

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION  
MINUTES OF THE  
January 15, 2019 MEETING  
HELD AT THE ENTERPRISE BUILDING  
ACCOMAC, VIRGINIA

COMMISSIONERS PRESENT:

Robert Crockett	Accomack County
Donald L. Hart, Jr.	Accomack County
Reneta Major	Accomack County
Harris Phillips	Accomack County
Rickie Ross	Accomack County
Gwendolyn F. Turner	Accomack County
John Coker	Northampton County
Robert Duer	Northampton County
Rev. Charles J. Kellam	Northampton County
Spencer Murray	Northampton County
Arthur Leonard	Town of Chincoteague

COMMISSIONERS ABSENT:

Laura Belle Gordy	Accomack County
Roland Bailey	Northampton County

OTHERS PRESENT:

Elaine Meil	Susan Haycox
Bobbie Jo Wert	Curt Smith
Melissa Matthews	Kat Edwards

1. Call to Order

Chairman Kellam called the meeting to order at 7:00 p.m.

2. Invocation

Commissioner Turner offered the Invocation.

3. Minutes of November 19, 2018 Meeting

The minutes of November 19, 2018 Meeting were presented.

It was noted that an error was made in the November 19, 2018 minutes. Chairman Turner was written as the person who called the meeting to order. It should've been Chairman Kellam.

Commissioner Hart moved to approve the Minutes of the November 19, 2018 Meeting with the above mentioned correction. Seconded by Commissioner Crockett, the motion carried by unanimous vote.

4. Public Participation

No public participation took place at this time.

5. Bills Payable/Financial Statement

The current Bills Payable was presented. The current Financial Statement was also presented.

Commission approval of the Bills Payable and current Financial Statement was requested.

Commissioner Hart moved to approve the Bills Payable and current Financial Statement as presented. Seconded by Commissioner Turner, the motion carried by unanimous vote.

6. December Financial Status Report

The report indicated that 50.28 percent of the FY 2019 Budget had been expended while 50 percent of the fiscal year had passed.

Commission acceptance of this report was requested.

Commissioner Crockett moved to accept the Financial Status Report as presented. Seconded by Commissioner Hart, the motion carried by unanimous vote.

7. FY 2019 Budget Amendments

Adoption of the following budget amendments is requested:

DEVELOPMENT PROJECTS

1.	3330	Rural Development-Agriculture Feasibility Study	\$ 7,800.00
			<u>+73,200.00</u>
			\$ 81,000.00

ITEM 1 represents the amendment to adjust the Rural Development Project to include contract or pass-through funds for the fiscal year.

2.	3222	Town of Cape Charles Town Plan Revision	\$ 0.00
			<u>+ 3,000.00</u>
			\$ 3,000.00

ITEM 2 represents the amendment to include funds from Cape Charles to begin update of the Town plan.

PLANNING PROJECTS

3.	3553	DEQ VCZMP 306 Oyster and Water Trail Collaboration	\$ 35,500.00
			<u>+32,725.00</u>
			\$ 68,225.00

ITEM 3 represents the amendment to adjust the DEQ 306 Project to include contract or pass-through funds for the fiscal year.

The net change to the FY 2019 budget is \$108,925.

The requested amendments will be reflected on the next financial status report.

Commissioner Crockett moved to adopt the budget amendments as requested. Seconded by Commissioner Hart, the motion carried by unanimous vote.

8. FY 2020 Budget Requests

At the direction of the Commission in November, the FY 2020 budget requests were submitted to the localities as follows:

	<u>Accomack</u>	<u>Northampton</u>	<u>Chincoteague</u>	<u>Total</u>
FY 2019 Funded	\$70,703	\$32,518	\$7,000	\$110,221
FY 2020 Housing Plan Rewrite	\$31,000	\$15,500	\$3,500	\$ 50,000
FY 2020 Navigable Waterways Comm.	\$ 5,000	\$ 5,000	-	\$ 10,000

FY 2020 Greenworks	Funded for 5 years(\$5,667)	\$ 2,834	-	\$ 2,834
Total Request	\$106,703	\$55,852	\$10,500	\$173,055

It was the consensus of the Board to leave it as is.

9. Nominating Committee

The following officer terms are up for election effective March 1:

Chairman, Rev. Charles J. Kellam  
 Vice Chairman, Gwendolyn F. Turner  
 Executive Committee Member, Donald L. Hart. Jr.

