WEST VIRGINIA:

At a regular session of the County Commission, held for the County of Mercer, at the Courthouse thereof, on Tuesday, April 9, 2019,

Present: Gene Buckner, President

Present: Greg Puckett, Commissioner

Present: Bill Archer, Commissioner

RE: RECOGNITION – JOSH PARKS AND STEVE CLINE

This day the Commission recognized Josh Parks, Litter Control Officer and Steve Cline Recycling Coordinator for their hard work and dedication to Mercer County.

RE: OATH – MERCER COUNTY ASSESSOR’S OFFICE

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the Employment and Oath of Office for Jessica Yahya to serve as Deputy Clerk for the Assessor’s Office.

RE: OATH – MERCER COUNTY CLERK’S OFFICE

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve the Employment and Oath of Office for Stephanie Cook to serve as Deputy Clerk for the County Clerk’s Office.

RE: OATH – WVU EXTENSION SERVICE

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the Employment and Oath of Office for Joni Veneri to serve as Temporary Part-Time Secretary for the WVU Extension Service Office.

RE: REAPPOINTMENT – BLUEWELL PUBLIC SERVICE DISTRICT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve the Reappointment of Calvin Shoemaker to serve as Board Member for the Bluewell Public Service District. His term will expire February 28, 2025.

RE: PROCLAMATION – CHILDREN’S MEMORIAL FLAG DAY

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to proclaim April 2019 as Child Abuse Prevention Month and Friday, April 26, 2019 as Children’s Memorial Flag Day in Mercer County, West Virginia.

**PROCLAMATION**

**APRIL IS CHILD ABUSE PREVENTION MONTH &**

**CHILDREN’S MEMORIAL FLAG DAY IS APRIL 26, 2019**

**WHEREAS,** children are the future of WV and we continue to work towards a state that is greater for them than the one we grew up in; and

**WHEREAS**, finding solutions to child maltreatment requires input and action from everyone and education efforts increase public awareness about ways to recognize and prevent child abuse; and

**WHEREAS**, prevention remains the best defense for our children and families; and  
  
**WHEREAS**, the Children's Memorial Flag has become a recognizable symbol of the need to do a better job of protecting children; and

**WHEREAS,** approximately 3 million children are reported abused and neglected in this country each year; and

**WHEREAS**, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community; and

**WHEREAS**, all citizens should become more aware of the negative effects of child abuse and its prevention within their communities and become involved in supporting parents to raise their children in a safe, nurturing environment; and

**NOW, THEREFORE,** We, The Mercer County Commissiondo hereby proclaim April 2019 as **CHILD ABUSE PREVENTION MONTH** and FRIDAY, April 26, 2019, as **CHILDREN’S MEMORIAL FLAG DAY** in Mercer County, WV and urge all citizens to memorialize the thousands of children across the country who die violently each year. I call upon all citizens to “Say Something, Do Something for Kids”and increase their participation in efforts to prevent child abuse, thereby strengthening the communities in which we live.

**DATED THIS 9TH DAY OF APRIL, 2019.**

**MERCER COUNTY COMMISSION:** /s/ Gene Buckner\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Gene Buckner, President**

/s/ Greg Puckett\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Greg Puckett, Commissioner**

/s/ Bill Archer\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Bill Archer, Commissioner**

RE: RESOLUTION – CERTIFICATE OF AUTHORITY TO ACQUIRE PROPERTY

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a Resolution – Certificate of Authority to Acquire Property known as Forest Sciences Laboratory-Princeton.

