planning, and provision of services.

This proposal calls for BRT to construct eight new towers throughout the county ranging from 80-195 feet in height, six to be owned by the Authority, as well as connecting fiber optic cable. In addition, the proposal calls for utilizing four existing towers. The Shentel proposal calls for extending approximately 7.5 miles of new fiber to the home in the Union Hall area of the county. The estimated cost of design, engineering, and construction for the entire project is approximately \$4.6 million, with contingencies for unfavorable subsurface conditions. BRT would then locate fixed wireless communications equipment on the new towers, as well as on the existing facilities in the County. Deployment is expected within 18 months. In return, it would provide wireless broadband internet to the general public on a nondiscriminatory basis. This project represents Phase 1 of a multi-year and multi-phase approach to broadband deployment in Franklin County. The agreement also calls for a mechanism for resolving customer complaints, ensuring quality service, and regular replacement of facilities. Finally, BRT will provide management services to assist in finding and managing other persons who may wish to collocate their wireless facilities on the towers, thereby ensuring a long-term income stream for the Authority to partially offset construction costs. \$2.3 million dollars of funding from the VA Telecommunications Initiative is proposed to leverage the private provider funding for this project.

VA PUBLIC-PRIVATE EDUCATION ACT (PPEA)

Legislative framework enabling local governments to enter into agreements authorizing private entities to design, construct, improve, maintain, and/or operate infrastructure projects.

In 2019, County issued Request for Proposals (RFP) for private entities to provide broadband solutions for the County.

The Authority directed staff to move to the detailed phase of the PPEA process with Blue Ridge Towers/Briscnet and begin conceptual design for phased approach for fixed wireless deployment in County.



Blue Ridge Towers/Briscnet proposed constructing new towers and co-locating on several others existing structures in phases.



County submitted an application for VATI grant funding based on the County's broadband plan and the BRT/Briscnet proposal for phased approach.



VATI application called for construction of eight (8) new tower sites and colocation on four (4) existing structures.



VATI application approved for \$2.3 million in grant funding BRT/Briscnet to provide \$1.23 million.

FIXED WIRELESS

FIBER TO THE HOME

- Shentel proposed to extend fiber/coaxial to the home in several communities.
- County submitted applications for Tobacco Commission and VATI funding to expand fiber as proposed in the County's broadband plan.
- Tobacco Commission grant extended thirty (30) miles of fiber to reach 460 premises. VATI application extends another 6.5 miles of fiber to reach 190 premises.
- Tobacco Commission grant funded \$650,000 and VATI funded \$2.3 total. Shentel is providing \$914,000 funding to complete all projects.

CONTRACT DOCUMENTS

- County Attorney's office has prepared contract documents between the County and BRT/Brisnet and Shentel.
- Shentel contract provides that Shentel will construct, operate, and maintain fiber system in project areas. County will provide access to VATI funding through reimbursement process.
- BRT/Brisnet contract more detailed
 - Defines towers to be built and those for co-location
 - Construction quality and timing of improvements
 - Service and maintenance expectations and accountability
 - Marketing of new sites by BRT
 - County's obligation of capital, in-kind services, reimbursements

Public hearing required per the PPEA regulations to gather public input on contracts.

A 30 day public comment period required after public hearing. During this time, documents will be available to County website and at County Planning office.

Corrections, Revisions, and/or Action can be taken on the contract documents at July meeting.

PUBLIC HEARING

Public hearing was opened

Bob Olson-

He wanted to voice his support for this project, but he will not be serviced by this. #1, the only communication service they have is Verizon. He expressed no one is talking to them from Verizon or Shentel.

Anthony Smith of Blue Ridge Towers spoke and wanted to thank the Board for the opportunity, and he is very proud of this moment. The representative stated they will serve the County well.

Public hearing was closed

Chairman Mitchell adjourned the authority until July 21, 2020 for their regularly scheduled Broadband Authority Meeting