

State of West Virginia\_  
County of Nicholas to wit:

The Nicholas County Board of Education of the County of Nicholas, West Virginia met in a special session on Thursday, July 6, 2017, beginning at 6:00 p.m. The meeting was held at the Nicholas County Board Office, 400 Old Main Drive, Summersville, WV 26651.

The purpose of the meeting to discuss pending and/or proposed litigation over the demolition of Richwood school buildings, and/or the closure and consolidation of RMS, RHS, SMS, NCHS and the NCCTC, and acting on any motions dealing with the same; discussing, and acting on, any motions dealing with the acquisition of real estate for building one or more schools; and discussing, and acting on, any motions dealing with the historical memorialization of RHS. The meeting will be held at the Nicholas County Board of Education, 400 Old Main Drive, Summersville, WV 26651.

**Educating and Preparing Students for Success After High School**

Present for the meeting were:

- Dr. Gus Penix, President
- Mr. Fred Amick, Vice-President
- Mr. Phil Berry, Member
- Mr. Darrell White, Member
- Mr. A.J. Rogers, Member

Dr. Donna Burge-Tetrick, Superintendent

1. Call to Order along with a moment of silent reflection:  
The meeting was called to order by Board President, Dr. Gus Penix.
2. Discussion / Information / Action items:

Dr. Penix asked to rearrange the agenda to accommodate the legal staff.

\*started at 6:03 p.m. Upon motion from Mr. Darrell White, second by Mr. Phil Berry, the board unanimously consented to close the regular session and go into executive session as indicated under Item 1, as per the School Laws of WV§ 6-9A-B-12, "To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of this code".

Present for the meeting were:

- Dr. Gus Penix, President
- Mr. Fred Amick, Vice-President

Mr. Phil Berry, Member  
Mr. Darrell White, Member  
Mr. A.J. Rogers, Member

Dr. Donna Burge-Tetrick, Superintendent

Conference with: Ms. Rebecca Tinder, and Mr. Ken Webb, of Bowles Rice Law Firm.

Mr. Darrell White moved to close the executive session and return to regular session. The motion was seconded Mr. A.J. Rogers, and carried unanimously. \*ended at 7:50 p.m.

No action was taken during the executive session.

- a. Pending and or proposed litigation over the demolition of Richwood school buildings, and or closure and consolidation of Richwood Middle, Richwood High, Summersville Middle, Nicholas County High, and the Career and Technical Center, and litigation regarding the CEFP amendment.

Board President, Penix asked if there was a motion to continue the July 11, 2017 court hearing and reschedule it as soon as possible after the July 13, 2017 State Board of Education Meeting if our amendment to the Comprehensive Educational Facilities Plan (CEFP) is rejected?

Upon motion by Mr. Darrell White, seconded by Mr. Phil Berry, the board unanimously voted to reschedule until after the July 13, 2017 State Board of Education meeting.

- b. FEMA – RHS Historical Memorialization Agreement.

Superintendent, Tetrick presented the board with a memorial park/walking path proposal that would be a green area, with benches to be located throughout the area, along with signage that will memorialize the band, sports, and other high school activities. This project will begin as soon as the Richwood Middle and High Schools are demolished. FEMA will also include a short narrative history of the RHS building and how it relates to the development of the City of Richwood, education in West Virginia, and its significance as an example of International style architecture. This will be completely funded by FEMA, if the pathway does not go into the floodway zone and the SBA will be the overseers of the project.

Nicholas County BOE will retain ownership and will maintain the park throughout the twenty-four months that represents the term of the MOA. At the end of this period, Nicholas County BOE will consider transferring ownership of the park to a government entity or legally-established community organization that is willing and able to assume responsibility for the park, including maintenance, liability and security, and will enter into an agreement that ensures protection of the federal investment before transferring ownership of the property. Until transfer occurs, Nicholas County BOE will continue to maintain the park.

Upon motion by Mr. Darrell White, seconded by Mr. A.J. Rogers, the board unanimously consented to approve the Superintendents recommendation of the MOA with FEMA regarding the historical memorialization of RHS.

- c. Acquisition of real estate for the purpose of building one or more schools.

Dr. Tetrick came before the board to ask that permission be given to start negotiations on the Glade Creek property; regardless of what the courts determine or the State Board of Education, Summersville Middle School must be rebuilt.

Upon motion by Mr. A.J. Rogers, seconded by Mr. Phil Berry, the board unanimously consented to authorize the Superintendent, Dr. Burge-Tetrick, Board President, Dr. Penix, Board Vice President, Mr. Amick and Board Treasurer, Kevin Hess to start negotiations on the Glade Creek property.


Dr. Tetrick also asked the board to consider the Site Access and Confidentiality Agreement. Prior to entering into a definitive arrangement, if any, for the acquisition or leasing of the property, the Board wishes to undertake certain due diligence studies and activities with respect to the property, and owner is willing to provide access to the board for such purposes, subject to the terms and conditions of this agreement.

Upon motion by Mr. Darrell White, seconded by Mr. A.J. Rogers, the board unanimously consented to approve the Superintendents recommendation of the Site Access and Confidentiality Agreement.

3. Adjournment:

Upon motion by, Mr. Phil Berry, seconded by Mr. A.J. Rogers, the board unanimously consented to adjourn this regular meeting of the Nicholas County Board of Education. The meeting adjourned at 8:27 p.m.

The next meeting will be a special meeting which will be held on Monday, July 10, 2017, beginning at 6:00 p.m. The purpose of the meeting is to discuss pending and/or proposed litigation over the demolition of Richwood school buildings, and or closure and consolidation of Richwood Middle, Richwood High, Summersville Middle, Nicholas County High, and the Nicholas County Career and Technical Center and acting on any motion dealing with the same; discuss and consider professional travel request and acting on any motion dealing with the same and School Configuration Stakeholders Committee presentations.

Dr. Gus Penix, President NCBOE 

Dr. Donna Burge-Tetrick, Superintendent 

Kim Belletto, Recording Secretary Nicholas County Schools  
An executive session could be called for Item 2, as per the School Laws of WV 6-9A-4-9. \*