Since Commission By-Laws state that a Nominating Committee of two Accomack Commissioners and one Northampton Commissioner be appointed at the meeting prior to the elections, staff requests that Chairman Hart appoint the Nominating Committee for elections to be held at the next scheduled meeting.

Having served one term, the officers are eligible for re-election.

Chairman Kellam appointed Commissioners Hart, Phillips & Duer to the Nominating Committee.

10. Next Meeting

The following By-Laws Amendment to Article IV, Section 1, Regular Meetings, was approved in March 2011:

Regular monthly meetings of the Commission shall be held at 7:00 p.m. on the third Monday of each month, except January, February and December, at a place to be determined by the Commission. The regular January meeting will be held at 7:00 p.m. on the third Tuesday. No regular meetings will be held in February and December. The Commission may change the date and time of any regular meeting at any prior meeting and may adjourn any meeting from time to time or to another place.

Therefore, the next regular meeting is scheduled for Monday, March 18, 2019.



Staff continues to assist the Eastern Shore of Virginia Housing Alliance with developing a financial strategy that would provide for the construction of affordable rental units in an area close to Tyson Foods and Parksley. Staff continues to work on several other projects in Northampton County.

**3201      *Town of Parksley Downtown Revitalization***Curt Smith, ext. 114

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Staff held a project meeting on December 6 and January 3. Staff have assisted the Town with review of existing ordinances related to property maintenance and the Town is now considering making amendments to existing ordinances directly addressing physical blight. Staff continue assisting the Town with developing guidelines for the Facade Improvement Program and soliciting commitments from downtown property owners to participate in the program. 8 of 30 eligible properties have committed to the program to date. The Town is working with Canonic, the ES Railway Museum, and the VA Museum of Transportation to explore the creation of the Parksley Rail Mall, a unique business destination consisting of authentic railcars on the tracks adjacent to the Town Square. The hired consultant has provided preliminary designs for two signature alleyways connecting the new library with town square and Bandshell Musicians' area in the seldom used Town Commons area. The Consultant is also developing cost estimates for all physical improvement projects. The project management committee will meet again on February 7 and March 7 before the final public hearing on March 11. The grant application is on schedule to be submitted by the deadline in late March.

**3320      *EDA-Economic Development Planning***Curt Smith, ext. 114

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***Economic Development Committee Activities***

The Full EDC met on December 12 and meets again on June 12. The EDC approved the four updated industry sector action plans and added new goals regarding planning for sustainable use of natural resources and development of a four-year university or college. The four industry sector subcommittees will meet again in April. The Committee is seeking one private sector representative from Accomack County to fill a seat vacated by Perdue.

Staff continue working on specific activities within the Economic Development Plan including developing an inventory of local products and stores that sell local products, development of a regional brand, creation of small business entrepreneurial opportunities, a regional forestry industry inventory and feasibility study, a regional market analysis and feasibility study for value-added agricultural product opportunities, and a comprehensive marketing strategy for the Wallops Complex.

***GO Virginia Economic Development Initiative***

One proposal for a planning project for the development of a small business incubator has been submitted for consideration. Staff are participating in a GO VA planning project awarded to VA Sea Grant to explore potential economic development opportunities related to water

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management and has requested that Sea Grant staff come to the Shore to introduce the project and its concepts.

*Regional Navigable Waterways Committee*

Staff continue to assist the Committee and the Town of Wachapreague regarding a USACE Beneficial Dredge Spoil Use project for the Cedar Island/Wachapreague area. Staff have held discussions with the US Coast Guard and Committee members regarding removal of navigational markers. A proposal submitted by VIMS and supported by the ANPDC was selected for funding by NFWF and will result in the development of an engineering and design plan for a 450-acre marsh restoration and expansion project along southern Cedar Island. Staff is preparing maps and information to support the ES Regional Navigable Waterways Committee as they consider two applications for VA Waterway Maintenance Funding. The Committee last met October 25th and will meet again January 17th.

**PLANNING PROJECTS**

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<b>3355</b>	<b><i>USDA Rural Business Development - Agricultural Feasibility Study</i></b>	Clara Vaughn, ext. 127
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An advisory group of local farmers, extension agents, artisans and aquaculture producers met in December to launch a feasibility study exploring opportunities to expand business for local producers. The study is being led by consultants from Virginia Tech's Office of Economic Development and will examine three components: assessing viability of a regional marketplace/aggregator, opportunities to increase locally produced value-added products, and development of an Eastern Shore of Virginia brand/marketing strategy. Consultants are considering feedback from the advisory group to refine the study's scope and conduct initial research.

