WEST VIRGINIA:

At a regular session of the County Commission, held for the County of Mercer, at the Courthouse thereof, on Tuesday, March 8, 2022,

Present: Gene Buckner, President

Present: Greg Puckett, Commissioner

Present: Bill Archer, Commissioner

RE: REAPPOINTMENT – BLUEWELL PUBLIC SERVICE DISTRICT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to accept the Reappointment of Donnie Goins to serve as Board Member for the Bluewell Public Service District. Term: April 1, 2022 to March 30, 2028

RE: REAPPOINTMENT – MERCER COUNTY PUBLIC SERVICE DISTRICT

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to accept the Reappointment of Leo Lester to serve as Board Member for the Mercer County Public Service District. Term: February 11, 2022 to February 10, 2028

RE: REAPPOINTMENT – OAKVALE ROAD 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 Stacey Hicks to serve as Board Member for the Oakvale Road Public Service District. Term: January 1, 2022 to December 31, 2027

RE: RESOLUTION HONORING THE LIFE OF TERRY BROWN

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a Resolution Honoring the Life of Terry Brown.

**RESOLUTION HONORING THE LIFE OF**

**TERRY WAYNE BROWN**

**Whereas,** Terry Wayne Brown, one of Mercer County’s most highly respected and beloved high school and collegiate basketballer players who went on to guide young athletes as a coach and later athletic director passed away on February 18, 2022 at age 69; and

**Whereas**, Coach Brown was born and raised at Coaldale and played basketball at Bramwell High School and was on the 1967 Millionaires’ team that won the Class A State Basketball Championship. After high school, he pounded the hardwoods for Bluefield State College starting in 1971 under (then) Head Coach Terry Mandeville. After earning his undergraduate degree, Terry spent a brief time as a student assistant high school basketball coach in Bland County, Va. However, he soon returned to his college alma mater as assistant coach under (then) Head Coach John Quintier, and took over the reins of the Big Blues four years later; and

**Whereas**, Coach Brown knew the hills and hollows of Mercer County, but also recruited athletes from a much broader region. Brown’s Big Blue squads played a high tempo style that featured more stuffing than a Thanksgiving turkey and routinely rattled rims to the tune of three-digit scores. Brown’s coaching skills earned him the West Virginia Intercollegiate Athletic Conference “Coach of the Year” award in 1987, and his roundball team brought BSC the WVIAC Championship in 1996; and

**Whereas**, in addition to basketball, Coach Brown guided student athletes to championships in golf and tennis. In 2020, the college that he served for more than 40 years, inducted him into the BSC Athletics Hall of Fame.

**Now, Therefore, Be It Resolved** that the Mercer County Commission extends its deepest condolences to the family, friends and untold number of young people he guided as a teammate, coach, mentor and friend. Long before the term “influencer,” was quoined to describe trendsetters, Terry Brown influenced young people to make good choices in life and did it all while being the archetypal example of a dedicated, loving family man.

**Dated this 8th day of March, 2022.**

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

GENE BUCKNER, PRESIDENT

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

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

BILL ARCHER, COMMISSIONER

RE: RESOLUTION HONORING THE LIFE OF ZAC BLANKENSHIP

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a Resolution Honoring the Life of Zac Blankenship.

**RESOLUTION HONORING THE LIFE OF**

**ZACHARY BLANKENSHIP**

**Whereas**, a dedicated Mercer County firefighter, Zachary Blankenship, died nearly two years ago … a few days after battling a residential fire in Mercer County. Fireman Blankenship – an eight-year veteran with the Montcalm Volunteer Fire Department – collapsed at home due to a stroke, five hours after finishing his on-duty service on March 5, 2020. Zack joined the MVFD when he was 18. He died at Roanoke Memorial Hospital on March 15, 2020 at age 26; and

**Whereas**, Zack was dedicated to his family. He left Montcalm High School before graduating in order to help care for his grandfather who was in ill health. Still, he studied independently and earned a General Educational Diploma, GED, the same year that his MHS classmates graduated. Soon after his grandfather passed away, his mother became ill, and he joined with other siblings to care for her. He had a great love of outdoor activities including hunting, fishing and kayaking along with his devotion to helping his community as a firefighter, according to his sister Tracy; and,

**Whereas**, Zack’s “line of duty” death was honored by the United States Fire Administration and his name was added to the National Fallen Firefighters’ Memorial at Emmitsburg, Maryland on October 3, 2021. The USFA has been honoring firefighters who have died as a result of line of duty injuries for 40 years; and

**Whereas**, Zack’s close friend, Officer Justin Dunford of the Bramwell Police Department spoke of Zack’s sacrifice and asked if the Mercer County Commission could honor Zack in some way. Officer Dunford has been working with this commission’s Bluestone Water Trail Committee and has organized Bluestone River cleanups as part of this commission’s “Keep Mercer Clean” program.

