WEST VIRGINIA:

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

Present: Gene Buckner, President

Present: Greg Puckett, Commissioner

Present: Bill Archer, Commissioner

RE: OATH – MERCER COUNTY MAINTENANCE DEPARTMENT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to table the Employment and Oath of Office for Donny Thompson to serve as Full-Time Maintenance Worker.

RE: REAPPOINTMENT – OAKVALE ROAD PUBLIC SERVICE DISTRICT

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the Reappointment of Dennis Cole to serve as Board Member for the Oakvale Road Public Service District. His term will expire May 31, 2025.

RE: PUBLIC HEARINGS – THIRD READINGS – CITY OF BLUEFIELD ANNEXATION

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to table the Third Reading of 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.

RE: PUBLIC HEARING – SECOND READING – ABANDONMENT OF ROADWAY

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to table the Second Reading of the Petition of Paul M. Lawrence, Jr., Michael Streeby, and Deborah Streeby for Abandonment of a Roadway. The property is located at the terminus of Country Side Road in Beaver Pond District.

RE: PUBLIC HEARING – MARY’S BRANCH WATER PROJECT

This day Jeff Johnson, Project Manager, Region One Planning and Development appeared before the County Commission to hold a public hearing regarding the WV Community Development Block Grant Application for the Mary’s Branch Water Project.

RE: RESOLUTION – WV HUD COMMUNITY DEVELOPMENT BLOCK GRANT

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve a Resolution of Support for the WV HUD Community Development Block Grant Program for Mary’s Branch Water Project.

RE: RESOLUTION – WV HUD COMMUNITY DEVELOPMENT BLOCK GRANT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a Resolution for the WV HUD Community Development Block Grant Program as Equal Opportunity Employer.

RE: RESOLUTION HONORING CHIEF NELSON SHORT

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

the Commission voted unanimously to approve a Resolution Honoring Chief Nelson Short on his retirement from the East River Volunteer Fire Department.

**RESOLUTION HONORING**

**CHIEF NELSON SHORT**

**Whereas,** Chief Nelson Short recently retired after serving 55 years as Chief of the East River Volunteer Fire Department. Chief Short was born in McComas, but as a young man, his family moved across Herndon Mountain into Wyoming County where he grew up in the Tralee community. Chief Short graduated from Mullens High School in 1962, and about a year later, followed Route 10 south back to Mercer County; and

**Whereas,** soon after settling in Mercer County, Chief Short started volunteering for the East River Volunteer Fire Department, Lilly Grove Station. Although he worked full-time as an electrician in area coal mines, Chief Short, found his true passion to be serving as a volunteer firefighter and serving the public. During his tenure with East River, he studied and earned every certificate of achievement available to a volunteer firefighter. He helped the department’s growth while it moved from its stations on Lilly Grove, Harrison Street and to its present location on Oakvale Road; and

**Whereas,** after leaving the coal mines, Chief Short served Mercer County from 1989 to 2007 as Flood Plain Manager and Fire Board coordinator; and

**Whereas,** with a firefighter’s heart, Chief Short always wanted to travel out west to assist in battling some of the large forest fires that have, and continue to plague that region of the continental U.S. After retiring from the county, Chief Short worked to improve his physical strength and agility and achieved the grueling standards to qualify to serve as a western US firefighter. At the time, he was the oldest man form West Virginia to pass the agility test. Chief Short joined volunteers from throughout the US to battle fires during five fire seasons; and

**Whereas,** although he has retired as chief of the East River Volunteer Fire Department, Chief Nelson will continue serving the citizens of Mercer County and the state of West Virginia as a seasonal service firefighter with the West Virginia Division of Forestry.

**Now, Therefore, Be It Resolved** that the Mercer County Commission expresses its thanks to Chief Nelson Short for his enduring commitment of dedicated service to the citizens of Mercer County, to West Virginia and to North America. The commission further asks all Mercer County citizens to thank Chief Short for a job well done.

