May 9, 2022

Memorandum #2022-68

TO: Southside Network Authority  

BY: Steven H. DeBerry, Executive Director

RE: Southside Network Authority Meeting – May 13, 2022

A meeting of the Southside Network Authority (SNA) will be held on Friday, May 13, 2022, beginning at 2:00 PM in Board Room A, The Regional Building, 723 Woodlake Drive, Chesapeake, VA. 23320. The agenda is attached.

/ka

Attachment

**SNA Voting Members:**
Susan Vitale, CH  
Andria McClellan, NO  
Daniel Jones, PO  
Albert Moor, SU  
Rosemary Wilson, VB

**SNA Alternate Members:**
Scott Fairholm, CH  
Catheryn Whitesell, NO  
Angel Jones, PO  
Regina Chandler, SU  
Peter Wallace, VB

**Copy:**
Mike Lockaby, Guynn, Waddell, Carroll & Lockaby, P.C.  
Southside Network Authority Jurisdictions’ Chief Administrative Officers  
Southside Network Authority Jurisdictions’ Chief Information Officers  
Southside Network Authority Jurisdictions’ Legal Representatives
1. Call to Order

2. Approval/Modification of Agenda

3. Public Comments
   Members of the public are invited to address the Southside Network Authority (SNA). Each comment is limited to three minutes.

4. Submitted Public Comments
   There were no submitted public comments since the last SNA meeting. Any new written public comments received after the preparation of this agenda will be distributed at the meeting.

5. Meeting Minutes (Attachment 5)
   Attached for the SNA's consideration are the minutes from the April 8, 2022, SNA Meeting.

   **Action Requested:** SNA Board should take action to approve the minutes for the April 8, 2022, Board Meeting.

6. Project Management Update
   Staff will provide a project update to the Board during this meeting.

   **Action Requested:** No action required. Update is provided for Board Members’ information.
7. **Closed Session – Discuss Procurement Strategy and Personnel Matter**

To proceed into closed session, the SNA Board should consider the following:

*Motion to convene a closed session pursuant to subsection A.28 of § 2.2-3711 of the Code of Virginia, 1950, as amended, for the purpose of discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity; pursuant to subsection A.33 of § 2.2-3711 for the purpose of discussion of consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6; pursuant to subsection A.29 of § 2.2-3711 for the purpose of discussion of the award of a public contracting involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body; and pursuant to subsection A.6 of § 2.2-3711 for the purpose of discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, specifically relating to PPEA negotiations with Global Technical Systems. And further to convene a closed session pursuant to subsection A.1 of § 2.2-3711 of the Code for the purpose of discussion of assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Authority, specifically relating to the Executive Director.*

After reconvening in open session, the SNA Board should consider the following:

*Motion to reconvene in open session and to certify by roll call vote, pursuant to subsection D of § 2.2-3712 of the Code of Virginia, that (i) only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed, or considered in the closed session.*

8. **Actions out of Closed Session**

*Action Requested: Following the end of closed session, the Board may take actions to implement the recommendations received under agenda item 7 considering the confidential information, analysis, discussion, and considerations from the closed session.*

9. **Old/New Business**

10. **Adjournment**
The April 8, 2022 meeting of the Southside Network Authority (SNA) was called to order by Chair Susan Vitale at 2:00 PM. Chair Vitale thanked everyone for their attendance at the meeting and requested Mr. Robert Crum, HRPDC Executive Director, call the roll to determine Authority members’ attendance.

**Southside Network Authority Voting Members in Attendance:**
Susan Vitale, Chair, CH  
Albert Moor, SU  
Catheryn Whitesell, Alternate NO  
Daniel Jones, PO  
Peter Wallace, Alternate VB

**Other Participants:**
Steven DeBerry, SNA Executive Director  
Matthew DeHaven, CTC Technology & Energy  
Robert Crum, HRPDC Executive Director  
Regina Chandler, Alternate SU  
Mike Lockaby, Guynn, Waddell, Carroll  
Scott Fairholm, Alternate CH  
Mike Lockaby, PC

**Others Recorded Attending:**
Kelsey Swieringa (City of Portsmouth); William Hutchings (City of Suffolk); Jay Stroman (City of Chesapeake); Kevin Rotty (PFM); and Kelli Arledge, Rob Cofield, Dmitry Rekhter and Chris Vaigneur (HRPDC Staff).

**Approval of the Agenda**

Chair Vitale called for a motion to approve the agenda. Mr. Al Moor Moved to approve the agenda as presented; seconded by Ms. Catheryn Whitesell. The Motion Carried.

**Public Comments**

Chair Vitale invited members of the public to address the Southside Network Authority. There were no public comments.

**Submitted Public Comments**

There were no submitted comments.

**Approval of the Minutes**

Chair Vitale called for a motion to approve the February 11, 2022 minutes. Ms. Whitesell Moved to approve the minutes; seconded by Mr. Daniel Jones. The Motion Carried.
Fiscal Year General and Administrative Budget

Mr. Steven DeBerry, SNA Executive Director, provided an overview of the proposed budget for Fiscal Year (FY) 2023. He stated the budget is essentially the same as last year’s, with slight increases for HRPDC support, the annual audit and legal services, and noted funds were budgeted for the municipal financial advisor.

Mr. Jones Moved to approve the FY23 budget; seconded by Mr. Peter Wallace. The Motion Carried.

Construction Project Management Update

Mr. DeBerry reported that in accordance with SNA Resolution 2021-02, the construction contract was awarded to Danella. Staff continues to meet with CTC as well as Danella to create a project management update plan. Mr. DeBerry asked Mr. Matt DeHaven of CTC Technology and Energy to provide a project status update on engineering and permitting.