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<b>3401</b>	<b><i>VDOT Rural Transportation Planning-SPR</i></b>	Clara Vaughn, ext. 127
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A-NPDC staff, on behalf of the Town of Cape Charles, are in discussions with VDOT regarding an application submitted for funding to complete Phase IV of the Southern Tip Bike & Hike Trail, which connects the Cape Charles Marina to the Food Lion shopping complex.

VIMS scientists have completed ArcGIS layers depicting local ditches and point-source outfalls, which will be used to show areas where tidal waters are entering the ditches, resulting in storm water drainage issues. Field data collected last summer has been used to refine mapping techniques. Findings will result in a final report.

A-NPDC staff have compiled a grants list resource for transportation projects. Projects listed in local Comprehensive Plans will be matched to potential funding sources and presented to the Transportation Technical Advisory Committee for prioritization.

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A-NPDC staff plan to meet with a TTAC subcommittee to finalize a scoring system for designating priority areas for sidewalk improvements, which will be used to create safety recommendations in the Eastern Shore of Virginia Pedestrian Facilities Study update.

Resolution of Support for Northampton County Route 13 Improvement SMART Scale Projects:

In order to proceed with processing applications submitted for funding for three Route 13 Improvement Projects, the Virginia Department of Transportation requested a Resolution of Support for the following projects submitted by Northampton County:

1. Widening of the shoulders and adding rumble strips from Nassawadox to Exmore where adequate right-of-way exists
2. Elimination of certain median crossovers and implementation of certain crossover modifications including turn lanes near Mile Post 75 (Cape Center)
3. Addition of bicycle shoulders on US Business 13 in Cheriton to US Route 13.

Chairman Charles Kellam signed a Resolution of Support from the PDC dated November 19, 2018 (please see attached pink paper).

Staff requested retroactive authorization for the Chairman to sign a Resolution of Support for these three projects.

Commissioner Duer moved to grant retroactive authority for the Chairman to sign a Resolution of Support for the above listed three projects. Seconded by Commissioner Turner, the motion carried by unanimous vote.

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**3402** *VDOT-Southern Tip Bike Trail Phase III & IV  
Feasibility Assessment –  
Capeville Road to Cape Charles*

Clara Vaughn, ext. 127

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A-NPDC, The Nature Conservancy, and Kiptopeke State Park staff met in December to discuss ownership options for the Southern Tip Trail. Virginia State Parks has expressed interest in expanding its footprint to own the trail, contingent upon receiving the staff and operational resources necessary for trail maintenance. The Trail Working Group plans to meet again January 25.

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**3542** *DEQ Interpretive Signage Project-  
Atlantic Coast & Bayside*

Shannon Alexander, ext. 115

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The contract with VCZMP was fully executed on November 8, 2018. Staff has met with representatives from both the Town of Onancock and the Town of Saxis to develop/design their unique signage. The initial design for Saxis has been submitted to VCZMP for approval and refinement. Staff continues to work with TNC in the design of the seaside signage. The project has been extended until the end of June, 2019.



Staff has continued collaborating with partners with the Middle Peninsula, Northern Neck, and Hampton Roads Planning District Commission concerning outcomes of the 2018 General Assembly session. As a result of combined efforts, the following bills were passed by the House and Senate and have been signed by the Governor: SP693, HB1096, HB1093, HB1091, HB1307, HB1308, and HB1092. Many of these will aid in solving problems with accessibility (i.e. dredging) including establishing and funding of the Waterway Maintenance Fund. The Working Waterfront Steering met January 9<sup>th</sup>, 31<sup>st</sup>, and June 21<sup>st</sup>, and October 20<sup>th</sup>. Staff has worked with legal counsel concerning Working Waterfront Development areas, established during the 2017 General Assembly and then completed a 4-page outreach document to be used in communication with local jurisdiction staff and elected officials. Staff has distributed 1,500 Working Waterfront rack cards to partners with the MPPDC and NNPDC and is distributing 1,500 on the Eastern Shore to stakeholders such as the Chamber of Commerce, Association of Realtors, etc. The project has been completed and the final reports submitted to VCZMP. Year 3, the final year, of this project began on October 1, 2018 through the efforts of two unique grant contracts and will continue these efforts and expand progress in outreach and education about Working Waterfronts.