**Now, Therefore, Be It Resolved** that the Mercer County Commission joins with Zack’’s family and friends, firefighters of this community, this region and the U.S. Fire Administration in recognizing Zack Blankenship for his selfless act while battling a residential fire in service to the Montcalm Volunteer Fire Department. And further, in memory of Zack’s love of nature and at the request of the Bluestone Water Trail Committee, the Mercer County Commission names the committee’s May 14, 2022, kayak trip on the Bluestone River from Coopers to Riverside ATV Camp the “Zachary Blankenship Memorial Kayak Float,” in his memory.

**Dated this 8th day of March, 2022.**

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

GENE BUCKNER, PRESIDENT

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

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

BILL ARCHER, COMMISSIONER

RE: FUNDING REQUEST – PROJECT GRADUATION

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a funding request from Princeton Senior High School for 2022 Project Graduation. Funding in the amount of $500 will be taken from the Video Lottery Fund.

RE: FUNDING REQUEST – WVU FOUNDATION-BAND

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a funding request from the WVU Foundation to help provide lunches for the WVU Marching Band on September 22, 2022 when they travel to Virginia Tech. Funding in the amount of $1,000 will be taken from the Video Lottery Fund.

RE: EASEMENT – GREEN VALLEY-GLENWOOD PUBLIC SERVICE DISTRICT

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve an easement for water service for the property described in Deed Book 405, Page 477 between the Mercer County Commission and the Green Valley-Glenwood Public Service District.

RE: OFFICE SPACE – GARDNER CENTER – LIFE STRATEGIES COUNSELING

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to extend out the agreement that will allow Life Strategies Counseling to remain in the facility until April 30, 2022 contingent to the fact that we will work with the Prosecuting Attorney’s office to gather up the agreements necessary to where everybody is on the same page.

RE: FUNDING REQUEST – MERCER COUNTY PROSECUTING ATTORNEY

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to accept a funding request from Brian Cochran, Prosecuting Attorney to purchase a Dell PowerEdge T440 Server from Dominion Systems. Funding in the amount of $7,175 will be taken from the Courthouse Equipment Fund.

RE: MERCER COUNTY BOARD OF HEALTH

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to table the Mercer County Board of Health medical cannabis dispensary site approval located at 112 Expert Circle.

RE: APPROVAL OF LEASE AGREEMENT – OAKVALE VOLUNTEER FIRE DEPT.

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve an agreement with Oakvale Volunteer Fire Department to finance a New Pierce/Ford F-550 Utility Quick Attack Unit.

RE: APPROVAL – GENERAL COUNTY BUDGET REVISION

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve Budget Revision No. 4 for FY 2021/2022 for the General Fund.

RE: PROPOSAL – FORERUNNER TECHNOLOGIES, INC.

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve the proposal for a 3-year term from Forerunner Technologies to provide Mitel Software Support and Forerunner maintenance on the phone system. Funding in the amount of $38,278.37 ($12,759.46 per year) will be taken from the General Fund.

RE: REGION I PLANNING & DEVELOPMENT 2022 PROJECT LIST

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the Region I Planning & Development 2022 Annual Project Prioritization list as follows:

1. Route 19/Nubbins Ridge/Stovall Ridge/Camp Creek Water Project
2. Pinnacle Water Project
3. Brickyard Road Water Project
4. Cornbread Ridge Water Project
5. Browning Lambert Mountain Water Project
6. Pisgah Sewer System
7. Matoaka Sewer Project
8. Oakvale Road PSD Miscellaneous Sewer Extension
9. Brushfork Sewer System
10. Spanishburg Water Treatment Plant
11. Broadband for all of Mercer County
12. Bluestone River Trails
13. Dilapidated Structures/Infrastructure Allowability

RE: LETTER OF SUPPORT – BLUESTONE BARONY

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a letter of support requested by Dennis Marcello and Chad Rush for the Bluestone Barony.

