WEST VIRGINIA:

At a regular session of the County Commission, held for the County of Mercer, at the Courthouse thereof, on Tuesday, September 8, 2020,

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

RE: OATH – GLENWOOD RECREATION PARK

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to table the Employment and Oath of Office for Aliyah Taylor and Aletra Peavey to serve as Part-Time Workers for Glenwood Recreation Park.

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 Steve Tibbs to serve as Board Member for the Oakvale Road Public Service District. His term will expire May 31, 2026.

RE: APPOINTMENTS – MERCER COUNTY FIRE SERVICE BOARD

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to table the Appointment and Oath of Office for Charles Blankenship and David Thompson to serve as Board Members for the Mercer County Fire Service Board.

RE: APPOINTMENT – HATFIELD MCCOY REGIONAL RECREATION AUTHORITY

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to accept the Appointment of Timothy Cole to serve as Board Member for the Hatfield McCoy Regional Recreation Authority. His term will expire June 30, 2023. Jeffrey Lusk, Executive Director will give the Oath of Office.

RE: PROCLAMATION HONORING BRADY WALKER

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to accept the Proclamation Honoring Brady Walker.

PROCLAMATION HONORING BRADY WALKER

Whereas, Brady Walker, a fourth grade student at Oakvale Elementary School, has demonstrated exceptional character, personal resilience, and the propensity of giving back his unique talents within his family, his community and his state; and,

Whereas, Brady inspired by Heavenly Sent Ministries, was recently featured as an "Incredible Kid" within West Virginia Living Magazine, for sending 6685 "Seeds of Love" packets throughout all 55 counties in West Virginia, in the hopes of raising awareness about poverty, hunger, and the power of self-reliance; and,

Whereas, his random acts of kindness, in cooperation with local partners such as the West Virginia University Extension Office, the Riff Raff Arts community, his extended Oakvale family and others, gave him a platform of success despite the obstacles associated with COVID-19; and,

Whereas, the Journal of Agriculture, Food Systems, and Community Development, featured Brady's story about how he recycles to help pay for seed distribution, his love of giving back to those less fortunate than himself, and his passion of the arts in his community; and,

Whereas, Master Brady, as he is known by family and friends, continues to showcase his love of community by regularly cleaning the Oakvale roadside as an active youth leader with the Keep Mercer Clean campaign; and,

Whereas, his passion for change has led to the creation of the "Create Your State Kids" Initiative to spur personal growth and expression of self through the visual, auditory, and creative arts; and,

Whereas, this Commission, joins other elected officials on state and federal levels, to acknowledge Brady's act of kindness and creativity, in the hopes that he can serve as a positive example to other youth and families across Mercer County, in declaring community servitude as a way of life;

Now, Therefore, Be It Resolved that the Mercer County Commission wishes to extend its highest gratitude and acknowledgement to Brady Walker, in the hopes that he, through his servitude, may continue to encourage others to join him in creating a healthier way of life.

Dated this 8th day of September, 2020.

MERCER COUNTY COMMISSION:

/s/ Gene Buckner
Gene Buckner, President

/s/ Greg Puckett
Greg Puckett, Commissioner

/s/ Bill Archer
Bill Archer, Commissioner

RE: GRANT – WV COALFIELDS HIGHWAY SAFETY PROGRAM GRANT APPLICATION & RESOLUTION

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve the FY21 WV Governor's Highway Safety Program Grant Application and Resolution for the Mercer County Sheriff's Department in the amount of $318,200.

RE: AGREEMENT – NATURAL RESOURCES CONSERVATION SERVICE

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to accept the Watershed Agreement for Brush Creek Dam Rehabilitation Sites 9, 14 and 15.

RE: AGREEMENT – S&R REFRIGERATION

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to accept a maintenance agreement with S&R Refrigeration to service the Forestry Building in the amount of $570/month.

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. 2 for FY 2020/2021 for the General Fund.

RE: LEASE AGREEMENT – GARDNER CENTER

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to move the lease agreement to executive session.

RE: ESTATE – KENNETH GENE AKERS – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: KENNETH GENE AKERS, DECEASED.

O-R-D-E-R

On the 8th day of September, 2020, before the Mercer County Commission, came the matter of the Estate of Kenneth Gene Akers, deceased, upon request of Ryan J. Flanigan, Fiduciary Commissioner, requesting that the Sheriff of Mercer County, T. A. Bailey, be appointed Administrator DBN of said estate, and that the Administratrix, Angela Akers, be removed for failure to complete her duties as Administratrix 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 the Sheriff of Mercer County, T. A. Bailey, shall qualify as Administrator DBN over the estate of Kenneth Gene Akers, deceased, with bond in the amount of $5,000.00 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 8th day of September, 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 – TAWANNA BENSON – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: TAWANNA BENSON, DECEASED.

