



Supervisor

**Caleb A. Kershner**

Catoctin District



**Loudoun County**  
VIRGINIA

## What the Board Just Did About Broadband and Gun Control

Dear Readers,

Tuesday's Board business meeting covered a *lot* of important ground. The best news of the night was our Emergency Broadband proposal, which got a unanimous vote of support from the Board. (It was an 8-0-1 vote with Supervisor Letourneau absent for the vote.)

The worst news of the night was a proposal to ban guns in all County buildings, facilities, and parks. I cannot overstate how terrible an idea that is. Supervisor Buffington and I both spoke in opposition to this proposal and voted against it, but we simply got outvoted. Supervisors Buffington and Umstadd also tried to add an exemption for concealed carry permit holders, but both of their efforts were defeated.

Here are the highlights on both of these items.

## Our Broadband Item Received Unanimous Support

The Board unanimously approved the Emergency Broadband Initiative that Supervisor Buffington and I brought to them on Tuesday.

Broadband connectivity in Western Loudoun has been a chronic issue for years. Tuesday night's action by the Board was a major milestone for the Catoctin and Blue Ridge districts, as the Board voted unanimously to

implement a practical set of plans that will extend real broadband coverage further into Western Loudoun.

This was a truly historic vote by the Board, and I'm grateful to all of my colleagues for their support.

I would also like to thank senior staff who worked incredibly hard to pull together the resources for this next step: our County Administrator, Tim Hemstreet, our Deputy County Administrator, Charles Yudd, and our Assistant County Administrator, Erin McLellan.

By building on the work done by prior Boards and by the Communications Commission, we now have a multifaceted and actionable plan to extend coverage to the areas that need it most.

## KEY PROVISIONS OF OUR INITIATIVE

**Items 1 – 4:** Removes regulatory barriers impeding telecommunications facilities development in Loudoun County. Fees and processes are decreased in order to facilitate the approval process.

**Item 5:** Expedites funding to finish the dark fiber buildout to Bluemont and Philomont Community Centers, Philomont and Loudoun Heights Fire and Rescue Facility, and the Loudoun Heights Public Radio Safety Center.

**Item 6:** Establishes a regular reporting schedule on a number of items critical to continued expansion.

Two critical components of the Emergency Broadband Implementation Plan already established are:

- **A new [Telecommunications Project Map](#)** that for the first time captures information on a number of key datasets identified by the Board, as well as additional broadband-relevant data that provides additional contextual information important in understanding the overall picture of connectivity in Loudoun County. (see article below)
- **Unsolicited Proposals for Public-Private Partnerships.** As permitted under the Public-Private Education Facilities and Infrastructure Act of 2002, the County will accept solutions to address the last mile gaps in unserved and underserved areas of Loudoun County. Staff knows of at least two potential unsolicited proposals that could be submitted in the future. This is hugely important to our plan, because it allows the County

to receive (and leverage) comprehensive solutions from the private market. The County anticipates working with proposal submitters to identify funding requirements for solutions and identify opportunities for public/private partnerships.

## THE MOTION THAT WE PASSED

Here's the motion that we passed on Tuesday night, with my own notes on the practical effects of each provision added in red font:

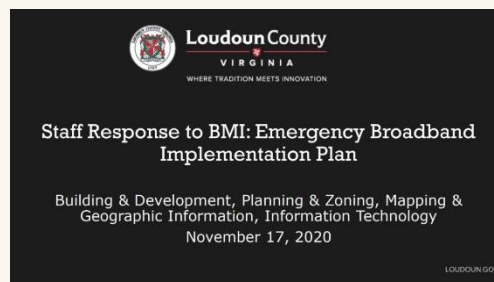
I move that the Board of Supervisors direct staff to institute the following actions to affect the delivery and expansion of broadband service in identified underserved areas of Loudoun County:

1. Waive pre-application (PRAP) requirements in order to reduce development application timelines for telecommunications facilities; *(this cuts 30 days off of the application timeline)*
2. Direct staff to bring forward amendments to the Land Development Applications Fee Schedule to eliminate the Special Exception (SPEX) fees and establish a uniform \$6,990 Commission Permit (CMPT) fee for all new telecommunications uses in identified underserved areas as shown on Attachment 2 of the November 17, 2020 item; *(this reduces the SPEX regulatory fee in Loudoun County, currently one of the highest in the mid-Atlantic region)*
3. Establish a Telecommunications Application Ombudsman program; *(this facilitates and provides certainty in the application process)*
4. Institute Telecommunications Application Assistance Meetings as a standard part of the applications process for a telecommunications use; *(this facilitates and provides certainty in the application process)*
5. Execute a budget adjustment to move \$191,000 from the IT Contingency project in the Capital Projects fund to the Remote Site Connectivity Project in the Capital Projects Fund for purposes of beginning the Request for Proposal Process to obtain a vendor to build additional fiber connections to the five remaining county facilities identified in the November 17, 2020 item; *(Allows RFP process to begin six months sooner and potentially expedites construction for buildout to Bluemont and Philomont Community Centers, Philomont and*

*Loudoun Heights Fire and Rescue Facility, and the Loudoun Heights Public Radio Safety Center)*

6. Provide the Board with quarterly updates beginning in January 2021 regarding progress on broadband initiatives identified in the November 17, 2020 item to include, but not limited to the following: *(provides regular accountability to the Board on progress on solutions)*

- a. Segra's efforts to attract and contract with last mile providers;
- b. Applicability of [HB2141](#) to Loudoun County;
- c. Funding sources available to support broadband initiatives including grant opportunities; and
- d. Partnership opportunities with power utilities for broadband expansion.



[Read the Staff Presentation](#)

## The New Map of Loudoun County's Telecommunication Projects

Part of our Emergency Broadband Implementation Plan directed staff to overlay the 2014 Wireless GAP Analysis with the Segra Dark Fiber Wide Area Network to create an active tracking document of telecommunications projects that were completed, in process, or planned for the future.

Staff mapped those two datasets. Then they tracked down some additional broadband-relevant data that addressed the Board's questions. This larger mix of data provided additional contextual information that staff believed was important for understanding the overall picture of connectivity in Loudoun

County. This information was then used to identify geographic areas of the county that are unserved or underserved.

Special thanks on this task goes to the [Loudoun County Office of Mapping and Geographic Information, Director Kristen Brown](#), and her team for their outstanding work in pulling this critical resource together for all of us. The data and resources that once sat static on the County website have now come to life to offer an interactive and realistic (if imperfect) snapshot of the broadband situation in Western Loudoun County.

Data identified and mapped for this project includes:

- **The 2014 Wireless GAP Analysis**, which was funded by the Board of Supervisors in 2012. The goal of this study was to identify gaps in Loudoun's wireless and cellular service and make recommendations on improving service. The facilities used in the study were a combination of existing and potential future sites, as identified by approved permits. Staff mapped the facilities used in the study (both existing and planned), as well as the unserved or underserved geographic areas that could receive broadband with the addition of facilities.
- **Permitted Commercial Tower Development Areas (PCTDAs)**, which are unserved or underserved areas in the western Loudoun. This map was developed as a recommendation of the 2014 Wireless Analysis. PCTDAs are mapped as general locations; they are not intended to identify a particular site or radius.
- **Existing Telecommunication Facilities**. As of November 2020, there were 106 telecommunication facilities in Loudoun County. Four more Active/Approved facilities have also been mapped.
- **Dark fiber**, which is optical fiber (either underground or above ground) that will be leased to a network provider/service provider. Broadband carriers can then use this fiber to provide last mile service to unserved or underserved areas. Loudoun County and Loudoun County Public Schools have contracted with Segra to install dark fiber to interconnect their facilities on separate, dedicated networks. Those projects are now underway. Loudoun County has plans to release a Request for Proposal (RFP) for additional fiber ([Loudoun County Board of Supervisors December 2019 Business Meeting, Action Item #19c \(PDF\)](#)).
- **Major Broadband Service Providers**. All facilities-based broadband providers are required to file with the Federal Communications Commission (FCC) where they offer Internet access speeds exceeding 200 kbps in at least one direction. This data is reported by Census Block.

