WEST VIRGINIA:

At a special session of the County Commission, held for the County of Mercer, at the Courthouse thereof, on Tuesday, August 23, 2022

Present: Gene Buckner, Commissioner

Present: Greg Puckett, Commissioner

Present: Bill Archer, Commissioner

THE MERCER COUNTY COMMISSION WILL MEET IN SPECIAL SESSION ON TUESDAY, AUGUST 23, 2022 AT 3:30 P.M. IN THE COUNTY COMMISSION COURTROOM LOCATED ON THE SECOND FLOOR OF THE MERCER COUNTY COURTHOUSE. THE PURPOSE OF THE MEETING IS FOR CONSIDERATION OF THE FOLLOWING:

1. Mercer County Veteran’s Honor Guard-Funding Request for 15 Passenger Van
2. Mercer County Historical Society-Funding Request for Heritage Festival
3. Chamber of Commerce of the Two Virginias-Funding Request for Coal Show
4. Appointment of Josh Parks to replace Kevin Dials on Southern WV Trail Authority Board
5. Presentation of American Rescue Plan Check for Helpful Harvest Food Bank
6. Official Statement Regarding Proposed Constitutional Amendment 2-The Property Tax Modernization Amendment
7. Glenwood Recreation Park Property Expansion-Purchase of 13.07 Acres in Beaver Pond District-Bill Davis, Attorney
8. Finalized Opioid Distributor Settlement Agreement-Tish Chafin, Attorney
9. Formal Hearing for the structures listed below:

**Owner Location** **Structure Map/Parcel**

Clifford Surface 1784 Athens Road Trailer/Building Map 9, Parcel 90.3

Pamela Akers 813 Old Bramwell Rd House Map 30H, Parcel 72

Colonna Properties 121 Barger Street Building Map 1, Parcel 191

Oakwood Shires, LLC 329 Lorton Lick Rd House Map 10Q, Parcel 35

Parks on East Union 706 Union Ext. Trailer Map 32E, Parcel 50

William Zinn 4657 Simmons River Rd House Map 50, Parcel 244

Brentmoore, LLC Beeson Rd. Old Ruritan Building Map 31, Parcel 39

Appalachian Housing 425 City View Heights House Map 23F, Parcel 45

Shelia Belcher Estate 215 Sportsman Drive Trailer Map 12, Parcel 75

**GENE BUCKNER, PRESIDENT**

**MERCER COUNTY COMMISSION**

RE: FUNDING REQUEST – MERCER COUNTY VETERAN’S HONOR GUARD

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a funding request from Mercer County Veteran’s Honor Guard to purchase a passenger van. Funding in the amount of $45,000 will be taken from the General Fund.

RE: FUNDING REQUEST – MERCER COUNTY HERITAGE FESTIVAL

This day on motion of Greg Puckett, Commissioner, seconded by Gene Buckner, Commissioner, the Commission voted unanimously to approve a funding request from Mercer County Historical Society for the Heritage Festival. Funding in the amount of $2,000 will be taken from the Hotel Motel Fund. Bill Archer recused from vote; he is an honorary member of the Historical Society.

RE: FUNDING REQUEST – CHAMBER OF COMMERCE OF THE TWO VIRGINIAS

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to table a funding request from Chamber of Commerce of the Two Virginias for the 24th biennial Bluefield Coal and Mining Show.

RE: OATH – SOUTHERN WV NON-MOTORIZED TRAIL AUTHORITY

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve the Appointment and Oath of Office for Josh Parks to serve as Southern West Virginia Non-Motorized Trail Authority Board Member.

RE: OFFICIAL STATEMENT – PROPOSED CONSTITUTIONAL AMENDMENT 2

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the following Official Statement regarding the Proposed Constitutional Amendment 2 – The Property Tax Modernization Amendment.

**OFFICIAL STATEMENT**

**Proposed Constitutional Amendment 2**

**The Property Tax Modernization Amendment**

**PREAMBLE:** During the 2022 General Election, West Virginians will be asked to vote on Amendment 2, one of the most substantial changes to West Virginia’s Constitution in nearly 100 years. It is not the place of the Mercer County Commission to tell registered voters how to vote on this issue. However, the County Commission has a duty pursuant to Article IX, § 11, of the West Virginia Constitution to manage the police and fiscal affairs of Mercer County and, therefore, must inform the public of the potentially devastating and far-reaching impacts that Amendment 2 could have on public safety and local government services in Mercer County.

