WEST VIRGINIA:

At a regular session of the County Commission, held for the County of Mercer, at the Courthouse thereof, on Tuesday, January 14, 2020,

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

RE: APPOINTMENT – FIDUCIARY COMMISSIONER

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to table the Appointment & Oath of Office for Fiduciary Commissioner.

RE: APPOINTMENT – LASHMEET 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 Shirlene Westrope to serve as Board Member for the Lashmeet Public Service District. Her term will expire May 31, 2020.

RE: REAPPOINTMENT – GREEN VALLEY-GLENWOOD PUBLIC SERVICE DIST.

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the Reappointment of James H. Carter, Jr. to serve as Board Member for the Green Valley-Glenwood Public Service District. His term will expire October 31, 2025.

RE: APPOINTMENT – MERCER COUNTY 9-1-1 AUTHORITY BOARD

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 David Kersey to serve on the Mercer County 9-1-1 Authority Board.

RE: MAINTENANCE AGREEMENT – AUTOCLEAR, LLC

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve a Maintenance Agreement for Autoclear 6040 x-ray inspection system in the courthouse. Funding in the amount of $5,600 will be taken from Financial Stabilization fund.

RE: ESTATE – LEWIS JACKSON HOGAN, JR. – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: LEWIS JACKSON HOGAN, JR., DECEASED

O-R-D-E-R

On the 14th day of January, 2020, before the Mercer County Commission, came the matter of the Estate of Lewis Jackson Hogan, Jr., deceased, upon motion of Melissa Hogan, Administratrix, requesting that the estate be reopened for the purpose of investigating a medical malpractice claim.

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 Lewis Jackson Hogan, Jr., deceased, shall be reopened and that Melissa Hogan be allowed to serve as Administratrix, with bond in the amount of $30,000.00 to remain until the closure of the estate.

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 14th day of January, 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 – JOSEPH FRANK LOFFREDO – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: JOSEPH FRANK LOFFREDO, DECEASED

O-R-D-E-R

On the 14th day of January, 2020, before the Mercer County Commission, came the matter of the Estate of Joseph Frank Loffredo, deceased, upon petition of Charles W. Pace, one of the Fiduciary Commissioners of said County, requesting that the current Executrix, Judith M. Bowling, 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.

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 Joseph Frank Loffredo, deceased, and personal representative be removed.

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 14th day of January, 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 – RITA MAE HARRIS – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: RITA MAE HARRIS, DECEASED

O-R-D-E-R

On the 14th day of January, 2020, before the Mercer County Commission, came the matter of the Estate of Rita Mae Harris, deceased, upon petition of Wayne Stonestreet, one of the Fiduciary Commissioners of said County, requesting that the current Executrix, Dawn Milam, 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.

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 Rita Mae Harris, deceased, and personal representative be removed.

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 14th day of January, 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 – FREDERICK BAILEY – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: FREDERICK BAILEY, DECEASED

O-R-D-E-R

On the 14th day of January, 2020, before the Mercer County Commission, came the matter of the Estate of Frederick Bailey, deceased, upon motion of Dale Bailey, Executor, requesting that a copy of the Last Will and Testament of Frederick Bailey, deceased, be accepted for recordation.

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 copy of the Last Will and Testament dated February 7, 2002, of Frederick Bailey, deceased, be admitted to record.

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 14th day of January, 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 – MICHAEL MANNS – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: MICHAEL MANNS, DECEASED

O-R-D-E-R

On the 14th day of January, 2020, before the Mercer County Commission, came the matter of the Estate of Michael Manns, deceased, upon petition of Charles W. Pace, one of the Fiduciary Commissioners of said County, requesting that the current Administrator, Christopher Lewyn Brown, 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 Michael Manns, deceased, and personal representative be removed. Bond in the amount of $1,000.00 is to 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 this the 14th day of January, 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 – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

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

O-R-D-E-R

On the 14th day of January, 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. Paige Flanigan request that this matter be tabled until the February meeting, as she could not attend the meeting scheduled for January 14, 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 the next County Commission meeting, tentatively scheduled for February 11, 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 14th day of January, 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: FUNDING REQUEST – WVACO 2020 CONFERENCE OF COUNTIES

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the commission voted unanimously to approve attendance to the WV Association of Counties 2020 Conference of Counties in Charleston. Funding up to $650 will be taken from the General Fund.

RE: DISCUSSION – MOUNTAIN STATE TRAIL ALLIANCE

This day on motion of Greg Puckett, Commissioner, seconded by Gene Buckner, Commissioner, the commission voted unanimously to nominate Bill Archer, Commissioner to serve on the Mountain State Trail Alliance and initiate support from the Commission.

