WEST VIRGINIA:

At a regular session of the County Commission, held for the County of Mercer, at the Courthouse thereof, on Tuesday, February 11, 2020,

Present:	Gene Buckner,	President
Present:	Greg Puckett,	Commissioner
Present:	Bill Archer,	Commissioner

RE: RESOLUTION OF MERCER COUNTY COMMISSION

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to express its intent to uphold the Second Amendment rights of the citizens of Mercer County.

RESOLUTION OF MERCER COUNTY COMMISSION

WHEREAS, the Second Amendment of the United States Constitution reads: "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." and,

WHEREAS, Article III, § 22 of the Constitution of West Virginia, which was approved by the voters on November 4, 1986, states: "A person has the right to keep and bear Arms for the defense of self, family, home and state, and for lawful hunting and recreational use."

WHEREAS, certain legislation introduced in the 2020 session of the WV Legislature, and certain legislation introduced in the current session of the United States Congress could have the effect of infringing on the rights of law abiding citizens to keep and bear Arms, as guaranteed by the Second Amendment of the United States Constitution; and,

WHEREAS, the Mercer County Commission is concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of Mercer County to keep and bear Arms or could begin a slippery slope of restrictions on the Second Amendment rights of the citizens of Mercer County; and,

WHEREAS, the Mercer County Commission wishes to express its deep commitment to the rights of all citizens of Mercer County to keep and bear Arms; and,

WHEREAS, the Mercer Commission wishes to express opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the citizens of Mercer County to bear Arms; and,

WHEREAS, the Mercer County Commission wishes to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitutions of the United States and the State of West Virginia, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the right of the citizens to keep and bear Arms, including through legal action, the power of appropriation of public funds, and the right to petition for redress of grievances.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION MERCER COUNTY, WEST VIRGINIA:

That the Mercer County Commission hereby expresses its intent to uphold the Second Amendment rights of the citizens of Mercer County and its intent that public funds of the County not be used to restrict Second Amendment rights or to aid in the unnecessary and unconstitutional restriction of the rights under the Second Amendment of the citizens of Mercer County to bear Arms; and

That the Mercer County Commission hereby declares its intent to oppose unconstitutional restrictions on the right to keep and bear Arms through such legal means as may be expedient, including without limitation court action; and,

That the Mercer County Commission hereby declares Mercer County, West Virginia, as a "Second Amendment Sanctuary."

CERTIFICATION OF ADOPTION OF RESOLUTION

The undersigned Clerk of the Mercer County Commission of the County of Mercer, West Virginia hereby certifies that the Resolution set forth above was adopted during an open meeting on February 11, 2020, by the Mercer County Commission with the following votes:

Aye:

/s/ Gene Buckner	/s/ Bill Archer	/s/ Greg Puckett
Gene Buckner, President	Bill Archer, Commissioner	Greg Puckett, Commissioner

Nay:

Abstentions:

Absent:

Signed this 11th day of February, 2020.

By: /s/ Verlin Moye
Verlin Moye, Clerk, Mercer County Commission

Prepared By:

/s/ George Sitler
George V. Sitler
Mercer County Prosecuting Attorney

RE: OATH – MERCER COUNTY PUBLIC SERVICE DISTRICT

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 Mike Kennett to serve as Board Member for the Mercer County Public Service District. His term will end February 10, 2026.

RE: OATH – MERCER COUNTY PUBLIC SERVICE DISTRICT

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 Roscoe Odle to serve as Board Member for the Mercer County Public Service District. His term will end February 10, 2024.

RE: OATH – MERCER COUNTY PUBLIC SERVICE DISTRICT

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 Leo Lester to serve as Board Member for the Mercer County Public Service District. His term will end February 10, 2022.

RE: OATH – MERCER COUNTY SOLID WASTE AUTHORITY

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the Appointment and Oath of Office for Jeff Disibbio to serve as Board Member for the Mercer County Solid Waste Authority. His term will expire June 30, 2020.

RE: RESOLUTION HONORING KARL W. MILLER

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a Resolution Honoring Karl W. Miller.