**WHEREAS,**  the Mercer County Commission finds that the passage of Amendment 2 will cause the removal of constitutional protection that provides critical funding for law enforcement, fire protection, emergency medical services, and public education; and

**WHEREAS,**  the Commission finds that more than five hundred million dollars in necessary funding for first responders, county and city services, and schools in all 55 counties could be stripped away and placed at risk, resulting in fewer police officers, firefighters, emergency responders, and teachers and school personnel; and

**WHEREAS,**  the Commission finds there is no legislative plan for Amendment 2, as a real plan to implement the serious changes contemplated by Amendment 2 requires the passage of legislation by the House and Senate. Here, there is no consensus, no agreement, and no clear plan that the voters can read and understand before they cast their vote; and

**WHEREAS,**  the Commission finds that any legislative plan to provide revenue replacement to local governments and schools must consider the up and down history of West Virginia’s finances and that State revenues are prone to time of boom or bust, and further must consider the forthcoming healthcare cost crisis that is facing all local governments; and

**WHEREAS,** the Commission finds that it is the residents of the State of West Virginia, including the hardworking residents of Mercer County, that will ultimately pay for the significant corporate tax cuts contemplated by Amendment 2 and will do so through new sales taxes or fees; and

**WHEREAS,** the Commission finds that as we soon approach the General Election, the voters deserve a final, codified, and agreed to legislative plan for Amendment 2, not a “work-in-progress” proposal that, if implemented, could devastate and defund public safety and public education in all 55 counties in West Virginia; and

**NOW, THEREFORE BE IT RESOLVED** that the Mercer County Commission, for the reasons above, shall not offer support for Amendment 2 due to the real and serious risks it poses to public safety and public education, and further be it resolved that the Mercer County Commission calls on every local government in West Virginia to take a public position on Amendment 2 stating its reasons for either supporting or not supporting the same.

**DATED THIS 23RD DAY OF AUGUST, 2022.**

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

**GENE BUCKNER, PRESIDENT**

/s/ Greg Puckett\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **GREG PUCKETT, COMMISSIONER**

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

**BILL ARCHER, COMMISSIONER**

RE: EXECUTIVE SESSION

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to go into executive session. On motion of Bill Archer, Commissioner, seconded by Greg Puckett, 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: FINALIZED OPIOID DISTRIBUTOR SETTLEMENT AGREEMENT

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously approve the $400,000,000 Distributors West Virginia Subdivisions Settlement Agreement against McKesson, Cardinal, and/or Amerisource.

RE: DILAPIDATED PROPERTY – CLIFFORD SURFACE

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to issue a Standard Order of Demolition for the trailer/building owned by Clifford Surface located at 1784 Athens Road.

RE: DILAPIDATED PROPERTY – PAMELA AKERS

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to transfer the house owned by Pamela Akers at 813 Old Bramwell Road back to the Dilapidated Structures Committee.

RE: DILAPIDATED PROPERTY – COLONNA PROPERTIES

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to enter an order for Colonna Properties to get a structural engineer to look at the stability of the structure located at 121 Barger Street and give a report in the next 30 days on whether or not that structure can be rehabilitated.

RE: DILAPIDATED PROPERTY – OAKWOOD SHIRES

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to transfer the house owned by Oakwood Shires, LLC at 329 Lorton Lick Road back to the Dilapidated Structures Committee pending proof of repairs.

RE: DILAPIDATED PROPERTY – PARKS ON EAST UNION

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to issue a Standard Order of Demolition on the trailer pending securement of residence for the person that’s in the property located at 706 Union Ext owned by Parks on East Union.

RE: DILAPIDATED PROPERTY – WILLIAM ZINN

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to continue the project until October 25, 2022 for the house owned by William Zinn located at 4657 Simmons River Road allowing time for the owner to finish tearing down the house.

RE: DILAPIDATED PROPERTY – BRENTMOORE, LLC

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to continue the project until September 27, 2022 for the building owned by Brentmoore, LLC located on Beeson Road allowing time for the owner to evaluate the property.

RE: DILAPIDATED PROPERTY – APPALACHIAN HOUSING

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to continue the project until September 27, 2022 for the house owned by Appalachian Housing located at 425 City View Heights allowing time for the Dilapidated Structures Officer to gain access and evaluate the property.

RE: DILAPIDATED PROPERTY – SHELIA BELCHER ESTATE

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to issue a Standard Order of Demolition on the trailer located at 215 Sportsman Drive in the Estate of Shelia Belcher.

It is ordered that this Commission be and is hereby adjourned until Tuesday, September 13, 2022.

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