February 8, 2022

West Virginia State Historic Preservation Office

Department of Arts, Culture and History

1900 Kanawha Blvd. East, Building 9

Charleston, WV 25305

Attention: Christy Moore, Grant Coordinator

Ms. Moore;

The Mercer County Commission wishes to extend its support for a restoration project now underway by Bluestone Barony LLC, PO Box 1151, Bramwell, WV 24715. Dennis Marcello and Chad Rush are partners in Bluestone Barony. Their intentions are to restore and repurpose the former Bluestone School – a public school that served African American students until the late 1960s when it was consolidated with Bramwell High School. Misters Marcello and Rush are both disabled veterans and Mercer County residents.

Bluestone Barony hopes to use funding from the Historic Preservation Development Grants program to repair the rook of the two-story brick structure. Ultimately, their goal is to open a 14-room hotel with a restaurant and bar in the facility that will preserve the structure’s historic significance. Along with the rook project, the Bluestone Barony partners have initiated discussions with this commission to work on a walking trail from the old school into historic Bramwell.

The Mercer County Commission is in support of Bluestone Barony’s grant request.

Sincerely,

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

Gene Buckner, President

/s/ Greg Puckett\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Greg Puckett, Commissioner

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

Bill Archer, Commissioner

RE: LETTER OF SUPPORT – BRAMWELL HOME

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a letter of support requested by John Petrulis and Louise Stoker for the Bramwell Home.

March 8, 2022

West Virginia State Historic Preservation Office

Attention: Christy Moore, Grants Coordinator

Department of Arts, Culture and History

1900 Kanawha Blvd. East, Building 9

Charleston, WV 25305

Ms. Moore;

The Mercer County Commission would like to express support for an Historic Preservation Development Grant request from John Petrulis, P.O. Box 283, Bramwell, WV 24715 for restoration work at the former home of William Alexander Holley, MD. Dr. Holley moved to Bramwell in 1892 after earning his medical degree from Howard University. The Cooper family opened the Mill Creek Coal Mine in 1884, and with several African American coal miners working in the Pocahontas Coalfields, it was important for African American coal miners and their families to have an African American physician to meet their health needs.

In addition to maintaining his active medical practice, Dr. Holley was active in several professional associations including the State Medical & Dental Association, the National Medical Association and was elected to the Bramwell Town Council. While many of his accomplishments including crossing racial barriers, in 1890 he established the King Hiram Lodge #1, Free & Accepted Yorkrite Masons of Bramwell … the state’s first African American Masonic Lodge.

In its early years, the King Hiram Lodge met in the meeting halls of other fraternal organizations, but in 1942, the lodge secured a building in nearby Freeman, WV. Sadly, the wood frame building weathered poorly, and collapsed circa 2005. In recent years, Dr. Holley’s residence on Renova St., in Bramwell was about to be demolished when Bramwell resident John Petrulis came to its rescue. He is seeking an Historic Preservation grant to improve the house’s exterior and to make it ready for visitors who come to Bramwell for the annual tour of historic homes.

The Dr. William Alexander Holley home is on the list of historic houses in Bramwell. The Mercer County Commission supports the efforts of Mr. Petrulis to save this historic property.

Sincerely,

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

Gene Buckner, President

/s/ Greg Puckett\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Greg Puckett, Commissioner

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

Bill Archer, Commissioner

RE: ESTATE – ROBERT GENE HIGGINBOTHAM – DECEASED

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

**IN RE: ROBERT GENE HIGGINBOTHAM, DECEASED.**

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

On the 8th day of March, 2022, before the Mercer County Commission, came the matter of the Estate of Robert Gene Higginbotham, deceased, upon petition of Wayne Stonestreet, one of the Fiduciary Commissioners of said County, requesting that the current Administrator, Robbie Gene Higginbotham, be removed for failure to complete his duties regarding the administration of the estate as required by law, and the Sheriff of Mercer County, T. A. Bailey, be appointed as Administrator D.B.N. of said estate.

After a 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 Sheriff of Mercer County, T. A. Bailey, be appointed as Administrator D.B.N., of the estate of Robert Gene Higginbotham, deceased, and the personal representative be removed. No bond being required.

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 March, 2022.