RESOLUTION HONORING
KARL W. MILLER

Whereas, music has been a constant source of inspiration, hope, love, endurance and spiritual strength among African Americans since 1619 when men, women and children of African birth were brought in chains to the North American continent; and

Whereas, while persons of African descent have played a significant role in the development of the United States from colonial times to the present, their mark on the advancement of American culture had been largely overlooked until the late 19th and early 20th centuries when distinctively African-American arts, literature and music began to gain acceptance in the national culture; and

Whereas, from soul, R&B, rap, hip-hop and beyond, most African-American musical styles are rooted in the gospel tradition. It was faith in a higher power that shielded people of African descent from the unspeakable degradation of slavery, and trust in a re-born Jesus Christ that gave believers hope in the promise of an afterlife; and

Whereas, keyboard instruments -- piano and organ – were the traditional musical instruments of Black churches in the coalfields of southern West Virginia, but with an aging population, many of the accompanists who played for African-American church choirs in Mercer and surrounding communities had passed on, and younger church members grew up in a world where electronically-recorded music is a more universally acceptable background; and

Whereas, Karl W. Miller, minister of music of the Flat Top Missionary Baptist Association with churches in southern West Virginia and southwestern Virginia, recently completed a project aimed at preserving the traditional gospel sound for African American churches of the region. He created soundtracks of 120 traditional hymns from the Baptist Hymnal and has made them available to the churches of the region. Deacon Miller does not charge for the soundtracks, but the churches have gladly donated funds to assist in covering the cost of materials for the soundtracks; and

Whereas, Karl and his wife, Evangelist Gloria Miller, travel statewide to carry a message of faith, hope and salvation through their performances of traditional African American gospel music. There concerts are both educational and inspirational and their message is pure gospel. Thanks to Deacon Miller's efforts, an important musical legacy continues to flow from area churches.

Now, Therefore, Be It Resolved that in recognition of Black History Month, the Mercer County Commission commends the service of Deacon and Mrs. Miller for their on-going service to the state and region and for providing a means for black churches of the area to use well-made soundtracks to continue enjoying traditional gospel music as part of worship services.

DATED THIS 11TH DAY OF FEBRUARY, 2020.

MERCER COUNTY COMMISSION:

/s/ Gene Buckner
Gene Buckner, President

/s/ Greg Puckett
Greg Puckett, Commissioner

/s/ Bill Archer
Bill Archer, Commissioner

RE: WV STATE AUDITOR & CHIEF INSPECTOR REVISED ENGAGEMENT LETTER

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to accept the West Virginia State Auditor & Chief Inspector Revised engagement letter to perform the FY 2018/2019 audit for Mercer County in the amount of $35,600.

RE: ESTATE – LILA ERLENE EARLS – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: LILA ERLENE EARLS, DECEASED

O-R-D-E-R

On the 11th day of February, 2020, before the Mercer County Commission, came the matter of the Estate of Lila Erlene Earls, deceased, upon motion of Harold B. Wolfe, III, Attorney for the Sheriff of Mercer County, T. A. Bailey, requesting that the Sheriff of Mercer County, T. A. Bailey, be removed as Administrator DBN of said estate, and restore the previous Executor, Thomas C. Shrader, as he has indicated that he will finalize and close said 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 Sheriff of Mercer County, T. A. Bailey, be removed as Administrator DBN, of the estate of Lila Erlene Earls, deceased, and Thomas C. Shrader be restored as Executor of said estate, without bond per provisions of said will.

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 this the 11th day of February, 2020.

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 – JAMES E. STEORTS, JR. – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: JAMES E. STEORTS, JR., DECEASED

O-R-D-E-R

On the 11th day of February, 2020, before the Mercer County Commission, came the matter of the Estate of James E. Steorts, Jr., upon petition of John F. Hussell, IV, Attorney for Rebecca C. Steorts and Deborah J. Steorts, heirs of the estate, requesting that the current Executrix, Rebecca White Steorts, be removed for failure to complete her 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. John F. Hussell, IV, Attorney, request that this matter be held in abeyance pending a hearing before Paige Flanigan, Fiduciary Commissioner, on March 31, 2020.

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 the matter of the estate of James E. Steorts, Jr., deceased, be tabled until after the hearing scheduled for March 31, 2020.

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 this the 11th day of February, 2020.

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: UPDATE – OPIOID LITIGATION – MEDIATION AGREEMENT & RESOLUTION

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to adopt the Mediation Agreement & Resolution regarding Opioid Litigation.

Mercer County Resolution:

In addition to all other powers and duties now conferred by law upon county commissions, the Mercer County Commission is "authorized to enact ordinances, issue orders and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance." W. Va. Code §7-l-3kk [2002].