A-NPDC and Middle Peninsula PCD staff discussed on a conference call next steps in coordinating the inaugural Rural Coastal Virginia Community Enhancement Authority summit, which will launch the Enhancement Authority by identifying and soliciting a coalition of potential members, this spring. MPPDC staff are working to solicit the support of local representatives.

The Middle Peninsula has compiled relevant assets into an inventory and GoogleMaps, the Northern Neck is working with the Artisan Center of Virginia on a digital engagement tool for the Virginia Oyster Trail, the 2019 Virginia Certified Ecotour Guide course has been organized for January through March. A-NPDC staff facilitated three Seaside Water Trail stakeholder meetings and will continue to incorporate suggested edits and additions to the map and the supplemental language on the new website. The Ecotourism Steering Committee for the three rural coastal peninsular regions met on January 30<sup>th</sup>, April 10<sup>th</sup>, August 16<sup>th</sup>, and October 30<sup>th</sup>. The mission statement, vision statement, and objectives have been determined for this Alliance, the logo is finalized, the website has been published and continues to be refined. The project and the website were presented at the VCPC Conference, the VCZMP Biennial Workshop, and the Virginia Oyster Trail Summit. The project has been completed and final reports submitted to VCZMP. The new [www.VirginiaWaterTrails.org](http://www.VirginiaWaterTrails.org) website and the itinerary tool for the

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Virginia Oyster Trail are active and online, but will continue to be refined over the next two years. The contract for year two of the three-year project should be fully executed by the end of the 2018 calendar year and MOUs with partner PDCs executed in early 2019.

**3541 & 3551**    *A-N VCZM Technical Assistance, FY 18*                      Shannon Alexander, ext.115  
*Qtr3*

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Under this TA program, staff is able to coordinate at least four training programs, The Climate Adaptation Working Group (CAWG) final report was submitted to VCZMP in October of 2018. Staff continues to work with partners to integrate resiliency ideas into various aspects of regional planning.

Staff has developed an MOU with the Eastern Shore Soil and Water Conservation District to include the Shore Big Trees and Eastern Shore Natives Outreach and Education into their work with local grade schools.

Staff continues to serve as mentor for VIMS Graduate Student, Justin Shawler, who is researching the seaside barrier islands and working with local communities and stakeholders. Mr. Shawler was selected as a recipient for a VA Sea Grant Graduate Research Fellowship that will take place during 2018-2020. Among the items Mr. Shawler's work will address is the development of a sediment budget for the seaside barrier island system, which is a critical data gap in understanding how the system may evolve into the future.

**3554**                      *VIMS-Barrier Island Study*    Curt Smith, ext. 114

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The project is closed out.

**3571**                      *A-N Ground Water Committee Projects*    Shannon Alexander, ext.115

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The Ground Water Committee met November 20<sup>th</sup> and will hold a special meeting on December 18<sup>th</sup> as the Members made a motion to do so (the Committee does not usually meet in the month of December). Staff held a second meeting of the newly established Legislative Subcommittee. Staff has and continues to reach out to DEQ, the U.S. EPA, and private companies to acquire requested data and policy information concerning underground storage tanks, instances of discharge non-compliance, enforcement, importance of use of the unconfined aquifer, etc. Staff continues to work with the Consultant to ensure that the Water Supply Plans for both Counties will be completed prior to the conclusion of the calendar year. The Committee Consultant has provided summary presentation on VDEQ Consent Orders and aquifer water quality information. Staff has worked with VDEQ and the consultant to meet the outstanding compliance issues for both the Accomack County and the Northampton County Groundwater Supply Plan 5-year update, as due to VDEQ before the end of the 2018 calendar year.

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Staff continues to collaborate with other rural coastal PDCs to follow the progress of policy development from HB1307 and HB1308, both signed by the Governor in March 2018, which would allow unique storm water management procedures for rural Tidewater. Staff continues to keep Accomack and Northampton County staff informed with any news and seek their input with regards to requests to VDEQ.

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**3573      *Household Hazardous Waste Collection***

Shannon Alexander, ext.115

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The HHWC was held May 5<sup>th</sup>, 2018 from 10am to 2pm at the following convenience centers: Eastville, Grangeville, and Chincoteague. There were a total of 72 participants, which is average since 2004. A total of 2,046 lbs. of waste was collected for proper disposal. Since 2004 over 40,000 lbs. (over 20 tons) of hazardous materials have been kept from polluting the local system. The contract to establish a regional permanent, year-round household hazardous waste collection site with Virginia Department of Health has been signed and fully executed. The project should be fully implemented by August of 2019.

