

DICKENSON COUNTY SCHOOL BOARD
Joint School Board Meeting
August 30, 2017
5 p.m. –Ridgeview High School

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

ROLL CALL AND MEETING CALLED TO ORDER BY CHAIRMAN, MRS. SUSAN MULLINS:

Chairman, Mrs. Susan Mullins: Good evening everybody. I would like to call this meeting between the Board of Supervisors and the School Board to order. I would like to note for the record that all Members of the School Board are present including our Superintendent, Mrs. Haydee Robinson and our Clerk, Mrs. Reba McCowan. You have the Agenda before you. Would someone make a motion to approve the Agenda?

Mr. Rocky Barton: made the motion to approve the agenda. Dr. Lurton Lyle seconded. All votes aye.

Chairman, Mrs. Susan Mullins: As always, we would like to start the meeting with the Pledge of Allegiance and a moment of silence. Thank you. Please be seated. I would like to apologize. The IDA is here also. Would someone from the IDA like to call the meeting to order?

Mr. Larry Yates: Thank you, Mrs. Mullins. I would like to call the meeting of the Industrial Development Authority to order. You have the Agenda before you. Take a look at it, and the floor will be open to accept the Agenda.

It has been moved and seconded. All in favor please say Aye. (All Ayes)

Chairman, Mrs. Susan Mullins: Mrs. Willis, would you like to call the meeting of the Board of Supervisors to order?

Mrs. Shelby Willis: I would like to call the meeting of the Board of Supervisors to order. All of our members are present along with our County Administrator, Mr. David Moore, and our Attorney, Mr. Mullins.

Chairman, Mrs. Susan Mullins: That brings us to Item II on our Agenda, and I would like to turn it over to Mrs. Robinson for the discussion of the Ervinton High School Property.

Superintendent Robinson: Thank you Madam Chair, Mr. Yates and Mrs. Willis. Thank you all for attending our Joint Meeting. You know our Boards have always shared common goals which have helped us achieve beyond what any one Board could have achieved on its own. The success of these achievements has been due to the strong support and partnership with the Huntington Army Corps of Engineers.

The shared goals of all of our Boards has been to be in compliance with the Corps Contract to build an elementary school so that all of our children can be safe from flooding and out of harm's way and to open Deep Mine #42 for the financial security of all of our county. All of these goals intersect at the Ervinton High School property.

Earlier in the Ridgeview Project, the property at Ervinton High School was designated as a site for wetlands mitigation for Ridgeview. That wetland mitigation designation was modified as a result of discussions about the opening of Deep Mine #42 at Ervinton High School. Ultimately, all three Dickenson County Boards have two common goals: (1) Open Deep Mine #42 at Ervinton High School, and (2) To comply with the Army Corps of Engineers' regulations. To achieve these goals, we need to work together and work both with the representatives of the Corps of Engineers and with Contura.

At this time, I would like to introduce some of the Huntington Corps Team who are coming with good news regarding the process of transferring the Ervinton High School property and also to update the Board on several Corps issues.

First I would like to introduce Ms. Rebecca Bennett our Project Manager; Gary Walker with Real Estate who has served on the Dickenson Corps Team since 2009; Please take extra sympathy on him. Attorney Brad Starks another one of our early Team members and Attorney with the Corps is Nathan Austrian. At this time I would like to welcome the Corps team to Dickenson County. I am going to ask Rebecca Bennett to come and please update our three Boards.

Ms. Rebecca Bennett: Thank you. There is always a warm welcome when you come to Dickenson County, and we appreciate it. We appreciate the opportunity to come and talk to you today. My agenda just includes a brief history of the program and project here in Dickenson County, current issues and maybe what the status of the 202 Program might look like here in the county in the future. For those of you a little older than me during the 1977 flood, it was devastating here in the county. As a result of this flooding, Congress enacted Section 202 of the Energy and Water Development Appropriation Act in 1981. It is a nonstructural flood damage reduction program that provides protection against floods like that which occurred in 1977. Early in 2000 you received appropriations and began work on a detailed project report. You finished that in 2003, signed a PCA agreement (Project Cooperation Agreement) with the Board of Supervisors in 2006. We then moved on to sign a flood proofing agreement with Clinchco Elementary School with the Board of Education in 2010, and the relocation agreement with Ervinton, Sandlick and Haysi in 2011. To say that Construction was completed on this school in 2015 is a vast understatement. I have been here twice, and Brad this is the first time you have been here. He has been involved since the get go. It has just been awesome. What you guys have accomplished, and we have been a part of is a real testament to what you all have done and the work that has been completed.