**Dated this 9th Day of July, 2019.**

**Mercer County Commission:** /s/ Gene Buckner\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Gene Buckner, President**

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

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

**Bill Archer, Commissioner**

RE: APPROVAL – COAL SEVERANCE BUDGET REVISION

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve Budget Revision No. 1 for FY 2019/2020 for the Coal Severance Fund.

RE: GRANT – WV COMMUNITY DEVELOPMENT BLOCK GRANT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve the WV Community Development Block Grant Program Evidentiary Materials for Cumberland Industrial Park-Broadband Grant.

RE: CONTRACT – S & R REFRIGERATION

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve a contract with S&R Refrigeration for maintenance on HVAC system located at 1422 Main Street, Princeton. Estimated cost is $1,650/year.

RE: LEASE – SUPREME COURT OF APPEALS OF WV – FAMILY COURT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve the Memorandum of Understanding - Lease Agreement with the Supreme Court of Appeals of West Virginia for Family Court office space in the Annex.

RE: GRANT AGREEMENT – WV DEPT OF ENVIRONMENTAL PROTECTION

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the WV Department of Environmental Protection-REAP Litter Control Grant Agreement in the amount of $1,000 for bags and vests.

RE: ESTATE – ALBERT BRADLEY ELLIOTT – DECEASED

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

**IN RE: ALBERT BRADLEY ELLIOTT, DECEASED.**

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

On the 9th day of July, 2019, before the Mercer County Commission, came the matter of the Estate of Albert Bradley Elliott, deceased, upon motion of Lowell B. Elliott requesting that the estate be reopened for the purpose of transferring assets into the estate of Alma Faye Elliott, deceased, sole heir of Albert Bradley Elliott, deceased, and that he be allowed to serve as Executor, without bond, pursuant to the Last Will and Testament of Albert Bradley Elliott, deceased.

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 Albert Bradley Elliott, deceased, shall be reopened and that Lowell B. Elliott be allowed to qualify as Executor C.T.A., D.B.N., without bond.

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 July, 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: ESTATE – FRANK IMPERIALE – DECEASED

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

**IN RE: FRANK IMPERIALE, DECEASED.**

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

On the 9th day of July, 2019, before the Mercer County Commission, came the matter of the Estate of Frank Imperiale, deceased, upon motion of Timothy Joel Moody, former Executor, requesting that the estate be reopened for the purpose of completing some tax work and that he be allowed to serve as Executor, without bond, pursuant to the Last Will and Testament of Frank Imperiale, deceased.

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 Frank Imperiale, deceased, shall be reopened and that Timothy Joel Moody be allowed to qualify as Executor C.T.A., D.B.N., without bond.

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 July, 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: ESTATE – XAVIER IMPERIALE – DECEASED

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

**IN RE: XAVIER IMPERIALE, DECEASED.**

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

On the 9th day of July, 2019, before the Mercer County Commission, came the matter of the Estate of Xavier Imperiale, deceased, upon motion of Timothy Joel Moody, former Executor, requesting that the estate be reopened for the purpose of completing some tax work and that he be allowed to serve as Executor, without bond, pursuant to the Last Will and Testament of Xavier Imperiale, deceased.

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 Xavier Imperiale, deceased, shall be reopened and that Timothy Joel Moody be allowed to qualify as Executor C.T.A., D.B.N., without bond.

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 July, 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: ESTATE – BETTY JO WORRELL – DECEASED

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

**IN RE: BETTY JO WORRELL, DECEASED.**

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

On the 9th day of July, 2019, before the Mercer County Commission, came the matter of the Estate of Betty Jo Worrell, deceased, upon motion of Lindsey L. Walker and Karen Worrell, heirs of Keith D. Worrell, deceased, requesting that they be allowed to serve as Co-Administratrixes over the estate of Betty Jo Worrell, deceased, due to the death of Keith D. Worrell, Administrator and sole heir of the estate of Betty Jo Worrell, deceased, with bond in the amount of $25,000.00.

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 Lindsey L. Walker and Karen Worrell be allowed to qualify as Co-Administratrixes over the estate of Betty Jo Worrell, deceased, with bond in the amount of $25,000.00.