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**3573      *VDH HHWC Site Development***

Shannon Alexander, ext.115

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Virginia Department of Health (VDH) Household Hazardous Waste Collection (HHWC) Site Development. Staff has worked with both Accomack and Northampton County on a draft Joint Resolution of Agreement, which they plan to present to each Board of Supervisors in January 2019. Staff has spoken with other localities that manage similar facilities, several potential collection contractors, and VDEQ staff to start the plan for the facility. Staff has also spoken with three potential contractors for the outreach and education portion of the project. The A-NPDC was awarded a \$3,000 grant from the VDEQ Litter Prevention and Recycling competitive grant to match some of the funds for this portion of the VDH grant and multiply the effectiveness of the outreach for proper disposal of waste, including HHW, in the region.

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***VDEQ Litter Prevention and Recycling***

Shannon Alexander, ext.115

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The Virginia Department of Environmental Quality (VDEQ) offered an award of \$3,000 of the requested \$12,000, from the VDEQ Litter Prevention and Recycling competitive grant. The award letter was received October 30<sup>th</sup>, 2018 and funds were received in mid-November, 2018, final Accounting and Performance Reports are due by August 1, 2019. This is serving as match for the education/outreach portion of the VDH HHWC grant and will multiply the effectiveness of the outreach for proper disposal of waste, including HHW, in the region. The intent is to contract with Waste Watchers of the Eastern Shore for this purpose.

Staff continues to distribute monthly GreenNews E-Newsletter; editions are available via link on the A-NPDC website. The GreenWorks Committee met July 11th with the next meeting to be held in February. Staff organized an outreach and marketing intern for Waste Watchers with the Eastern Shore Community College, who maintains social media presence, volunteers as an exhibitor at events, and is working on grant management training and on securing funding to forward the mission of Waste Watchers of the Eastern Shore. Staff continues to help provide guidance to Waste Watchers with regards to organizational practices and manage the Sponsor-A-Road pilot program.

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***VDEQ 319 TMDL Implementation***Shannon Alexander, ext.115

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Staff anticipates a contract by the end of the 2018 calendar year. The project will implement septic residential improvement projects within the EPA approved Watershed Implementation Plan for The Gulf, Barlow, Mattawoman, Jacobus and Hungars Creeks on the Bayside in Northampton County. SERCAP has agreed to help cover the VDEQ owner cost-share requirements up to \$13,500 (20% of the construction budget). Planning staff is working closely with Housing staff on this project.

The A-NPDC submitted its Phase III WIP Final Report to DEQ in December. This report highlights oysters and other filter feeding shellfish; new technologies in on-site septic systems; promotion of Working Waterfronts; addressing coastal flooding; and incentivizing living shorelines as the region's priority Programmatic Actions, as identified by stakeholders. DEQ is reviewing the report and plans to submit Draft Phase III WIPs to the EPA later this year.

3335

*Accomack County CDBG Planning Grant –  
Prioritization*

Bobbie Jo Wert, Ext. 126

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Staff continues to work in the Gospel Temple/Adams Crossing Project Area. On December 10, 2018, staff facilitated its fourth Management Team meeting. Grant recipients attended the meeting as well. The next Management Team meeting is scheduled for Monday, January 14, 2019. Staff will attend the How To Apply Workshop for the 2019 CIG Application on Wednesday, January 9, 2019. Staff continues to work to meet program requirements gathering necessary information for the 2019 CIG application. At this time, Staff is working with six families who need substantial reconstruction and two families who need demolition of derelict structures.

Staff continues to coordinate with Housing Services Department in selecting a date for the community meetings for East Horntown, Wishart's Point, Church Road, Whitesville, Linhaven Circle, and Sanford. Linhaven's Community Information Session is tentatively scheduled for January 28th and Bayside is tentatively scheduled for February 4th. Date, time and location are to be determined for the other locations. The meetings will allow for staff to provide information regarding housing services, housing counseling, and referral services to appropriate funding sources.

**A-NPDC HOUSING PROJECTS**

**3661 & 3662**    *HUD Housing Counseling Services &  
VHDA Housing Counseling &  
Education*

Patricia Connolly Grove, ext.124

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Two Financial Literacy Classes were held in November in the Community Room at Onancock Square Apartments. The A-NPDC partnered with the Northampton County Extension Office to provide an educational evening for the residents of Onancock Square. The Extension Office provided a presentation on healthy eating and the A-NPDC followed with presentations on budgeting and credit. A Homeownership Orientation Class was also held in November which provided an overview of the Home-buying Process for people just beginning to think about purchasing their first home. A two-day First-Time Homebuyer Class is scheduled for January at ESCC. Homeownership calls and appointments have been increasing.