The current status is that we have received Federal Work Money that fully funds the elementary school effort. So far, we have invested about \$86 million of the total \$110 million that this project required. We have the rest of it sitting on our books, and I know the Board is

working on choosing a location for your new elementary school. We are actively amending the flood proofing contract to change the location designation from Haysi specific to Dickenson County. We in no way want to restrict your choice of location. We feel that the location of the school is a decision that resides with the Board and the community. Our concern is the safety and well-being of the children by getting them out of the flood plain. The new location will be subject to the terms and conditions of the agreement as it will have to be above the flood of 1977 high water mark or the 100-meter water mark which ever one is higher. Other than that, you are free to choose your location. There was a reimbursement request for the demolition of Clinchco Elementary School. It has been approved and is being processed by our financial center. You should be seeing a reimbursement of \$1.1 million here shortly.

I know there are a lot of questions about the purpose of this meeting which is centered around the transfer of the property of Ervinton High School. So a brief history from our perspective about what has got us to this point. On or around the 10th of July the School Board Superintendent inquired about transferring the Ervinton High School property. We advised the School Board not to enter into an agreement to transfer the property rights siting the terms and conditions that the relocation agreement between the Corps and the School Board must be met prior to the transference of property. One of those requirements was the demolition of the Ervinton site had to be complete and all terms complied with. The county notified the Corps that the remaining structure on the Ervinton site had been demolished on the 25th of July fulfilling the relocation requirements specific to the Ervinton property. They began the process to obtain the title of the Ervinton property. They felt that the most expeditious way forward was to go back to the company who originally did the title search. We have since put that contract in place. We requested their services on the 25th of August. There was a slight delay due to the title contractor not being responsive and providing the insurance premium needed, but that contract was awarded yesterday. They have a 30-day period of performance contingent on that coming back as a clean title, we will be able to draft a deed and convey the property within 45 days of receiving the deed. That is where we are on the transfer.

Additionally the county may be eligible to receive work crediting which is receiving credit for the work they have done for land, easement, right of way, relocation, disposal areas and essentially the widening of the route on 637. Contura has requested that we review their proposed crediting package. We did receive the draft package last Friday. We are currently reviewing that for completeness. Once we get a final submission we will be able to go through the crediting process within about three months.

Future work within the county: I mentioned the 2003 detailed project report earlier. It identified upwards of 200 structures that could potentially be eligible for acquisition or flood proofing within the county. We are exploring our options with the county Board of Supervisors to start that work in the future.

Do you guys have any questions for us?

Mr. Rick Mullins: We were advised, as a Board, from legal counsel not to sign the previous contract between us and Contura. Would that have been a breach of contract, Rebecca, and would that have prevented the funding for the school?

Ms. Rebecca Bennett: Yes, that would have been a breach of contract.

Mr. Brad Starks: Well, it depends on what kind of contract it was. I didn't mean to interrupt but what was the contract for? Was it selling or conveying the property?

Mr. Rick Mullins: Transferring the property.

Mr. Brad Starks: Yes, it would have been. Because, our agreement with the School Board is we are basically buying the property from the School Board. That is the relocation agreement. The way we are paying is to provide funding for the new school project. We have paid for all of this. That was what our intent was; was to buy those particular schools that were incorporated into the agreement provided in the name of the County. We are going to convey it over to the County pursuant to the agreement. We are in the middle of that, but we've not completed it. Once all the terms and conditions of the relocation agreement has occurred, we can proceed with doing a deed. Right now, as she explained to you, we are getting the title. Unfortunately, for us because it has taken a while, titles don't last that long so we are basically getting a new title. We are going back to the title contractor and having him update it which is a lot faster. Once we get that title done and as long as there has not been anything under the new title, we will be doing the deed right away. As you know, with the deed here we will have to get the County to sign off and then the School Board to sign and then the Corps. Does that make sense? But if you would have done that, then we would have found that you sold the property after you agreed to sell the property to us. Depending on how they interpreted it, they could ask for all their money back. For example, if you sold your house, you entered into a contract to the sell the house. They give you the money for it and while you are recording the deed or working that out and you sell it to someone else, then what are they going to do? They are going to come back and ask you to give me back my money. Does that make sense?

Ms. Rebecca Bennett: Obviously to return \$26 million is above our pay grade. I don't think a legal dispute is ever the most effective and expeditious way to get solutions. I think we are on the right path. As I said, before the calendar year is up we should have a clean transfer.

Dr. Lurton Lyle: I would like to thank the Corps for their years of work to reach this point and look forward to getting to the other point.