**RESOLUTION**

**CERTIFICATE OF AUTHORITY TO ACQUIRE PROPERTY**

**Whereas,** certain real property owned by the United States of America located in Princeton, Mercer County, West Virginia, has been declared surplus and, at the discretion of the General Services Administration, may be assigned to the Secretary of Interior for disposal for public park or recreational purposes under the provisions of 40 U.S.C. § 550 (e) , and any regulations and policies promulgated pursuant thereto, more particularly described as follows:

Forest Sciences Laboratory-Princeton

Acreage: Approximately 32 acres

GSA Control Number: 4-A-WV-1290-AA

**Whereas,** the Mercer County Commission needs and will use said property in perpetuity for public park or recreational purposes as set forth in its application and in accordance with the requirements of said Act and any regulations and policies promulgated thereunder.

**Now, Therefore, Be It Resolved,** that Mercer County Commission shall make application to the National Park Service for, and secure the transfer to, the above-mentioned property for said use and subject to such exceptions, reservations, terms, covenants, agreements, conditions, and restrictions as the National Park Service and the Federal disposal agency may require in connection with the disposal of said property under said Act and the regulations and policies issued pursuant thereto.

**Be it Further Resolved** that the Mercer County Commission has legal authority, and is willing and able to properly develop, maintain, operate, and assume liability of the property, and that Bill Archer, Commissioner, is hereby authorized, for and on behalf of the Mercer County Commission to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents, the execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments pertaining to the transfer of said property, including the filing of copies of the application and the conveyance documents in the records of the governing body, and the payment of any and all sums necessary on account of the purchase price thereof or fees or costs incurred in connection with the transfer of said property for survey, title searches, recordation or instruments or other costs identified with the acquisition of said property.

Mercer County Commission

1501 West Main Street, Suite 210

Princeton, WV 24740

I, Gene Buckner, hereby certify that I am the President of the Mercer County Commission, and that the foregoing resolution is a true and correct copy of the resolution adopted by the vote of a majority of the members of said Mercer County Commission, present at the meeting of said body on the 9th day of April, 2019, at which a quorum was present.

/s/ Gene Buckner\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Gene Buckner, President**

RE: RESOLUTION – CERTIFICATE OF AUTHORITY

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a Resolution – Certificate of Authority - Forest Sciences Laboratory-Princeton.

**RESOLUTION**

**CERTIFICATE OF AUTHORITY**

**Whereas,** certain real property owned by the United States, located in the County of Mercer, State of West Virginia, has been declared surplus and at the discretion of the Administrator of General Services (Administrator), may be conveyed for historic monument purposes to a State, political subdivision, instrumentalities thereof, or municipality, under the provisions of 40 U.S.C. 550(h), and rules and regulations promulgated pursuant thereto, more particularly described as follows:

Forest Sciences Laboratory-Princeton

Acreage: Approximately 32 acres

GSA Control Number: 4-A-WV-1290-AA

**Whereas,** the Mercer County Commission needs and will utilize said property in perpetuity for historic monument purposes as set forth in the Application and in accordance with the requirements of 40 U.S.C. 550(h) and the rules and regulations promulgated thereunder, and

**Whereas,** the Applicant is authorized, willing, and able to conduct compatible revenue-producing activities, and that regardless of any revenues derived from such activities, Applicant is financially able to utilize said property for historic monument purposes as set forth in its “Program of Preservation and Utilization” and in accordance with the requirements of 40 U.S.C. 550(h) and regulations and procedures promulgated thereunder; and

**Whereas,** the Applicant agrees that any income in excess of costs of repair, rehabilitation, restoration, and maintenance shall be used by the Applicant only for public historic preservation, park, or recreational purposes as enunciated in its “Program of Preservation and Utilization”;

**Now, Therefore, Be It Resolved,** that Mercer County Commission shall make Application to the Administrator for and secure the transfer to it of the above-mentioned property for said use upon and subject to such exceptions, reservation, terms, covenants, agreements, conditions, and restrictions as Secretary of the Interior, and Administrator, or their authorized representatives, may require in connection with the disposal of said property under 40 U.S.C. 550(h) and the rules and regulations issued pursuant thereto; and Be It Further Resolved that Mercer County Commission has legal authority, is willing, and is in a position to assume immediate care and maintenance of the property, and that Bill Archer, Commissioner, is hereby authorized, for and on behalf of the Mercer County Commission to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making and filing of plans, Applications, reports, and other documents; the execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments pertaining to the transfer of said property, including the filing of copies of the Application and the conveyance documents in the records of the governing body, and the payment of any and all sums necessary on account of the purchase price thereof or fees or costs incurred in connection with the transfer of said property for survey, title searches, recordation of instruments, or other costs identified with the Federal surplus property acquisition.