**366120**    *Down Payment Assistance*

Patricia Connolly Grove, ext.124

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No activity.

The Community Partners of the Eastern Shore (CPES), the local Continuum of Care, will host its General Membership meeting on January 9, 2019, at the Eastern Shore Community College – Workforce Development Center. Save the Date: January 23, 2019, we will conduct the county-wide Point In Time count.

CPES members continue to work on standardizing the Coordinated Entry procedure for our most vulnerable population. This system is designed to ensure clarity, transparency, consistency, and accountability for those who are having a housing crisis.

CPES continues to partner with Virginia State Police and Community Service Board to address the opioid epidemic and its impact on homelessness. Staff participates on the Community Opioid Panel of Experts (COPE) committee and the Eastern Shore Overdose Fatality Review Team.

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**3823**    *Accomack County VA HMGP 4024-012 Elevation Project*    John Aigner, ext. 118

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The Accomack County FEMA application is pending review and approval. No update has been received at this time.

12.    Executive Directors Report

Housing Development Budget

The Department is holding weekly staff meetings with Executive Director Meil to closely monitor work progress and the financial position of the department. A grant has been received that partially replaces the FEMA elevation project. No word has been received from FEMA regarding the elevation and acquisition project.

“Nandua” Barge Loan Paid in Full

Accomack-Northampton Transportation District Commission has paid the loan to repair Nandua in full and all documents have been received from the attorney releasing the loan.

Navigable Waterways Committee Request to Localities

The Navigable Waterways Committee did not take action prior to the last Commission meeting to request funds for preparation of applications for a dredging planning project in each county although they had discussed doing so. Staff went ahead and prepared a request and submitted it to each county, under the A-NPDC request, since the staff’s judgement was it would be easier to remove the request than submit a new one past the counties deadlines. The staff person who manages the Waterways Committee has been out on holiday leave and update was not available at the time of writing. An update will be provided at the meeting.

Action may be requested.

### U.S. Representative-Elect Luria Briefing

As requested by Senator Lewis, Executive Director Meil prepared the regional portion of the briefing for U.S. Representative-Elect Luria for her tour on December 17, 2018. Accomack County, Northampton County, the Town of Chincoteague, the regional sanitary transmission working group, and Virginia Institute of Marine Science also presented. The briefing was featured on Channel 47 ABC. The address to the news report is included.

[www.wmdt.com/2018/12/va-congresswoman-elect-elaine-luria-discusses-shore-related-issues-that-needs-federal-funding/](http://www.wmdt.com/2018/12/va-congresswoman-elect-elaine-luria-discusses-shore-related-issues-that-needs-federal-funding/)

### ESVBA Update - "Petition of Declaration Network Group, Inc. seeking State Corporation Commission investigation of, and sanctions against, the Eastern Shore of Virginia Broadband Authority's unlawful provision of qualifying communications services."

Declaration Networks Group, Inc. has requested the Virginia State Corporation Commission to order ESVBA to cease providing any further services and expansion into any new areas, stop providing service in various areas not limited to but including the Towns of Exmore, Chincoteague, Belle Haven, Cheriton, Cape Charles, Parksley and Onancock, and levy any other sanctions on ESVBA and also compensate Declaration for lost business due to ESVBA charging lower prices than Declaration for functionally equivalent services. In its petition Declaration (Neubeam) indicates ESVBA is offering 10/5 Mbps at \$39.99 for a two-year contract and \$45.99 for a one-year contract and also ESVBA is offering 25/12 Mbps at \$59.99 for a two-year contract and \$69.99 for a one-year contract both less than Declaration's 10/5 Mbps service at \$65 for a two-year contract and 20/5 Mbps service at \$80 for a two-year contract. Declaration also asserts that all provision of any services by ESVBA since 2008 are illegal activities.

ESVBA has responded to the petition and filed a motion to dismiss. All of these documents are available on the State Corporation Commission website.

#### 13. Chairman's Report

No report was given.

#### 14. Other Matters

No other matters were discussed.

15. Adjournment

There being no further business brought before the Commission, the meeting was adjourned.

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Rev. Charles J. Kellam  
Chairman

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Elaine K. N. Meil  
Executive Director