O-R-D-E-R

On the 8th day of September, 2020, before the Mercer County Commission, came the matter of the Estate of Tawanna Benson, deceased, upon request of Ryan J. Flanigan, Fiduciary Commissioner, requesting that the Sheriff of Mercer County, T. A. Bailey, be appointed Administrator CTA DBN of said estate, and that the Executor, Thomas Young, be removed for failure to complete his duties as Executor 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 the Sheriff of Mercer County, T. A. Bailey, shall qualify as Administrator CTA DBN over the estate of Tawanna Benson, deceased. No bond required under the 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 8th day of September, 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 – FRED M. CANADAY – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: FRED M. CANADAY, DECEASED.

O-R-D-E-R

On the 8th day of September, 2020, before the Mercer County Commission, came the matter of the Estate of Fred M. Canaday, deceased, upon motion of Lakie Clower, Executrix, requesting that a copy of the Last Will and Testament of Fred M. Canaday, 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 of Fred M. Canaday, 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 8th day of September, 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 – RAND EUGENE HUBER – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: RAND EUGENE HUBER, DECEASED.

O-R-D-E-R

On the 8th day of September, 2020, before the Mercer County Commission, came the matter of the Estate of Rand Eugene Huber, deceased, upon request of Wayne S. Stonestreet, Fiduciary Commissioner, requesting that the Sheriff of Mercer County, T. A. Bailey, be appointed Administrator DBN of said estate, and that the Administratrix, Tracy Huber Whitten, be removed for failure to complete her duties as Administratrix 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 the Sheriff of Mercer County, T. A. Bailey, shall qualify as Administrator DBN over the estate of Rand Eugene Huber, deceased, with bond in the amount of $2,500.00 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 8th day of September, 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 – RONALD JEWELL – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: RONALD JEWELL, DECEASED.

O-R-D-E-R

On the 8th day of September, 2020, before the Mercer County Commission, came the matter of the Estate of Ronald Jewell, deceased, upon motion of William H. Sanders, III, Attorney, requesting that a copy of the Last Will and Testament of Ronald Jewell, 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 of Ronald Jewell, 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 8th day of September, 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 – EDDIE KEENAN – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: EDDIE KEENAN, DECEASED.

O-R-D-E-R

On the 8th day of September, 2020, before the Mercer County Commission, came the matter of the Estate of Eddie Keenan, deceased, upon request of Wayne S. Stonestreet, Fiduciary Commissioner, requesting that the Sheriff of Mercer County, T. A. Bailey, be appointed Administrator DBN of said estate, and that the Administratrix, Mary Hanshaw, be removed for failure to complete her duties as Administratrix 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 the Sheriff of Mercer County, T. A. Bailey, shall qualify as Administrator DBN over the estate of Eddie Keenan, deceased, with bond in the amount of $2,000.00 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 8th day of September, 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 – BARBARA KAY ROWE LAMBERT – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: BARBARA KAY ROWE LAMBERT, DECEASED.

O-R-D-E-R

On the 8th day of September, 2020, before the Mercer County Commission, came the matter of the Estate of Barbara Kay Rowe Lambert, deceased, upon request of Wayne S. Stonestreet, Fiduciary Commissioner, requesting that the Sheriff of Mercer County, T. A. Bailey, be appointed Administrator DBN of said estate, and that the Administratrix, Latasha Nicole Lambert, be removed for failure to complete her duties as Administratrix 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 the Sheriff of Mercer County, T. A. Bailey, shall qualify as Administrator DBN over the estate of Barbara Kay Rowe Lambert, deceased, with bond in the amount of $25,000.00 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 8th day of September, 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 – DAVID L. ROTENBERRY – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: DAVID L. ROTENBERRY, DECEASED.

O-R-D-E-R

On the 8th day of September, 2020, before the Mercer County Commission, came the matter of the Estate of David L. Rotenberry, deceased, upon request of Wayne S. Stonestreet, Fiduciary Commissioner, requesting that the Sheriff of Mercer County, T. A. Bailey, be appointed Administrator DBN of said estate, and that the Administratrix, Tammy L. Rotenberry, be removed for failure to complete her duties as Administratrix 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 the Sheriff of Mercer County, T. A. Bailey, shall qualify as Administrator DBN over the estate of David L. Rotenberry, deceased, with bond in the amount of $25,000.00 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 8th day of September, 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 – FORMER DAY REPORT CENTER BUILDING

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to accept a proposal from Steele's Plumbing & Heating to install sanitary drain pipe at the former Day Report Center building. Funding in the amount up to $5,500 will be taken from the Coal Severance fund.