Mercer County Commission

1501 West Main Street, Suite 210

Princeton, WV 24740

I, Gene Buckner, certify that I am the President of the Mercer County Commission, and that the foregoing resolution is a true and correct copy of the resolution adopted by the vote of a majority of the members of said Mercer County Commission present at the meeting of said body on the 9th day of April, 2019, at which a quorum was present.

/s/ Gene Buckner\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Gene Buckner, President**

RE: RESOLUTION – APPALACHIAN REGIONAL COMMISSION GRANT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to submit an application to the Appalachian Regional Commission POWER Initiative Grant Program for the Bluestone Valley Trail Development. Funding in the amount of $10,000 for the match will be taken from the Hotel Motel Fund.

**RESOLUTION**

**Whereas,** the Mercer County Commission wishes to submit an application to the Appalachian Regional Commission POWER Initiative Grant Program for the Bluestone Valley Trail Development along the Bluestone River, Camp Creek, and Brush Creek in Mercer County, West Virginia, and;

**Whereas,** the Mercer County Commission must assure that a $10,000 contribution shall be provided as a portion of the match to Appalachian Regional Commission POWER Initiative Grant funds:

**Now, Therefore, Be It Resolved That:**

1. The Mercer County Commission supports the efforts of developing the Bluestone Valley Trail and within Mercer County, the Mercer County Commission resolves to submit an application to the Appalachian Regional Commission POWER Initiative Grant Program for the professional design of these trails.
2. The Mercer County Commission will provide $10,000 of the match as required by the Appalachian Regional Commission guidelines.

/s/ Gene Buckner\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Gene Buckner, President

I, Verlin Moye, Clerk, certify that the above is a true copy of a Resolution adopted the 9th day of April 2019 at a regular meeting of the Commission. I further certify that a quorum was present and a majority of its members voted affirmatively for this Resolution.

/s/ Verlin Moye\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Verlin Moye, Clerk

RE: PUBLIC HEARING – CITY OF BLUEFIELD PETITIONS FOR ANNEXATION

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to accept the Petition of the City of Bluefield, West Virginia to Annex City Owned Property and a portion of U.S. Route 52 into the City of Bluefield by Minor Boundary Adjustment and a Petition of the City of Bluefield, West Virginia to Annex Certain City Owned Property into the City of Bluefield by Minor Boundary Adjustment presented by Colin Cline, City Attorney. First Reading will be May 14. 2019.

RE: FIREWORKS DISCHARGE RESTRICTION ORDINANCE – SECOND READING

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the Second Reading of the proposed Fireworks Discharge Restriction Ordinance.

RE: PRECINCT CONSOLIDATION

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to consolidate Precinct #57 Athens Masonic Lodge into Precinct #56 Athens Elementary School upon request of Verlin Moye, County Clerk.

RE: AGREEMENT – WEST VIRGINIA CONSERVATION AGENCY

This day on motion of Gene Buckner, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve a Mercer County Flood Control Dam and Channel Operation, Maintenance Funding Agreement with the West Virginia Conservation Agency. Funding in the amount of $20,000 will be taken from the General Fund.

RE: ESTATE – WILL G. GORDON – DECEASED

***BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA***

**IN RE: WILL G. GORDON, DECEASED**

**O-R-D-E-R**

On the 9th day of April, 2019, before the Mercer County Commission, came the matter of the matter of Will G. Gordon, deceased, upon motion of Mark W. Gordon, sole heir of Will G. Gordon, deceased, requesting that a copy of the Last Will and Testament of Will G. Gordon, deceased, be accepted for recordation and/or probate inasmuch as the original Will cannot be located.

