WEST VIRGINIA:

At a regular session of the County Commission, held for the County of Mercer, at the Courthouse thereof, on Tuesday, July 13, 2021,

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

RE: APPOINTMENT – MERCER COUNTY BOARD OF HEALTH

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the Appointment of Robb Williams to serve as Board Member for the Mercer County Board of Health. His term will expire June 30, 2026.

RE: APPOINTMENT – DILAPIDATED BUILDING COMMITTEE

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 Joe Parks to serve as Dilapidated Building Committee Member.

RE: OATH – MERCER COUNTY SHERIFF'S TAX OFFICE

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the Employment and Oath of Office for Tiffany Wood to serve as part-time Tax Deputy for the Sheriff's Tax Office.

RE: OATH – MERCER COUNTY SHERIFF'S 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 Charles Truckenmiller to serve as Correctional Officer for the Sheriff's Department.

RE: OATH – MERCER COUNTY GARDNER CENTER

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve the Employment and Oath of Office for Arnold Jefferson Palmer, Jr. to serve as Conservator/Naturalist for the Gardner Center.

RE: GREEN VALLEY-GLENWOOD PUBLIC SERVICE DISTRICT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a sewer rate increase for the Green Valley-Glenwood Public Service District as presented by William Winfrey, Attorney.

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: GREEN VALLEY-GLENWOOD PUBLIC SERVICE DISTRICT
SEWER RATES AND CHARGES
COUNTY COMMISSION TARIFF 1

ORDER APPROVING SEWER RATES AND CHARGES

Green Valley-Glenwood Public Service District (hereinafter referred to as "District") is a public service district subject to the jurisdiction of the Mercer County Commission pursuant to West Virginia Code § 16-13A-9 in setting utility rates.

The District has engaged the services of Michael Griffith and Associates, an accounting firm that assists public utilities in examining rates, and the District has discovered that its sewer rates are now inadequate to both cover the expenses of the District and the coverage of the District's bond requirements.

The District retained the services of and examined rates proposed by Michael Griffith and Associates and found those rates to be sufficient to accomplish the objectives of keeping the District's sewer operations solvent and bond coverage requirements maintained, as well as allowing for repair and replacement of District facilities, but no more than necessary to accomplish those three objectives.

At a public hearing of the Board of Directors of Green Valley-Glenwood Public Service District held October 22, 2020 the following rates for sewer service were adopted subject to an appropriate public hearing before the Mercer County Commission as required by law.

A Petition was filed by the District before the County Commission, a public hearing was set for July 13, 2021, and public notice was given by a bill insert note and publication in the *Bluefield Daily Telegraph* as a Class I advertisement on June 23, 2021.

At the July, 13, 2021, public hearing, no member of the public appeared in protest of the proposed rates.

It, therefore, is ORDERED that the following rates for Green Valley-Glenwood Public Service District for sewer operations be effective September 1, 2021, which date is more than forty-five (45) days from the approval of those rates:

GREEN VALLEY-GLENWOOD PUBLIC SERVICE DISTRICT (Sewer)

APPLICABILITY

Applicable in entire territory served.

AVAILABILITY

Available for general domestic, commercial and industrial sewer service (except for unusual industrial waste) and sale for resale sewer service.

RATES (Customers with metered water supply)

First	2,000 gallons used per month	$11.34 per 1,000 gallons
Next	2,000 gallons used per month	$10.28 per 1,000 gallons
Next	6,000 gallons used per month	$ 9.12 per 1,000 gallons
Next	90,000 gallons used per month	$ 7.97 per 1,000 gallons
All over	100,000 gallons used per month	$ 6.84 per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than $22.68 per month.

FLAT RATE CHARGE (customers with non-metered water supply)

No bill will be rendered for less than $47.80 per month which is the equivalent of 4,500 gallons.

LANDFILL LEACHATE CHARGE

$9.14 per 1,000 gallons
(Alternate – use attached Schedule A)

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full when due ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

TAP FEE

The following charge is to be made whenever the utility installs a new tap to serve an applicant:

A tap fee of $100.00 will be charged to customers applying for service before construction is completed adjacent to the customer's premises in connection with a certificate proceeding before the Commission. This pre-construction tap fee will be invalid after completion of construction adjacent to the applicant's premises that is associated with a certificate proceeding.

A tap fee of $300.00 will be charged to all customers applying for service outside of a certificate proceeding before the Commission for each new tap to the system.

DISCONNECT/RECONNECT/ADMINISTRATIVE FEES

Whenever water service has been previously disconnected for non-payment of sewer bills in conjunction with a water service termination agreement with West Virginia American Water Company, a disconnection fee of $25.00 shall be charged, or in the event the delinquent sewer bill is collected by the water company, an administrative fee of $25.00 shall be charged.