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 July, 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 – PRINCETON PUBLIC LIBRARY

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

RE: FUNDING REQUEST – ALLIANCE FOR THE ARTS, LTD

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a funding request from Alliance for the Arts, LTD AKA Bluefield Arts Center. Funding in the amount of $3,500 will be taken from the Video Lottery fund for performances and events from July through September 2019.

RE: WV COUNTY COMMISSIONER’S ASSOC. 2019 ANNUAL MEETING

This day on motion of Bill Archer, Commissioner, seconded by Gene Buckner, Commissioner, the Commission voted unanimously for Greg Puckett, Commissioner to attend the WV County Commissioner’s Association 2019 Annual Meeting. Funding in the amount of $393 will be taken from the 401-travel budget. Greg Puckett abstained from voting.

RE: DISCUSSION – GOLD STAR FAMILIES MEMORIAL MONUMENT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to continue discussion in support of a Gold Star Families Memorial Monument. These monuments honor the families of combat veterans who were killed in action.

RE: UPDATE – MERCER COUNTY PUBLIC SERVICE DISTRICT

This day Bill Archer, Commissioner and Mike Kennett, Board Member gave an update on the Matoaka Sewer Plant and Mercer County Public Service District.

RE: DYNASTY CHEERLEADING – FUNDRAISER REQUEST

The Commissioner granted a request from Dynasty Cheerleading for a fundraiser event to be held at Glenwood Recreation Park.

RE: ANIMAL SHELTER – NEW OPERATING HOURS

The Mercer County Animal Shelter operating hours are Tuesday – Saturday 12:00 p.m. to 6:00 p.m. Staff hours are from 9:00 a.m. to 6:00 p.m. The shelter will be closed to the public on Sunday & Monday.

RE: PUBLIC COMMENTS

This day John Johnson asked about the executive session discussion during the last meeting regarding the Fireworks Ordinance and how it is enforced.

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.

This day came Acelynn Boswell, by representative, and moved the Commission to correct the Land Books for 2018, touching the assessment thereon against the said Acelynn Boswell, on DW (#14029) 2.80 Ac Lorton Lick, Beaver Pond District, County of Mercer, State of West Virginia. Prosecuting Attorney waiving notice thereto.

After hearing all the evidence in the case and it appearing to the Commission that the property assessed for $47,7802 class 2 – should be assessed for $15,260 class 2. DW double assessed. It is therefore ordered that Acelynn Boswell be exonerated from the payment of taxes, or if the taxes have been paid, shall be refunded by the Sheriff of Mercer County on such erroneous assessment.

Amount of Exoneration $370.08

PETITION FOR CANCELLATION OF ERRONEOUS CHARGES

DATE 7/2/2019

Tax Year 2018

East River District

TICKET # NAME REASON AMOUNT

809884 Joshua Slaughter Did not own MH 7/1/17. $ 52.86

Tax Year 2017

Beaver Pond District

TICKET # NAME REASON AMOUNT

703847 Shawn Vest Tax Exempt. $ 68.28

Mercer Aviators

Tax Year 2018

Beaver Pond District

TICKET # NAME REASON AMOUNT

803816 Shawn Vest Tax Exempt. $ 68.28

Mercer Aviators

803270 David & Rhonda Patton Double assessed on MH. 98.40

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 #71963-72061 Void #71974

COAL SEVERANCE - Check #3608-3613

JUSTICE FINES - Check #5336

MAGISTRATE COURT - Check #5364

EMERGENCY 911 - Check #4269

HOME CONFINEMENT - Check #2437-2438

HOTEL MOTEL - Check #3894-3902

COURTHOUSE ANNEX - Check #1591-1595

VIDEO LOTTERY - Check #1364-1366

MCDRC FEES - Check #5026-5039

ASSESSOR REAPPRAISAL - Check #6261-6273

SHERIFF DRUG FUND - Check #1081

TEEN COURT - Check #213

DEPUTY SHERIFF RETIREMENT - Check #269

It is ordered that this Commission be and is hereby adjourned until Tuesday, August 13, 2019.

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