Before Mr. DeHaven began his update, Chair Vitale thanked Mr. DeHaven and CTC for their help in getting the SNA to the point of where it is today. The SNA Board acknowledged their appreciation with applause.

Mr. DeHaven reminded Authority members that it did not yet have completed designs as the Authority moved into the construction procurement phase. This was to keep multiple, parallel tracks of the process moving concurrently. While the construction contract is now in place, the detailed designs from approximately the 60% level to the finished product need to be completed. He noted that this stage will involve a significant amount of field survey work as only approximately 10% of the routes were physically examined initially. Applications to the appropriate permitting authorities still need to be submitted.

Mr. DeHaven explained that there is also an environmental review component which will come in consultation with the Department of Environmental Quality and the Army Corps of Engineers. He reported that parallel workflows are underway. CTC is currently tackling the efforts that require a longer permitting lead time. These efforts, such as railroad crossings and waterway crossings, typically have a six-month time frame in terms of the due diligence required.

Chair Vitale inquired if the SNA is looking at the co-builds and whether localities can leverage each other’s permits. Mr. DeHaven noted that for environmental permitting CTC is looking at a total project assessment. Individual projects will be specific to the municipality – each right-of-way owner will have their own requirements.

Mr. Scott Fairholm noted that the City of Chesapeake began some of the permitting approximately six months ago; however, a final decision has not yet been made about who will build on which side, but localities are sharing their designs and where they are in the process.

Mr. Mike Lockaby noted that he needs to have the master lease agreements in process and approved through by the City Councils; otherwise, Mr. DeHaven cannot actually pull the permits and digging cannot begin until those documents exist.
Ms. Regina Chandler reported that Suffolk has run into similar problems with the VATI program as it relates to permitting. She suggested that perhaps the SNA could leverage that permitting because the SNA is going to be working with some of the same agencies.

Mr. Moor mentioned that the City of Suffolk has several areas in which there is a lot of road work underway, and they have had to carefully manage interactions and work between multiple contractors. Mr. DeHaven acknowledged this is a challenge.

Mr. DeHaven noted that CTC is working to finalize the field engineering work and getting the design and construction plans completed and forwarded to the construction contractor. The field engineering and designs are prioritized as follows: 1) deciding the primary path for each locality; 2) determining the shortest lead time and least complexity for permitting; and 3) keep construction crews moving and operating without delays or having to randomly move to other areas. Having large contiguous segments of conduit is important. He confirmed the board would get more detail as construction begins and things progress.

Chair Vitale inquired about supply challenges for the contractor. Mr. DeHaven noted that Danella has a good estimate at this point and there is nothing contractually to prevent them from ordering appropriately. They have a bill of materials that is based on the 60% design. The contractor typically has about six to nine months of lead time for ordering materials. However, the contractor does not have the specific measurements on permitted segments which may impact their ordering slightly. Mr. DeBerry noted that Danella is moving forward; they have a signed contract and are moving forward with ordering materials.

Mr. DeHaven concluded his update by providing the current status of the project, noting that approximately 38% of the field surveys are complete, 19% of the CAD construction plans are complete and CTC will begin meeting with the municipal stakeholders to discuss permitting and application submittals. The CTC environmental team is conducting the preliminary environmental impact analyses which should be completed in the coming weeks. A project plan timeline was displayed, and Mr. DeHaven noted that they are in the process of creating an online portal and a file share to allow SNA board member to track the progress of the project in real time.

Mr. Crum noted the SNA Board will be looking to Mr. DeHaven and CTC for guidance as the project moves forward. It is important for the Authority to be open and transparent; however, there will be information that will be appropriate to share and some that may not given security concerns. The Authority will be relying on Mr. DeHaven and Mr. DeBerry to advise and guide board members in this process.

Mr. Jones mentioned that a GIS story map would be an ideal tool for everyone to use to follow the process. Mr. DeHaven concurred.

**Closed Session**

Chair Vitale called for a closed session and asked Mr. Lockaby to provide the language for the motion.
Motion to convene a closed session pursuant to subsection A.28 of § 2.2-3711 of the Code of Virginia, 1950, as amended, for the purpose of discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity; pursuant to subsection A.33 of § 2.2-3711 for the purpose of discussion of consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6; pursuant to subsection A.29 of § 2.2-3711 for the purpose of discussion of the award of a public contracting involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body; and pursuant to subsection A.6 of § 2.2-3711 for the purpose of discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

Mr. Lockaby also added as part of the motion that Mr. DeHaven, Mr. Crum, the city attorneys in attendance and himself as SNA counsel be permitted in the closed session. Chair Vitale concurred with the addition.

Ms. Whitesell Moved to proceed into closed session; seconded by Mr. Moor. The Motion Carried.

The Authority proceeded into closed session.

Return to Open Session

The Authority reconvened into open session. Mr. Lockaby read the following motion into the record:

Move to reconvene in open session and to certify by roll call vote, pursuant to subsection D of § 2.2-3712 of the Code of Virginia, that (i) only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed, or considered in the closed session.

Ms. Whitesell Moved to certify that only public business matters lawfully exempted from open meeting requirements as identified in the motion were heard, discussed or considered in the closed session; seconded by Mr. Moor.

Roll Call Vote:

Ms. Vitale  Yes
Ms. Whitesell Yes
Mr. Jones  Yes
Mr. Moor  Yes
Mr. Wallace  Yes

The Motion Carried.
Old/New Business

There was no old or new business.

Chair Vitale noted the next meeting of the SNA would be Friday May 13, 2022.

Adjournment

With no further business to come before the Southside Network Authority, the meeting adjourned at 4:01 PM.