

**DICKENSON COUNTY SCHOOL BOARD**  
**Joint Meeting of the Board of Supervisors, Industrial Development Authority and**  
**Dickenson County School Board**  
**October 5, 20126**  
**6:00 p.m. – Dickenson Center for Education and Research**

**PRESENT:** Rocky Barton, Chairman; Susan Mullins; Rick Mullins; Dr. Lurton Lyle; Shanghai Nickles; Reba McCowan, Clerk; and Haydee Robinson, Superintendent.

**DICKENSON COUNTY BOARD OF SUPERVISORS MEETING CALLED TO ORDER:**

**Chairwoman Shelby Willis**—called the Board of Supervisors’ meeting to order. Mr. Mike Yates led prayer, followed by the Pledge of Allegiance.

**DICKENSON COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY MEETING CALLED TO ORDER:**

**Chairwoman Ginger Senter**—called the Industrial Development Authority Board to order from recess.

**DICKENSON COUNTY SCHOOL BOARD MEETING CALLED TO ORDER:**

**Chairman Rocky Barton**—called the Dickenson County School Board to order and noted for the record that all Board Members were present as well as Superintendent Haydee Robinson and Board Clerk, Reba McCowan. We will need a motion to approve the agenda before us.

*Mrs. Susan Mullins—made a motion to approve the agenda. Dr. Lurton Lyle seconded the motion. All votes aye.*

**DICKENSON COUNTY BOARD OF SUPERVISORS:**

**Chairwoman Shelby Willis**—called for a motion from the Board of Supervisors to approve their agenda. Agenda was approved by unanimous vote.

**Mr. David Yates**—called for discussion stating that there were individuals in attendance and since there was no public comment on the agenda, requested that those individuals be allowed to speak on their topic prior to the Boards conducting their business and going into closed session.

**PUBLIC COMMENT:**

**Ms. Susan Mullins**—of the Dickenson County Historical Society spoke on behalf of the DMHS building. Ms. Mullins provided a letter written and signed by John Dotson and email from the Governor’s office in regards to the building that she also wanted to share.

Ms. Mullins read a portion of the code section stating that the County Board of Supervisors may transfer property to any public, private or non-profit organization engaged in commemorating historical events. The historical event the Historical Society wants to commemorate is World War I and the sacrifice of the 16 men who died during World War I from Dickenson County. Ms. Mullins stated that was what that building was built for; a memorial of those men. The building could have many uses and it would be a shame to destroy one of only two historical buildings that remain in Dickenson County; especially now, when we are getting ready to

commemorate the 100<sup>th</sup> anniversary of World War I. She asked that the Board of Supervisors to consider that when they begin making decisions about that building; please put it at the top of the list. She also asked that they keep the 16 men in mind who were memorialized.

Ms. Mullins thanked the Board of Supervisors for allowing her to address the Board.

**Mr. David Moore, County Administrator**—stated that Lance Debord would be addressing the Boards concerning the mitigation that needed to be done at Ervinton High School and that there have been talks of alternate sites. There is a lot of varying degrees of understanding about what this is and where we are in the process. We've asked Lance to be here tonight to help pull all our information together and getting everybody back on the same page.

**Mr. Lance Debord**—stated this is a very interesting project getting Ridgeview permitted. On top of a mountain, no one expected that we would have to get a permit for impacts to jurisdiction of waters in the United States. There were wetlands all over the top of that mountain. This was a very unusual situation and the Army Corp of Engineers and DEQ, Department of Environmental Quality, took jurisdiction over it. It took a solid year to permit the site and it was a challenging time and process but we got through it. Now we have to mitigate the Ridgeview site.

Mitigation is offsetting the environmental effects, specifically streams and wetlands, because that is what the Corps of Engineers have jurisdiction over in this case. One thing that is required when mitigating is long-term site protection. Long-term site protection is basically a deed restriction, or a conservation easement, that establishes protection of property in perpetuity and in Virginia, that actually means forever and ever. What makes that so challenging in the coalfields of Virginia is that we have severed mineral deeds. That gives mineral owners certain rights to surface properties that you would have to extinguish those rights and put a deed restriction on the property. It makes finding mitigation property very difficult. Most of the mitigation credits for Ridgeview is at the Ervinton High School site.

In 2014, Paramount contacts the County expressing interest in using the Ervinton High School site for facilities to support an underground mine. They want to belt and stock the coal, build the mine office and bath house at the Ervinton High School site. This was something that the County was interested in doing and wanted to preserve that site for that use. The permit was already approved for the mitigation site to be at Ervinton High School, so a deed restriction had already been put on the site. We then had to go to the Corps and ask them if we could replace the Ervinton High School site with a new site; if that was possible to do that? Would they release the deed restriction? The Corps was agreeable to that and we've been working on finding a new site since the middle of 2014.

A common thread for everyone, I think, is preserving the Ervinton High School site for some future use besides putting a big restriction on it and using it just for mitigation. I really think that is now the goal for everyone. The question now, is how do we get there? If we do go to a new site, we have been told that new standards would apply.

Mr. Debord reviewed in detail and provided the Boards with the following overview summary.

*See Attachment A: Mitigation Summary*

**Superintendent Haydee Robinson**—addressed the Boards concerning the land and mineral interests and the wetlands remediation for Ridgeview. Mrs. Robinson stated that the County had two important issues to be decided. How to cost effectively remediate the wetlands and under what terms should the land at Ervinton High School be transferred, including the coal, oil and gas under the surface property.

Mrs. Robinson expressed her pride in the way that the three Boards had worked together to successfully complete Ridgeview and asked the Board consider the value of the property and how it could best help the County, as well as help to fund education in Dickenson County in the future. This property could be of great value to the future of our County and we owe it to our citizens to make sure we know what we have.

