

April 30, 2019

**I. ROLL CALL AND MEETING CALLED TO ORDER**

a. **IDA** called their meeting to order and approved the agenda.

**Members in Attendance:** Eric Price; Allen Compton; Danny Lambert; Ginger Senter; Larry Yates; Shane Hillman and Freddie Mullins, Board Attorney

**Member Absent:** Talbert Bolling

**Dickenson County School Board** was called to order by Chairman, Susan Mullins.

**Members in Attendance:** Susan Mullins, Chairman; Rick Mullins, Vice-Chairman; Rocky Barton; Dr. Lurton Lyle; Shanghai Nickles; Haydee Robinson, Superintendent; Reba McCowan, Clerk and Scott Mullins, Board Attorney

**Approval of Agenda**

Following a motion by Rocky Barton and second by Shanghai Nickles the agenda was approved.

*Vote Results*

Aye:	5	Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No:	0	
Abstain:	0	
Not Cast:	0	

**Board of Supervisors** called their meeting order followed by the Pledge of Allegiance and approved the agenda

**Members in Attendance:** Jason Compton; David Yates; Ron Peters; Shelbie Willis; David Perry; Teresa Lyall, Clerk; David Moore, County Administrator and Steven Mullins, Board Attorney

**II. Judge Mike Gamble**

Judge Mike Gamble introduced himself and told a little about his background and career. Judge Gamble explained the process of mediation, which is a voluntary collaborative process where the parties seek to reach a resolution. After entering into closed session, each Board will go into separate rooms. Judge Gamble would speak with each Board independently as a facilitator with the goal of helping them reach an agreement concerning who determines the location of the new elementary school: Is it solely a School Board decision or did the Facilities Development Agreement negate that authority to include the Board of Supervisors and IDA in determining the new elementary school’s location.

**III. CLOSED SESSION:**

Industrial Development Authority (IDA) and Board of Supervisor unanimously entered into closed session.

**School Board - CLOSED SESSION,** PURSUANT TO Section 2.2-3711, Paragraph A of the Code of Virginia, there will be a closed meeting for the purpose of consulting with legal counsel for actual and probable litigation pursuant to Virginia Code Section 2.2-3711 (A) (7).

Following a motion by Susan Mullins and second by Dr. Lurton Lyle the Board convened in closed session.

*Vote Results*

Aye:	5	Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
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No: 0  
Abstain: 0  
Not Cast: 0

Following a motion by Shanghai Nickles and second Dr. Lurton Lyle; the Board returned to open session.

*Vote Results*

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Aye:	5	Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No:	0	
Abstain:	0	
Not Cast:	0	

Pursuant to Section 2.2-3712(a) of the Code of Virginia, I certify and second by Dr. Lurton Lyle; 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.

*Certification of Closed Session*

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Aye:	5	Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No:	0	

Industrial Development Authority (IDA) and Board of Supervisor unanimously returned to open session and certified only matters lawfully exempt were discussed.

**IV. BOARD ACTION**

Freddie Mullins – We have a proposed motion for our individual Boards. It has multiple parts.

- Investment of funds, which is known as QSCB funds. This motion would provide for the immediate investment of \$8 million that is consistent with the last draft that was sent by the Board of Supervisors and IDA to the School Board. Is that correct Mr. Mullins?

Scott Mullins – As modified by the Board of Supervisors’ attorney regarding the PPEA.

Freddie Mullins – Yes; that’s in the last draft.

- The second part of the motion is that the parties would agree voluntarily to go from mediation to binding arbitration with the matters that have been talked about today. The first issue to be decided is: Under Virginia law as to who has authority it is for the location of the elementary school. Is that solely with the purview of the school division and whether or not what is known as the Facilities Development Agreement somehow makes that more a joint decision with the other two Boards. Second issue: If the School Board does not have the ability to make a unilateral decision, addressing not only the location but the use of Corps funds, then the decision of where the school would be located would be referred to arbitrator and would be binding.
- Our Board has enjoyed the mediation of Judge Gamble and our Board would like see Judge Gamble conduct the arbitration as well; I’d also make that part of this motion.

IDA (Ginger Senter made the motion as presented by Freddie Mullins. Allen Compton seconded the motion.)

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*Vote Results*

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Aye:	5	Eric Price, Allen Compton, Danny Lambert, Ginger Senter
No:	2	Larry Yates, Shane Hillman

Board of Supervisors (Jason Compton made the motion to accept the motion. David Yates seconded the motion.)

*Vote Results*

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Aye:	5	Jason Compton, David Yates, Ron Peters, Shelbie Willis, David Perry
No:	0	

School Board (Dr. Lurton Lyle made the motion to accept the motion. Shanghai Nickles seconded the motion.)

*Vote Results*

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Aye:	3	Dr. Lurton Lyle, Susan Mullins, Shanghai Nickles
No:	2	Rick Mullins, Rocky Barton

**V. ADJOURNMENT: 7:10 p.m.**

Following a motion by Susan Mullins and second by Rick Mullins the meeting was adjourned. All votes aye.

*Susan Mullins*

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Chairman, Susan Mullins

**Approved: May 22, 2019**

*Reba McCowan*

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Reba McCowan, Clerk