"A public nuisance is an act or condition that unlawfully operates to hurt or inconvenience an indefinite number of persons. The distinction between a public nuisance and a private nuisance is that the former affects the general public, and the latter injures one person or a limited number of persons only. Ordinarily, a suit to abate a public nuisance cannot be maintained by an individual in his private capacity, as it is the duty of the proper public officials to vindicate the rights of the public." *Sharon Steel Corp. v. City of Fairmon*t, 175 W. Va. 479, 483, 334 S.E.2d 616,620 (1985).

Between 2006 and 2014, approximately 41,353,940 prescription pain pills were sold in Mercer County, which had a 2010 census population of 62,264. The dumping of millions of pain pills into our community has spawned a public health and safety hazard to the residents of Mercer County, devastated our families, hurt our economy, wasted our public resources and created a generation of narcotic dependence.

There are those in the chain of manufacturing, distribution, dispensing that have wrongfully abused the privilege of providing medication to our residents and must be held accountable. It is the duty of the Mercer County Commission to vindicate the rights of the residents of Mercer County and take action to abate this public nuisance.

On March 23, 2017, the Mercer County Commission, having recognized and declared this a public nuisance, retained The Chafin Law Firm, PLLC, as counsel, on a contingent fee basis, to hold accountable those entities who caused this public nuisance and to abate the same by seeking all civil remedies which may be afforded under West Virginia law.

Therefore, BE IT RESOLVED that the Mercer County Commission does hereby Memorialize its declaration of a public nuisance made on March 23, 2017 that the wrongful manufacturing, distribution, and dispensing of prescription pain pills, including hydrocodone and oxycodone, has created a public nuisance to the people of Mercer County.

The adoption of the foregoing motion, having been made by Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the vote there on was follows:

Gene Buckner, President ..... _____

Bill Archer, Commissioner ..... _____

Greg Puckett, Commissioner ..... _____

Whereupon, Gene Buckner, Commission President declared said motion duly adopted; and it is therefore ADJUDGED and ORDERED that said motion be, and the same hereby adopted.

Gene Buckner, President

Bill Archer, Commissioner

Greg Puckett, Commissioner

RE: DISCUSSION – APPALACHIAN HERITAGE CANNABIS, LLC

This day Dr. Joseph Baisden, CEO, and Danny Dunbar with Appalachian Heritage Cannabis, LLC appeared before the county commission to request to locate a medical cannabis dispensary in Mercer County.

RE: DISCUSSIONS

This day Bill Archer presented an update on the Giatto-Weyanoke Water Project and the Town of Matoaka Wastewater 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. 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: FUNDING REQUEST – BLUEFIELD BEAUTIFICATION COMMISSION

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the commission voted unanimously to approve a funding request from Bluefield Beautification Commission for the 2020 Winter Warmer. Funding in the amount of $2,000 will be taken from the Hotel Motel fund.

RE: FUNDING REQUEST – REACHH FAMILY RESOURCE CENTER

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the commission voted unanimously to approve a funding request from REACHH Family Resource Center. Funding in the amount of $1,500 will be taken from the Video Lottery fund.

RE: FUNDING REQUEST – GLENWOOD RECREATION PARK

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the commission voted unanimously to approve a proposal from Harmon Construction to install a sewer system at Glenwood Recreation Park. Funding in the amount of $18,460 will be taken from the Video Lottery fund.

RE: FUNDING REQUEST – MERCER COUNTY COURTHOUSE

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the commission voted unanimously to approve a proposal from Shrewsbury's Property Maintenance to trim 6 trees at the Courthouse. Funding in the amount of $1,000 will be taken from the Video Lottery fund.

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 #72635-72741 Void #72639, 72650, 72715, 72716
COAL SEVERANCE	- Check #3934-3940
JUSTICE FINES	- Check #5343-5344
HOME CONFINEMENT	- Check #2455-2458
HOTEL MOTEL	- Check #3984-3996
K-9 FUND	- Check #1519
COURTHOUSE EQUIPMENT	- Check #790
COURTHOUSE ANNEX	- Check #1627-1631
VIDEO LOTTERY	- Check #1384-1387
COAL REALLOCATION	- Check #1020
MCDRC FEES	- Check #5174-5190
ASSESSOR REAPPRAISAL	- Check #6330-6337
SHERIFF DRUG FUND	- Check #1086
ANIMAL SHELTER EST. DONATIONS	- Check #1030
DEPUTY SHERIFF RETIREMENT	- Check #276-277

It is ordered that this Commission be and is hereby adjourned until Tuesday, March 10, 2020.

_____PRESIDENT