WEST VIRGINIA:

At a regular session of the County Commission, held for the County of Mercer, at the Courthouse thereof, on Tuesday, January 8, 2019,

Present: Gene Buckner, President

Present: Greg Puckett, Commissioner

Present: Bill Archer, Commissioner

RE: SECOND READING – FIREWORKS DISCHARGE RESTRICTION ORDINANCE

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

RE: PUBLIC HEARING – ABANDONMENT OF ROADWAY

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to table the Petition of Jimmy R. McLaughlin, Michael D. McLaughlin, and WV American Water Company for Abandonment of Roadway presented by Phillip Ball, Attorney. The property is located near John Nash Boulevard in Beaver Pond District.

RE: PETITION FOR ANNEXATION – CITY OF BLUEFIELD

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to accept the Petition of Boundary Adjustment as presented by Colin Cline, Attorney for the City of Bluefield. This petition requests annexation of certain property into the City of Bluefield by Minor Boundary Adjustment.

RE: APPOINTMENT – MERCER COUNTY HEALTH DEPARTMENT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission made the motion to table the Appointment and Oath of Office of Stacy Hicks as Board Member for the Mercer County Health Department until the February 12, 2019 meeting.

RE: RESOLUTION HONORING THE LIFE OF MAJOR DARRELL BAILEY

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner,

the Commission voted unanimously to approve a Memorial Resolution in Honor of Former Chief Deputy, Major Darrell Bailey.

**MEMORIAL RESOLUTION IN HONOR OF**

**FORMER CHIEF DEPUTY, MAJOR DARRELL BAILEY**

**Whereas**, last month, Mercer County lost one of its highly respected lawmen, retired Mercer County Chief Deputy, Major Darrell Bailey. Major Bailey passed away on December 28, 2018, following a courageous battle with cancer; and

**Whereas**, a dynamic law enforcement officer, Major Bailey started his career as a correctional officer at the former Mercer County Jail on the third floor of the Mercer County Courthouse and excelled at that post. After two years of service as a CO with the county, Major Bailey accepted a position with the City of Princeton Police Department. During his five years of service with the Princeton PD, Chief Bailey worked his way up through the department and achieved the rank of Detective and Sergeant respectively; and

**Whereas**, after accepting an appointment at serve as a Mercer County Sheriff’s Deputy, Major Bailey worked as a detective with the Sheriff’s office for 14 years before being promoted to an administrative role with the department; and

**Whereas**, throughout his law enforcement and public service career, Major Bailey enjoyed helping his brother and sister officers as well as private citizens to hone their marksmanship skills through his work as a certified Police Firearms Instructor. Along with firearms training, Chief Bailey trained lawmen as well as private citizens in the art of GOJU-RYU, the Okinawan-style martial arts discipline. He was the owner and chief instructor of the Southern West Virginia GOJU-RYU Karate Club for 18 years; and

**Whereas**, along with his dedication to the citizens of Mercer County and his fellow officers, Major Bailey was a dedicated family man. Darrell and his wife, Carrie have three children, sons, Joshua (Ginger) Bailey and Brandon Bailey, a daughter, Christina Bailey, three grandchildren, a brother and two sisters as well as extended family members; and

**Whereas**, while Major Bailey had an abiding love for the citizens he served, he also had a passion for Mercer County and West Virginia history. He collected numerous historic photographs, archival film footage and rare artifacts that serve to expand the understanding of life and the history of southern West Virginia and southwestern Virginia;

**Now, Therefore, Be it resolved** that the Mercer County Commission recognizes with a deep debt of gratitude the dedicated service Major Bailey gave to all the citizens of Mercer County, the state and this nation. In addition, this commission offers its heartfelt sympathy to Mrs. Bailey, the entire family and to Darrell’s many friends on the loss of this exceptional individual.

**Dated this 8th day of January, 2019.**

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

**Gene Buckner, President**

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

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

**Bill Archer, Commissioner**

RE: DRAWDOWN – MERCER/SUMMERS IV-B ELGOOD WATER PROJECT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to accept Drawdown #39 in the amount of $105,507.19 for the Mercer/Summers IV-B Elgood Water Line Extension Project.