Ms. Rebecca Bennett: Yes, we are looking forward to it. It has been a great partnership, and we look forward to keeping that going.

Mr. Brad Sparks: Believe me we are tickled pink because it is nice to see something done. Some of these projects go on for years and years. You know how long Dickenson County has been in this process so it is nice to see it completed. We are actually thrilled.

Mr. Rocky Barton: You should have been here Friday night! (Ha, Ha!)

Mr. Brad Sparks: When?

Mr. Rocky Barton: Last Friday at our football game!!! I have a question, Rebecca, on the money for the elementary school. What committee asked you all to change that contract from Haysi to Dickenson County?

Ms. Rebecca Bennett: It came from the School Board.

Superintendent Robinson: Mr. Barton, the reason that was done was that when we spoke to Rebecca Bennett when the School Board looked at four different properties, there were two different contracts, and they said two different things.

Ms. Rebecca Bennett: I mentioned the flood proofing contract at Clinchco was signed first. Later there was the relocation contract that has Sandlick. When we are talking about combining an elementary school we would have to comply with the terms and conditions of both contracts. The initial flood proofing contract mentioned an elementary school in the Haysi area, whereas the second one just said Dickenson County. Knowing that you have four locations and two of them were not in the Haysi area, we thought it would be best to go ahead and mod the contract so there would be no confusion that you were free to choose a location anywhere in the county.

Mr. Rocky Barton: In an emergency like a hurricane at what point do they use our money. Do we need to hurry up and move on with our elementary school?

Ms. Rebecca Bennett: You are always at risk to lose funds because of a higher priority or emergency. This has been appropriated for the 202 Program and obligated on a contract, but you are always running a risk of it being suspended.

Mr. Brad Starks: Remember, you are dealing with the Federal Government. It is not like this money is ours. It is theirs. So if there is a war or anything, they can always hold back the money.

Ms. Rebecca Bennett: This is especially so because construction hasn't started. Once you have started construction it is a little harder to take back.

Mr. Brad Starks: Therefore, we recommend the quicker the better with us. Otherwise it is just a pile of money that is just sitting there.

Mrs. Ginger Senter: I have something I would like to say. I was one of the ones that was here in 1977 and also have some history with the Federal Government. It was always hurry up and wait type of situation. You fill out an application and wait 30 days then they give you 10 days to respond. Then there would be another 30 days which turned into 45 days. I say all of that to say to you that I am so glad that things have changed so drastically. When this

project first started, I spoke to Mrs. Robinson a little bit and warned her about what she might be looking at. (Ha, Ha!) Sometime later I talked to her again and she said that wasn't the case at all. The Corps is really our partner. That came as a surprise to me, and as the project went on I made it my business to try to look at that. I think that is the case, and I appreciate that so deeply. Even this morning I asked Mrs. Robinson, and she said it was still the case. There has never been any foot dragging. It has really been a partnership, and I think even some personal commitment. It seems to me like you could see what we were up against. I say all of that to say thank you very much. I appreciate the partnership deeply.

Mr. Rebecca Bennett: It has been a partnership and a two-way street. We certainly have enjoyed our time working with Dickenson County. I appreciate your comments.

Chairman, Mrs. Susan Mullins: Are there any questions from the Board of Supervisors. If there are not questions, we will go on with Board Comments. Mr. Nickles:

Mr. Shanghai Nickles: It has definitely been a pleasure to hear what you had to say. It is a great thing to know that there are people away from here who care as much about us and we care about our kids. Thank you for being here and being a great part of this and thank you for the foresight about what needed to be done in this county. I'm sure sorry it didn't happen 30 years ago. Thank you so much.

Dr. Lurton Lyle: I have already made my comments.

Mr. Rick Mullins: I think when we heard them speak a while ago about partnerships that I think in the history of Dickenson County this has been the greatest partnership ever between the Corps and Dickenson County. We thank you for that.

Mr. Rocky Barton: Some of us are old enough to remember 1977. I was in the 10th Grade, and it reminded me that the band director called and told us we better get our instruments out. My dad walked with us down the railroad tracks from our business. When we walked down the railroad tracks to get to the band room, the water was already coming up into the band room. When we walked back down the railroad tracks, we walked in water up to our waist. That is a memory you just don't forget. When dad took us to Sandlick Elementary School to help with the cleanup, there was 6 feet of standing flood water on the first floor. When we saw all of the mud that had to be cleaned out, we didn't even think about going back to school. We do appreciate the Corps of Engineers.