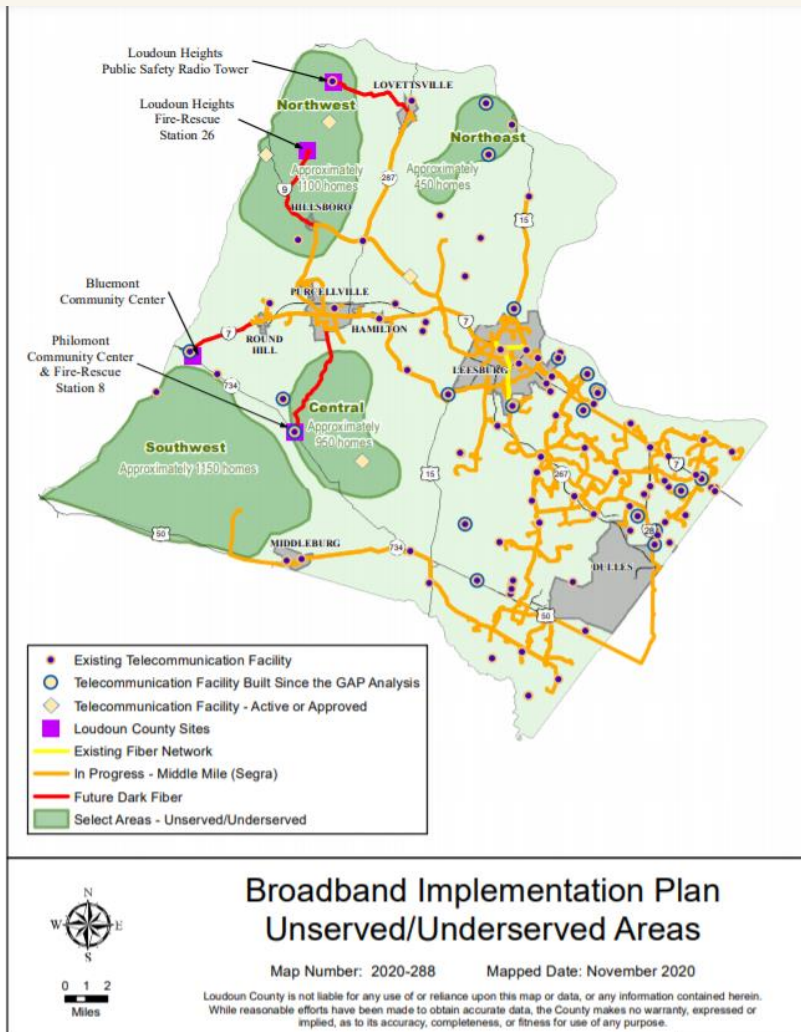
Staff obtained this data to show the service area covered by Comcast Xfinity. Verizon also provided us with a map of their general FIOS service areas (excluding the incorporated towns).

- **The Loudoun Express (LEX) system** allows residents to submit requests for service or report concerns. Right now, LEX has over 350 open calls for service from residents who are unserved by broadband. Staff has converted these calls into a heat map, which displays the relative density of requests in any given area.

These datasets were used to identify select unserved or underserved geographic areas. Each of those areas has about 450-1100 homes. I've included a link to the map below.

**IMPORTANT NOTE:** The areas on this map have been generalized. They aren't intended to precisely represent all unserved or underserved addresses within the county. The datasets we're working with aren't always as detailed (or as accurate, or even up-to-date) as we want. So the resulting map is a big improvement, but it still lists some places as having broadband coverage when they really don't – or only "have coverage" in a brain-twistingly technical sense.

If you see something on the map that you know isn't correct, please let us know! The more accurate information we can feed into the map, the more accurate it will become.