Whenever water service, which has been previously disconnected or otherwise withheld for non-payment of a sewer bill in conjunction with a water service termination agreement with West Virginia American Water Company is reconnected, a reconnection fee of $25.00 shall be charged.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the sewer utility up to a maximum of $25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

LEAK ADJUSTMENT

$2.10 per 1,000 gallons is to be used when a bill reflects unusual consumption which can be attributed to eligible water leakage on the customer's side of meter. This rate shall be applied to all such consumption above the customer's historical average usage.

SECURITY DEPOSIT

Not to exceed two-twelfths (2/12) of the average annual usage of the applicant's specific customer class, or fifty dollars, whichever is greater. This fee may be changed by applicable statutory provisions.

SCHEDULE A

SURCHARGE FORMULA TO BE APPLIED IN THE CASE OF USERS PRODUCING UNUSUAL WASTE

The charge for the treatment of unusual waste will be calculated on the basis of the following formula:

Ci = VoVi + BoBi + SoSi+NoNi

Ci = charge to unusual users per year
Vo = average unit cost of transport and treatment chargeable to volume, in dollars per gallon
Vi = volume of waste water from unusual users, in gallons per year
Bo = average unit cost of treatment, chargeable to Biochemical Oxygen Demand (BOD) in dollars per pound
Bi = weight of BOD from unusual users, in pounds per year
So = average unit costs of treatment (including sludge treatment) chargeable to total solids, in dollars per pound
Si = weight of total solids from unusual users, in pounds per year
No = average unit costs of treatment chargeable to Nitrogenous Oxygen Demand (NOD), in dollars per pound
Ni = weight of NOD from unusual users, in pounds per year

When an unusual user is to be served, a preliminary study of wastes, and the cost of transport and treatment thereof, will be made. Waste containing materials which, in the judgment of the Public Service District, should not be introduced into the sewer system need not be handled by it. The results of this preliminary study will be used to determine the feasibility of the proposed sewer service and the charge therefore, based upon the formula set out above.

Thereafter, unusual sewage will be monitored on a regular basis and at the conclusion of each fiscal year based on the aforesaid investigation and an audit of the Utility's records, new costs figures will be calculated for use in the above formula. The cost of establishing the monitoring facilities shall be paid by the unusual user. Based on these audited figures, additional billings covering the past fiscal year will be made for payment by each unusual user, or refund by the Public Service District, as the case may be. Such audited figures will then be used for the preliminary billing for the next fiscal year, at the end of which an adjustment will be made as aforesaid.

SURCHARGE FORMULA TO BE APPLIED IN CASES WHERE SURFACE DRAINAGE IS CONNECTED TO THE DISTRICT'S SANITARY SYSTEM

APPLICABILITY

Whenever the District has discovered that a customer's roof drain, downspout, storm sewer or similar facility conducting surface water have been connected to the utility's sewer system and such customer has failed to take appropriate action within thirty (30) days of receipt of a demand by the utility in accordance with the rules and regulations of the Public Service Commission to eliminate such connection, a surcharge will be imposed upon the customer calculated on the basis of the following formula:

S = A x R x .0006233 x C

S = The surcharge in dollars
A = The area under roof and/or the area of any other water collecting surface connected to the sanitary sewer, in square feet
R = The measured monthly rainfall, in inches
.0006233 = A conversion factor to change inches of rain x square feet of surface to thousands of gallons of water
C = The customer usage charge for the area in which the customer is located

The utility shall not impose the surcharge unless and until the customer has been notified by certified mail, return receipt requested, or by hand delivery, that it has been established by smoke testing, dye testing, or on-site inspection that rain or surface water is being in introduced into the sanitary sewer system at the customer's location, and that the customer has not acted within thirty (30) days from receipt of such notice to divert the water from the sanitary sewer system.

Said surcharge shall be calculated and imposed for each month that said condition continues to exist. Failure to pay the surcharge and/or correct the situation shall give rise to the possible termination of water service in accordance with the Rules of the Public Service Commission of West Virginia.

ENTERED this 13th day of July, 2021.

THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

BY:_____
Its: President

Presented for entry by:

William S. Winfrey, II (WVSB #4093)
Attorney at Law
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P. O. Box 1159
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(304)487-1887 / Facsimile: (304)425-7340
bill@winfreylaw.com
Counsel for District

RE: PUBLIC HEARING – MERGER OF BLUEWELL PSD AND BRAMWELL PSD

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve a Public Hearing on August 10, 2021 for merger of Bluewell Public Service District and Bramwell Public Service District.

RE: PUBLIC HEARING – CLOSE A PORTION OF CRESTVIEW

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a Public Hearing on August 10, 2021 to close a portion of Crestview Drive, formerly Overholt Avenue, in Hillcrest Subdivision.

RE: FUNDING REQUESTS

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted to officially put on the agenda for August 10, 2021 the discussion of whether or not to officially accept Hotel Motel funding requests. Gene Buckner opposed.