RE: DISCUSSIONS

This day discussions were held regarding Glenwood Park Upgrades with Kevin Dials, park superintendent, Mercer County PSD/ Matoaka Sewer Plant update, Dilapidated Building Ordinance, Hotel Motel Grant Committee, 2020 Census, and ESRI Federal GIS Conference.

RE: BOARD OF REVIEW & EQUALIZATION FEBRUARY 2020 HEARING SCHEDULE

FEBRUARY 3, 2020 @ 10:00A.M.
FEBRUARY 7, 2020 @ 10:00A.M.
FEBRUARY 12, 2020 @ 10:00A.M.
FEBRUARY 18, 2020 @ 10:00A.M.
FEBRUARY 21, 2020 @ 10:00A.M.
FEBRUARY 25, 2020 @ 10:00A.M.

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 Gene Buckner, 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 – MERCER COUNTY ANIMAL SHELTER

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the commission voted unanimously to approve the purchase of a 35lb commercial dryer from Valley Washers, Inc. Funding up to $3,854 will be taken from the Video Lottery Fund.

RE: FUNDING REQUEST – ATHENS-CONCORD FIRE SCHOOL

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the commission voted unanimously to table a funding request for the Athens-Concord Fire School.

RE: FUNDING REQUEST – CITY OF BLUEFIELD

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the commission voted unanimously to table a funding request from the City of Bluefield to refurbish Fire Station 3.

This day came H3 LLC, by representative, and moved the Commission to correct the Land Books for 2019, touching the assessment thereon against the said H3 LLC, on Lot 2 Evans Div Twelve Mile Fork 0.75 Ac #14596, 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 $10,980 class 3 – should be assessed for $5,220 class 3. It is therefore ordered that H3 LLC 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 $131.09

This day came Regional Malls Inc., by representative, and moved the Commission to correct the Land Books for 2019, touching the assessment thereon against the said Regional Malls Inc., on 106.05 Acs Brush Creek (Mercer Mall), 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 $9,360,910 class 3 – should be assessed for $8,643,070 class 3. Reduction per County Commission. It is therefore ordered that Regional Malls Inc. 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 $16,338.04

This day came David R. & Teresa Gates, by representative, and moved the Commission to correct the Land Books for 2019, touching the assessment thereon against the said David R. & Teresa Gates, on Lot 11 Pt Lot 10 Sec 964 Parkway, Bluefield 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 $63,660 class 4 – should be assessed for $63,660 class 2. It is therefore ordered that David R. & Teresa Gates 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 $883.60

PETITION FOR CANCELLATION OF ERRONEOUS CHARGES
DATE 1/7/2020

Tax Year 2019
Plymouth District

TICKET #	NAME	REASON		AMOUNT
30649	Matthew Henderson	Parcel is double assessed.	$	15.92

Tax Year 2019
Beaver Pond District

TICKET #	NAME	REASON		AMOUNT
902778	Laura S. McGraw	Double assessed on MH.	$	68.42

Tax Year 2019
Rock District

TICKET #	NAME	REASON		AMOUNT
915218	Kathy Smith	Mobile home burned.	$	27.94

Tax Year 2019
Princeton District

TICKET #	NAME	REASON		AMOUNT
34762	Samuel Franklin	Homestead exemption Should have covered whole ticket.	$	5.84

Tax Year 2019
Bramwell District

TICKET #	NAME	REASON		AMOUNT
18946	Jackson Colobro	Homestead exemption Should have covered whole ticket.	$	2.48

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 #72534-72634	Void #72540
COAL SEVERANCE	- Check #3927-3933	
JUSTICE FINES	- Check #5342	
MAGISTRATE COURT	- Check #5367	
EMERGENCY 911	- Check #4271	
HOME CONFINEMENT	- Check #2453-2454	
HOTEL MOTEL	- Check #3973-3983	
COURTHOUSE EQUIPMENT	- Check #787-789	
COURTHOUSE ANNEX	- Check #1620-1626	
VIDEO LOTTERY	- Check #1380-1383	
MCDRC FEES	- Check #5148-5173	
ASSESSOR REAPPRAISAL	- Check #6326-6329	
FINANCIAL STABILIZATION	- Check #1037	
DRUG FORFEITURE	- Check #227	
SHERIFF DRUG FUND	- Check #1085	
TEEN COURT	- Check #218	
DEPUTY SHERIFF RETIREMENT	- Check #275	

It is ordered that this Commission be and is hereby adjourned until Tuesday, February 11, 2020.

_____PRESIDENT