[View the Map](#)

## Proposal to Ban Guns in County Buildings (And Parks) Makes Us All Less Safe

Last night, the Board considered a proposal that would ban guns in County-owned or operated buildings, recreation and community centers, and public parks. It would do this by adding a new section to the County's ordinances on

weapons and explosives, and also adding a definition of the term "ammunition" (which would also be banned).

This new ordinance would need to be enforced with new security features. At County buildings, that would likely involve adding x-ray machines and magnetometers, which would be operated by law enforcement officers or a contracted security firm.

There would be exemptions for certain people, such as sworn law enforcement officers and private security personnel employed by the County, who would be allowed to have a gun and/or ammunition at these places. The ordinance would also let people store their lawfully possessed guns and ammunition in a locked private vehicle parked on County property.

**This proposal is *all kinds of a bad idea*.**

Many of you came out to speak about this gun ban. You stood up to support your ability to protect yourselves. And you did that because, like me, you don't want Loudoun County to follow the same tragic path as Virginia Beach.

I would like to thank each and every speaker who took the time to come to the Board to speak this week, including Phil Van Cleve, President of the Virginia Citizens Defense League (VCDL). Their story needs to be told and your voices need to be heard.

I shared this article from 2019 with the Board last night: "[Gun-Free Zone Law Disarmed Virginia Beach Shooting Victim](#)." The opening paragraph says it all:

*"The night before Kate Nixon and 11 others were murdered by a disgruntled co-worker, the decade-long Virginia Beach city employee talked with her husband about bringing a gun to work for self-defense -- a decision that was taken out of her hands by the city's ban on employees carrying firearms at work, a Nixon family lawyer said."*

Virginia Beach chose to do the exact thing that our Board is now proposing. They banned guns for their employees - even those who had a concealed carry permit. Now twelve Virginia Beach employees are dead, with the Nixon family calling for an independent investigation into the events leading up to that shooting.

The picture of Kate Nixon's coffin is a sobering sight.

Why did she and her colleagues die? Because when their disgruntled co-worker ignored the law and attacked them, no one could shoot back. And no one could fight back.



That's exactly what every single person who stood at the podium last night was talking about. They weren't talking about abstract rights, or arguing the fine nuances of *District of Columbia v. Heller*. They were talking about their ability to protect themselves and their families in basic places like a park. And if this proposal gets approved, it will prevent them from doing that.

I've had death threats in my line of work. By removing my ability to carry a gun, this Board is making it more possible for when I walk out of this building, for someone to attack me with lethal force, and I would have the inability to protect myself with equally lethal force.

A vote for this proposal will make us all less safe. Plain and simple.

Regrettably, the motion did pass last night by a 6-2-1 vote (Supervisor Buffington and I voted against it, and Supervisor Letourneau was absent). But it hasn't become a County ordinance just yet – it's being sent to a Public Hearing (date to be decided), where you will have the chance to speak to the Board and tell them what you think about this. I strongly encourage you to join us on December 9.

Date of Meeting: November 17, 2020

**#4**

**BOARD OF SUPERVISORS  
BUSINESS MEETING  
ACTION ITEM**

**SUBJECT:** Proposed Amendments to Chapter 684 of the  
Codified Ordinances, Weapons and Explosives

**ELECTION DISTRICT:** Countywide

**CRITICAL ACTION DATE:** At the pleasure of the Board

**STAFF CONTACTS:** Jim Reid, General Services  
Ernest Brown, General Services  
Milissa Spring, County Attorney's Office

**PURPOSE:** To have the Board of Supervisors (Board) consider amendments to Chapter 684 of the Codified Ordinances of Loudoun County, Weapons and Explosives, by adding a new section 684.04 Possession of Firearms on County Property, and a definition for "ammunition" to section 684.091.

**RECOMMENDATION:** Staff recommends that the Board authorize the advertisement of

**Read the Proposal**

Sincerely,

***Supervisor Caleb A. Kershner***

*Catoctin District Supervisor*

*Loudoun County Board of Supervisors  
Loudoun County, Virginia*

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