**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 – EVA CAROLYN FENN KELM – DECEASED

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

**IN RE: EVA CAROLYN FENN KELM, DECEASED.**

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

On the 8th day of March, 2022, before the Mercer County Commission, came the matter of the Estate of Eva Carolyn Fenn Kelm, deceased, upon motion of Verlin T. Moye, Mercer County Clerk, requesting that the estate be opened, and the Sheriff of Mercer County, T. A. Bailey, be appointed as Administrator, for the purpose of distributing funds from a nursing home account.

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 Eva Carolyn Fenn Kelm, deceased, shall be opened, and that the Sheriff of Mercer County, T. A. Bailey, be allowed to serve as Administrator. No bond being required.

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 March, 2022.

**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 – PANSY LOUISE KANODE WILLARD – DECEASED

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

**IN RE: PANSY LOUISE KANODE WILLARD, DECEASED.**

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

On the 8th day of March, 2022, before the Mercer County Commission, came the matter of the Estate of Pansy Louise Kanode Willard, deceased, upon motion of David S. Hughart, Attorney, requesting that the estate be reopened, and that Albert R. Willard be appointed as Administrator, due to additional probate assets.

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 Pansy Louise Kanode Willard, deceased, shall be reopened, and that Albert R. Willard be allowed to serve as Administrator. Bond to be determined.

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 March, 2022.

**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 – OPERATION COMPASSION OF MERCER COUNTY

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to table a funding request from Operation Compassion of Mercer County to purchase a new freezer.

RE: FUNDING REQUEST – MID-OHIO VALLEY REGIONAL COUNCIL

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to accept a funding request from Mid-Ohio Valley Regional Council to continue the Senior Companion Program. Funding in the amount of $500 will be taken from the Video Lottery Fund.

RE: FUNDING REQUEST – GREG BISHOP

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to accept a funding request from Greg Bishop to purchase 18 disc golf baskets and tee signs for the disc golf course in Glenwood Park. Funding in the amount of $8,116 will be taken from the Hotel Motel Fund.

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: PERSONNEL MATTER

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the shortfall for the deputies that are affected and that we go ahead and retro that pay into order. The total amount is $39,794.63.

PETITION FOR CANCELLATION OF ERRONEOUS CHARGES

DATE 3/1/2022

Tax Year 2021

East River District

TICKET # NAME REASON AMOUNT

500000108 Best Hospitality , LLC Supplement, keying error. $ 7,855.04

Fairfield Inn & Suites

Tax Year 2020

East River District

TICKET # NAME REASON AMOUNT

500000428 Best Hospitality, LLC Supplement, keying error. $ 7,855.04

Fairfield Inn & Suites

500000450 Nathan S. Turner Supplement, keying error. 1,769.12

Tax Year 2019

East River District

TICKET # NAME REASON AMOUNT

500000037 Best Hospitality , LLC Supplement, keying error. $ 7,855.04

Fairfield Inn & Suites

Tax Year 2021

Beaver Pond District

TICKET # NAME REASON AMOUNT

200000080 Mark M. Maddow Error in supplement ticket. $ 520.62

Tax Year 2019

Beaver Pond District

TICKET # NAME REASON AMOUNT

200000038 Timothy A. Parks, III Supplement, double assessed $ 60.42

Tax Year 2021

Bluefield District

TICKET # NAME REASON AMOUNT

10930 Bluefield Hospital Should be exempt. $ 546.32

Company, LLC

10931 Bluefield Hospital Should be exempt. 380,552.96

Company, LLC

10935 Bluefield Hospital Should be exempt. 163.24

Company, LLC

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 #75441-75542 Void #75541

COAL SEVERANCE - Check #4163-4170

JUSTICE FINES - Check #5365

WORTHLESS CHECK - Check #1127

HOME CONFINEMENT - Check #2544-2545

HOTEL MOTEL - Check #4312-4327 Void #4312, 4327

COURTHOUSE EQUIPMENT - Check #825-829

COURTHOUSE ANNEX - Check #1798-1803

VIDEO LOTTERY - Check #1485-1493

COAL REALLOCATION -Check #1039-1041

MCDRC FEES - Check #5606-5626

ASSESSOR REAPPRAISAL - Check #6595-6604

DEPUTY SHERIFF RETIREMENT - Check #302

It is ordered that this Commission be and is hereby adjourned until Tuesday, April 12, 2022.

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