After discussion and review of this matter by the Commission, upon proper motion and second, and it appearing proper to do so, the Commission **ORDERS** that a copy of the Last Will and Testament of Will G. Gordon, deceased, be accepted for recordation and/or probate.

All of which was accordingly **ADJUDGED** and **ORDERED.** The Clerk of this Commission is **DIRECTED** to take whatever actions he deems necessary to effectuate this Order**.**

Dated thisthe9th day of April, 2019.

**ENTER:**

/s/A. Gene Buckner\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**A. GENE BUCKNER, PRESIDENT**

**MERCER COUNTY COMMISSION**

**ATTEST:**

/s/Verlin T. Moye\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**VERLIN T. MOYE, CLERK**

**MERCER COUNTY COMMISSION**

RE: ESTATE – DON B. SPRINGMAN – DECEASED

***BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA***

**IN RE: DON B. SPRINGMAN, DECEASED**

**O-R-D-E-R**

On the 9th day of April, 2019, before the Mercer County Commission, came the matter of the Estate of Don B. Springman, upon motion of Paige Flanigan, Fiduciary Commissioner of Mercer County, requesting that the Executor, John A. Giovannazzo, be removed for failure to comply with her directions and to have the Sheriff of Mercer County, T. A. Bailey appointed as Administrator CTA, D.B.N. Fiduciary Commissioner Flanigan also requested that the County Commission order payment of a claim to a claimant and to hold a larger claim in abeyance pending the appointment of the Sheriff of Mercer County, T. A. Bailey.

After discussion and review of the matter of the removal of Executor, John A. Giovannazzo, by the Commission, upon proper motion and second, and it appearing proper to do so, the Commission **ORDERS** that the Executor, John A. Giovannazzo, be removed and that the Sheriff of Mercer County, T. A. Bailey, be appointed Administrator CTA, D.B.N. over the estate of Don B. Springman.

After discussion and review of the matter of the claims in dispute, and upon proper motion and second, the Commission **ORDERES** that the matter of the claims in dispute be tabled until such time as all claims are resolved or until further notice.

All of which was accordingly **ADJUDGED** and **ORDERED.** The Clerk of this Commission is **DIRECTED** to take whatever actions he deems necessary to effectuate this Order**.**

Dated thisthe9th day of April, 2019.

**ENTER:**

/s/A. Gene Buckner\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**A. GENE BUCKNER, PRESIDENT**

**MERCER COUNTY COMMISSION**

**ATTEST:**

/s/Verlin T. Moye\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**VERLIN T. MOYE, CLERK**

**MERCER COUNTY COMMISSION**

RE: ESTATE – JESSICA CHURCH HALE – DECEASED

***BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA***

**IN RE: JESSICA CHURCH HALE, DECEASED**

**O-R-D-E-R**

On the 9th day of April, 2019, before the Mercer County Commission, came the matter of the Estate of Jessica Church Hale, upon motion of Kristopher Church, an heir, requesting that the estate be reopened for the purpose of receiving and cashing a check payable to the estate.

After discussion and review of this matter by the Commission, upon proper motion and second, and it appearing proper to do so, the Commission **ORDERS** that the estate of Jessica Church Hale shall be reopened and that Kristopher Church be allowed to qualify as Administrator with bond in the amount of $3,500.00.

All of which was accordingly **ADJUDGED** and **ORDERED.** The Clerk of this Commission is **DIRECTED** to take whatever actions he deems necessary to effectuate this Order**.**

Dated thisthe9th day of April, 2019.