RE: ADJUSTMENT – MERCER/SUMMERS IV-B ELGOOD WATER PROJECT

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve Budget Amendment #15 in the amount of $13,385.44 for the Mercer/Summers IV-B Elgood Water Line Extension Project.

RE: SERVICE AGREEMENT – U.S. CELLULAR

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to table the service agreement with U.S. Cellular until the February 12, 2019 meeting.

RE: GRANT – WV DEPARTMENT OF AGRICULTURE – SPAY/NEUTER

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the WV Department of Agriculture Spay/Neuter Grant Application in the amount of $25,000 for the Animal Shelter.

RE: ESTATE – WANDA PENNINGTON – DECEASED

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

**IN RE: WANDA PENNINGTON, DECEASED.**

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

On the 8th day of January, 2019, before the Mercer County Commission, came the matter of the Estate of Wanda Pennington, upon motion of Charles W. Pace, Fiduciary Commissioner of Mercer County, requesting that the Administratrix, Leslie Pennington Williams, be removed for failure to communicate with him and to have the Sheriff of Mercer County, T. A. Bailey be appointed Administrator D.B.N.

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 Administratrix, Leslie Pennington Williams, be removed and that the Sheriff of Mercer County, T. A. Bailey, be appointed Administrator D.B.N. over the estate of Wanda Pennington.

It is further ORDERED that the current bond of $10,000.00 shall remain.

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 thisthe8th day of January, 2019.

**ENTER:**

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

1. **GENE BUCKNER, PRESIDENT**

**MERCER COUNTY COMMISSION**

**ATTEST:**

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

**VERLIN T. MOYE, CLERK**

**MERCER COUNTY COMMISSION**

RE: FUNDING REQUEST – KEEP MERCER CLEAN CAMPAIGN

This day on motion of Bill Archer, Commissioner, seconded by Gene Buckner, Commissioner, the Commission voted unanimously to approve funding of marketing materials for the Keep Mercer Clean Campaign. Funding in the amount of $2,500 will be taken from the Hotel Motel fund.

RE: FUNDING REQUEST – SHARON GEARHART, ASSESSOR

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

RE: DISCUSSION – TOWN OF MATOAKA

This day Bill Archer, Commissioner gave an update on the Town of Matoaka Sewer Treatment.

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 for discussion of easement acquisition, delinquent taxes, Christian’s Fork, and dates for equalization hearings. 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: EQUALIZATION AND REVIEW HEARINGS

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to schedule Equalization and Review Hearings on February 1, 4, 6, 8, 13, 15, 20, 25, and 28 at 9:00a.m.

PETITION FOR CANCELLATION OF ERRONEOUS CHARGES

DATE 1/8/2019

Tax Year 2018

Beaver Pond District

TICKET # NAME REASON AMOUNT

801405 Paul D. Driscoll, Jr. Did not own MH 7/1/17 $ 66.04

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 #71281-71398

- Void #71286, 71287, 71327, 71393, 71394

COAL SEVERANCE - Check #3591-3593

JUSTICE FINES - Check #5328-5329

EMERGENCY 911 - Check #4267

HOME CONFINEMENT - Check #2409-2414

HOTEL MOTEL - Check #3821-3832

K-9 FUND - Check #1508-1509

COURTHOUSE EQUIPMENT - Check #770-771

COURTHOUSE ANNEX - Check #1549-1554

VIDEO LOTTERY - Check #1319

MCDRC FEES - Check #4881-4901

ASSESSOR REAPPRAISAL - Check #6175-6183

SHERIFF DRUG FUND - Check #1071-1074

TEEN COURT - Check #209-210

AMINAL SHELTER ESTATE - Check #1020

DRUG COURT - Check #1150

DEPUTY SHERIFF RETIREMENT - Check #263

It is ordered that this Commission be and is hereby adjourned until Tuesday, February 12, 2019.

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