RE: FUNDING REQUEST – LLYNIUM ENTERTAINMENT

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to accept a quote from LLynium Entertainment for an audio/video system in the County Commission courtroom. Funding in the amount of $3,765 will be taken from the Video Lottery fund.

RE: FUNDING REQUEST – MERCER COUNTY CLERK

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to table the request to purchase a scanner by request of Verlin Moye, County Clerk.

RE: DISCUSSION – CITY OF PRINCETON

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve the request from the City of Princeton to provide a bus stop shelter at the Memorial Building.

RE: DISCUSSION – MERCER COUNTY HISTORICAL SOCIETY

This day on motion of Gene Buckner, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to table the request from the Mercer County Historical Society requesting a marker for Isaac Thomas Gillespie in Matoaka.

RE: DISCUSSION – COVID-19 FUNDING (HERO PAY)

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to adhere to the formula set aside to allow $10,000 each to the City of Princeton, City of Bluefield, Princeton Rescue Squad, Bluefield Rescue Squad. The remaining $10,000 to Emergency Management to supply the volunteer fire departments as needed. The money has to be spent by October 31, 2020 and invoices provided to the County Commission for payment. As per the Commissions discussion, the money is to be spent on PPE (personal protective equipment).

RE: EXECUTIVE SESSION

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

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to accept an estimate from Tracy Cox to remove insulation from the furnace in the basement of the Courthouse . Funding in the amount of $15,500 will be taken from the Budget Stabilization fund.

This day came Earnest M. & Carol Bishop Etal, by representative, and moved the Commission to correct the Land Books for 2020, touching the assessment thereon against the said Earnest M. & Carol Bishop Etal, on 5.37 Ac Bent Mountain Rd Plat 17794 Fee, Plymouth 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 $11,280 class 3 – should be assessed for $11,280 class 2. It is therefore ordered that Earnest M. & Carol Bishop Etal 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 $128.37

This day came Earnest M. & Carol Bishop Etal, by representative, and moved the Commission to correct the Land Books for 2020, touching the assessment thereon against the said Earnest M. & Carol Bishop Etal, on 20.59 Ac Bent Mountain Rd, Plymouth 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 $13,820 class 3 – should be assessed for $13,820 class 2. It is therefore ordered that Earnest M. & Carol Bishop Etal 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 $157.27

This day came Kathy Williams, by representative, and moved the Commission to correct the Land Books for 2020, touching the assessment thereon against the said Kathy Williams, on Lot 12 Sec 1110 College, 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 $73,800 class 2 – should be assessed for $43,260 class 2. It is therefore ordered that Kathy Williams 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 $423.89

MOBILE HOMES
PETITION FOR CANCELLATION OF ERRONEOUS CHARGES
DATE 9/1/2020

TICKET #	NAME	REASON		AMOUNT
300270	Mark Atkins	Wrong value on MH.	$	244.04
304213	Robert Tilley	Double assessed on MH.		28.68
303005	Rita Neal	Did not own MH 7/1/19.		28.68
302214	Derek L. Johnson	Wrong year of MH.		290.20
300903	Theresa E. Chipman	Did not own MH 7/1/19.		128.78

PETITION FOR CANCELLATION OF ERRONEOUS CHARGES
DATE 9/8/2020

Tax Year 2020
East River District

TICKET #	NAME	REASON		AMOUNT
308635	Marathon Petroleum	Out of business 7/1/19.	$	50.04
307141	CIT Bank, NA	Double assessed.		32.48

Tax Year 2020
Princeton District

TICKET #	NAME	REASON		AMOUNT
313418	West Virginia Motorsports	Error in ticket.	$	7,328.64

Tax Year 2020
Bluefield District

TICKET #	NAME	REASON		AMOUNT
12764	Dwight Hampton	Exempt, Church.	$	83.28
12760	Dwight Hampton	Exempt, Church.	$	18.32
12761	Dwight Hampton	Exempt, Church.	$	6,720.70
12762	Dwight Hampton	Exempt, Church.	$	24.98
12763	Dwight Hampton	Exempt, Church.	$	29.98

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 #73553-73656	Void #73580, 73625
COAL SEVERANCE	- Check #4009-4018	
JUSTICE FINES	- Check #5351-5352	
HOME CONFINEMENT	- Check #2477-2479	
HOTEL MOTEL	- Check #4103-4116	
COURTHOUSE ANNEX	- Check #1673-1679	
VIDEO LOTTERY	- Check #1410-1413	
MCDRC FEES	- Check #5294-5315	
ASSESSOR REAPPRAISAL	- Check #6410-6418	
SHERIFF DRUG FUND	- Check #1095	
TEENAGE PROGRAM	- Check #220	
DEPUTY SHERIFF RETIREMENT	- Check #284	

It is ordered that this Commission be and is hereby adjourned until Tuesday, October 13, 2020.

_____PRESIDENT