**ENTER:**

/s/A. Gene Buckner\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**A. GENE BUCKNER, PRESIDENT**

**MERCER COUNTY COMMISSION**

**ATTEST:**

/s/Verlin T. Moye\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**VERLIN T. MOYE, CLERK**

**MERCER COUNTY COMMISSION**

RE: FUNDING REQUEST – BLUESTONE VALLEY TRAILS

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve funding of up to $15,000 payable to William Winfrey, Attorney for an estimated 62 titles searches for easements along the Bluestone Valley Trails. Funding will be taken from the Video Lottery fund and reimbursed from a Department of Highways grant.

RE: FUNDING REQUEST – PAINTINGS FOR COURTROOM

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve the purchase of 2 paintings for the County Commission courtroom. Funding of up to $1,000 will be taken from the Video Lottery fund.

RE: FUNDING REQUEST – DUNFORD ROOFING, INC.

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a contract with Dunford Roofing to replace the roof on the Voter’s Garage. Funding in the amount of $26,000 will be taken from the Financial Stabilization fund.

RE: FUNDING REQUEST – COX SECUTIRY

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve a funding request from Cox Security to install access control for Judge Will’s Office. Funding in the amount $1,789 will be taken from the Courthouse Annex fund.

RE: FUNDING REQUEST – CHUCK MATHENA CENTER

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve a funding request from the Chuck Mathena Center. Funding in the amount of $5,000 will be taken from the Hotel Motel fund for the Food Truck Frenzy 2019.

RE: FUNDING REQUEST – BLUEWELL THEATRE CORPORATION

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to table a funding request from Bluewell Theatre Corporation.

RE: FUNDING REQUEST – FALLEN WARRIORS, INC.

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve a funding request from Fallen Warriors, Inc. Funding in the amount of $3,500 will be taken from the Video Lottery fund for the mobile memorial wall.

RE: FUNDING REQUEST – MATOAKA VIETNAM VETERAN’S MEMORIAL

This day on motion of Gene Buckner, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve a funding request for a Vietnam Veteran’s Memorial in Matoaka. Funding in the amount of $1,876 will be taken from the Video Lottery fund.

RE: EXECUTIVE SESSION

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to go into executive session. On motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to come out of executive session and go back into regular session. No votes were taken during the executive session.

RE: GLENWOOD PARK EMPLOYEE – GAVIN HAGER

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to promote Gavin Hager to Assistant-Superintendent at Glenwood Recreation Park.

RE: CONTRACT – TG&G ENTERPRISES, LLC

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a contract with TG&G Enterprises, LLC.

PETITION FOR CANCELLATION OF ERRONEOUS CHARGES

DATE 4/2/2019

Tax Year 2018

Beaver Pond District

TICKET # NAME REASON AMOUNT

800254 Arrowhead Deli Double assessed. $ 298.06

801007 Thomas Coburn Did not own MH 7/1/17. 66.04

802876 Douglas Miller Double assessed on MH. 148.58

This day the following accounts were presented against the County of Mercer, and the Commission having examined each and all of them, doth allow payment from the different accounts, check numbers listed below:

GENERAL COUNTY - Check #71578-71668 Void #71539, 71579

COAL SEVERANCE - Check #3599-3600

JUSTICE FINES - Check #5333

EMERGENCY 911 - Check #4268

HOME CONFINEMENT - Check #2423-2425

HOTEL MOTEL - Check #3857-3863

K-9 FUND - Check #1511-1512

COURTHOUSE ANNEX - Check #1568-1570

VIDEO LOTTERY - Check #1331

MCDRC FEES - Check #4949-4965

ASSESSOR REAPPRAISAL - Check #6214-6226

DRUG FORFEITURE - Check #221

SHERIFF DRUG FUND - Check #1077-1078

TEEN COURT - Check #211

DRUG COURT - Check #1151

DEPUTY SHERIFF RETIREMENT - Check #266

It is ordered that this Commission be and is hereby adjourned until Tuesday, May 14, 2019.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_PRESIDENT