In summary, Superintendent Robinson recommended the Boards continue to work together; approve an independent valuation of the coal, oil and gas under Ervinton High School along with its value based upon its strategic location. Communicate and work with Mr. Pero at the Norfolk Corps of Engineers an aggressively look for other property for wetlands remediation for Ridgeview.

**CLOSED SESSION:**

**David Moore, County Administrator**—noted that the following would be present for Closed Session; all three Boards, Lance Debord, Lemman Kendrick and Mike Yates.

**DICKENSON COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY:**

**Chairwoman Ginger Senter**—called for a motion to recess the IDA meeting. Mr. Allen Compton made the motion to recess. Mr. Andrew Mullins seconded the motion. All votes aye. Motion carries.

**DICKENSON COUNTY BOARD OF SUPERVISORS:**

**Chairwoman Shelby Willis**—called for a motion to go into closed session pursuant to Virginia Code Section 2.2-3711 A 7, A Section 2.2-3711 A 1, consultation with legal counsel and Contura options. Mr. David Perry so moved and Mr. Ron Peters seconded the motion. Roll Call: Mr. David Yates – aye; Mr. David Perry – aye; Mr. Ron Peters – aye; Mr. Jason Compton - aye; Chairman Shelby Willis – aye. I declare us into closed session.

**DICKENSON COUNTY SCHOOL BOARD:**

**Chairman Rocky Barton**—due to my coughing, Mrs. Mullins will take us into closed session.

**Mrs. Susan Mullins**—I move to enter into closed session pursuant to Virginia Code 2.2-3711 A (3) (6), to discuss the transfer of real property at the Ervinton High School and to discuss the acquisition of land for wetlands remediation. Dr. Lurton Lyle seconded the motion. All votes aye. We are now in closed session.

**DICKENSON COUNTY BOARD OF SUPERVISORS:**

**Chairwoman Shelby Willis**—called for a motion to come out of closed session. After a motion and second; all members voted aye. We are now out of closed session. I now call for a motion to certify that only matters discussed were the ones we went into closed session for. Mr. David Perry made the motion. Mr. Ron Peters seconded the motion. Roll Call: Mr. David Yates – aye; Mr. David Perry – aye; Mr. Ron Peters – aye; Mr. Jason Compton - aye; Chairman Shelby Willis – aye. I declare us into closed session.

**DICKENSON COUNTY SCHOOL BOARD:**

**Mrs. Susan Mullins**—I now entertain a motion to go out of closed session. Dr. Lurton Lyle made the motion. Chairman Rocky Barton seconded. All votes aye. Pursuant to Section 2.2-3712(d) of the Code of Virginia, she moved to certify that during the closed meeting just concluded the Dickenson County School Board discussed only matters lawfully exempt from the open meeting requirements under section 2.2-3711 of the Code and identified in the motion convening the closed meeting. Mr. Rocky Barton, Mrs. Susan Mullins, Mr. Rick Mullins and Dr. Lurton Lyle; all certified true.

**OUT OF CLOSED SESSION:**

**Mr. Danny Lambert**—what I heard was; what we were getting for \$1,500 would cost \$7,000 to \$8,000. Maybe Leman should contact the person you are talking about to make sure we get the necessary information that we need.

**Superintendent Haydee Robinson**—Yes, I totally agree. If the motion carries that would be a discussion that would need to be with Mr. Kendrick and Mr. Smith.

**David Moore, County Administrator**—my recommendation to you guys, if you want to look at this, the two things I would ask is one, to look and see is what our feedback from our engineer is, second part is to give an approval for us to be a party of no more than a third of the total cost. Current price is \$1,500, which means our part would be \$500 and not to exceed \$1,000, or based on the affirmation of our County Engineer, our third part not to exceed \$1,000.

**BOARDS' ACTION:**

*Mr. Jason Compton—I make the motion we support the School System to do the evaluation and the Board of Supervisors' cost not to exceed \$1,000; contingent upon including Leman Kendrick as the County's engineer. Mr. David Yates seconded the motion. Roll Call: Mr. David Yates, aye; Mr. David Perry, abstained; Mr. Ron Peters, no; Chairwoman Shelby Willis, aye.*

*Motion carried: 3 ayes; 1 no; 1 abstained*

*Chairman Rocky Barton—I make the motion that we hire Mr. Smith to do the evaluation at the Ervinton High School site. Mr. Rick Mullins seconded the motion.*

**Mrs. Susan Mullins**—asked if it could be added that the evaluation would be at no cost to the school system. That it would come out of donations.

**Superintendent Haydee Robinson**—or not to exceed \$1,000; yes.

**Mrs. Susan Mullins**—what pot of money are we going to pay that out of?

**Superintendent Haydee Robinson**—I think the private donor-ship. I'd also like to add that it needs to be contingent upon discussion with Mr. Kendrick.

**Mrs. Susan Mullins**—at no cost to the school system, right?

**Chairman Rocky Barton**—right.

*Chairman Rocky Barton—I amend my motion to add that; no cost to school system and discussion with Mr. Kendrick. Mr. Rick Mullins seconded the amended motion. All votes aye.*

\*Note: Shanghai Nickles had to leave the meeting early and was not present for the School Board's vote.

**ADJOURNMENT:**

*Dr. Lurton Lyle—made the motion to adjourn. Mrs. Susan Mullins seconded the motion. All votes aye.*

8:23 p.m.

**Rocky Barton**

---

CHAIRMAN

**Approved: October 24, 2016**

**Reba McCowan**

---

CLERK