Chairman, Mrs. Susan Mullins: I, too, would like to thank you for all that you have done. Some of the faces haven't changed. I do think it was a great partnership, and we had a lot of local people who committed a lot of time. Mrs. Robinson made a lot of phone calls. It is nice to see Dickenson County a priority. That is not always the case, but sometimes we feel like we are last. We do appreciate all of your time.

Mrs. Shelby Willis: I would just like to say thank you for all you have done for our county. We came when it was under construction, and we came back for the grand opening. I was

just surprised how fast it went up. We are thrilled, and I appreciate everyone who has worked hard on this.

Mr. Ron Peters: I thank you, too. We desperately needed a new school, and we all knew that so thank you.

Mr. Jason Compton: I would like to do the same. I have a 6th Grader who will be starting up here this year, and it is a wonderful opportunity for him and all the children that get to attend here so I want to thank you all very much.

Mr. David Yates: I want to thank you, too. I have a vivid memory of 1977. I'm a little bit younger than Mr. Barton. (Ha, Ha!) I was employed at Haysi High School at that time. I made my rounds that morning and looked down at the river, and a flood has a distinctive smell. You can tell when it is going to happen. I had gone to the football field and rescued some of our baseball equipment and brought to the high school which was on higher ground. By the time I got back home to meet up with my dad to help my uncle take all of his stuff out of his trailer which was next to the river in the trailer court there. We got down there and made one trip to Haysi. We went back for the second one, and there was no chance. The water was from hillside to hillside all across Rite-Aid and down to Sandlick. I can still see the water at the bottom of the marquee at the theater. Two weeks later we were cleaning out Sandlick Elementary School. This, of course, is the culmination of a very big tragedy in our history at that time. Our forefathers who lived on the hill wouldn't have had to worry about that. Right now we are receiving the benefits of those actions. I want to thank you for all of your help. I understand government, and I know it doesn't move as fast as we want it to move. Our government doesn't move as fast as I want it to move, but we are moving which is the big thing. Thank you very much

Mr. David Moore: I would like to thank you and also the new members who are here. Where would we be without your help? I'm glad we were able to address it in light of everything that goes on. To be able to do it in a place like this is a testimony to all of the Board Members and you guys. We really do appreciate it. We have one great project done and now we need to work on the next one. We look forward to it. Thank you, guys.

Mr. Brad Starks: We want to thank you. We are thrilled with this, and we all worked very hard to get this accomplished. I am the attorney, and usually I am the one who says no. I am going to give you a quick story. It is not a funny story, but all of you with a sense of humor will enjoy it. I was in Dow, West Virginia, on 772. The owner of one of the houses we were buying down there was telling me that he was bringing his mom up and she kept saying get the Hoover. He told her he was not getting the Hoover. He said they left the Hoover vacuum, and they were going down the street when he asked her why she wanted the Hoover vacuum. She told him that is where she stored her money. (Ha, Ha!) So, he learned a valuable lesson. If you see a Hoover alongside the river, better pick it up. Does anyone else have a question?

Chairman, Mrs. Susan Mullins: Mr. Yates, does anyone from the IDA have a question?

Mr. Larry Yates: Does anyone have a question or comment?

Mr. Talbert Bolling: I would just like to echo all of the thank you. Some of you mentioned this earlier, but some of our faces have changed along with the Corps Members. At the end of the day the common goal is to construct this facility. I just commend everybody.

Mr. Larry Yates: Thank you all for making the trip down here to be with us today. We are looking forward to working with you in the future. Thank you.

Chairman, Mrs. Susan Mullins: That is the end of our Agenda. I would like to hear a motion to adjourn.

Mr. Rick Mullins: made the motion to adjourn. Dr. Lurton Lyle seconded. All votes aye.

Chairman, Mrs. Susan Mullins: I now turn the meeting over to Mrs. Willis.

Mrs. Shelby Willis: I need a motion to adjourn the Board of Supervisors meeting.

Member: I so move.

Mrs. Shelby Willis: Is there a second?

Member: I second it.

Mrs. Shelby Willis: All in favor say Aye. (All Ayes)

Chairman, Mrs. Susan Mullins: Mr. Yates?

Mr. Larry Yates: I need a motion from the IDA.

IDA Member: I so move.

Mr. Larry Yates: Is there a second?

IDA Member: I second the motion.

Mr. Larry Yates: All in favor? (All Ayes) Thank you everyone.

ADJOURNMENT:

Adjourned: 5:28 p.m.

Susan Mullins

CHAIRMAN

Approved: September 27, 2017

Reba McCowan

CLERK