RE: GRANT – USDA RURAL DEVELOPMENT GRANT CONTRACT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve the USDA Rural Development Grant Contract in the amount of $50,000 for a feasibility study to determine the need for a convention center in Mercer County.

RE: FUNDING REQUEST – THOMPSON & LITTON

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the project scope statement not to exceed $15,000 for engineering services by Thompson & Litton for Old Day Report Center Renovations Project No. 16182-00. Funding will be taken from the Video Lottery fund.

RE: APPROVAL – COAL SEVERANCE BUDGET REVISION

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve Budget Revision No. 1 for FY 2021/2022 for the Coal Severance Fund.

RE: CHECKING ACCOUNTS – AMERICAN RESCUE PLAN AND BUDGET STABILIZATION FUND

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve opening of American Rescue Plan and Budget Stabilization Fund bank accounts.

RE: ESTATE – SCARLETT BARKER – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: SCARLETT BARKER, DECEASED.

O-R-D-E-R

On the 13th day of July, 2021, before the Mercer County Commission, came the matter of the Estate of Scarlett Barker, deceased, upon motion of William H. Sanders, III, Attorney, requesting that the Ryan J. Flanigan, Fiduciary Commissioner, be removed.

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 Ryan J. Flanigan shall be removed as Fiduciary Commissioner for the estate of Scarlett Barker, deceased.

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 13th day of July, 2021.

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 – BOBBY JOE BROOKSHIRE – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: BOBBY JOE BROOKSHIRE, DECEASED.

O-R-D-E-R

On the 13th day of July, 2021, before the Mercer County Commission, came the matter of the Estate of Bobby Joe Brookshire, deceased, upon motion of Robin D. Morrison, Executrix, requesting that a copy of the Last Will and Testament of said estate 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 this matter be tabled until the next meeting scheduled for August 10, 2021.

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 13th day of July, 2021.

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 – GLADYS HYLTON – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: GLADYS HYLTON, DECEASED.

O-R-D-E-R

On the 13th day of July, 2021, before the Mercer County Commission, came the matter of the Estate of Gladys Hylton, deceased, upon motion of Wayne Stonestreet, Fiduciary Commissioner, requesting that Kevin Hager be allowed to serve as Administrator CTA, in the place and stead of Pam Hylton, Administratrix CTA of said estate, who has since passed away.

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 Kevin Hager shall qualify as Administrator CTA of the estate of Gladys Hylton, 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 13th day of July, 2021.

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 – MARK ALLEN WARDEN – DECEASED

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

IN RE: MARK ALLEN WARDEN, DECEASED.

O-R-D-E-R

On the 13th day of July, 2021, before the Mercer County Commission, came the matter of the Estate of Mark Allen Warden, deceased, upon request of Ryan Flanigan, Fiduciary Commissioner, requesting that the Sheriff of Mercer County, T. A. Bailey, be appointed Administrator DBN of said estate, and that the Administratrix, Saybella White, be removed for failure to complete her duties as Administratrix.

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 Mark Allen Warden, deceased. Bond in the amount of $10,000.00 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 13th day of July, 2021.

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 – MERCER COUNTY PUBLIC SERVICE DISTRICT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously table a funding request for the Brickyard Road Waterline Extension.

RE: FUNDING REQUEST – MERCER COUNTY PUBLIC SERVICE DISTRICT

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve a funding request from Mercer County Public Service District for operating expenses and to pay an invoice for underground pipeline licensing fee. Funding in the amount of $20,000 will be taken from the Coal Reallocation Fund.

RE: FUNDING REQUEST – MERCER COUNTY PUBLIC SERVICE DISTRICT

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve a funding request from Mercer County Public Service District for the Route 19 Water Project. Funding in the amount of $75,000 will be taken from the Coal Reallocation Fund.

RE: FUNDING REQUEST – DOWNSTREAM STRATEGIES

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve Invoice #2 from Downstream Strategies for the Convention Center Feasibility Study. Funding in the amount of $14,393 will be taken from the Video Lottery Fund.

RE: FUNDING REQUEST – MUSIC IN THE MOUNTAINS

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve an additional funding request for Music in the Mountains. Funding in the amount up to $7,000 will be taken from the Hotel Motel fund.

RE: FUNDING REQUEST – NEMOURS RURITAN CLUB

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

RE: FUNDING REQUEST – MERCER DAY REPORT CENTER

This day on motion of Greg Puckett, Commissioner, seconded by Gene Buckner, Commissioner, the Commission voted unanimously to approve a funding request from Mercer Day Report Center for Community Outreach Programs. Funding in the amount of $5,000 will be taken from the Video Lottery Fund. Bill Archer recused from vote; he is a board member of the Southern Regional Community Justice Board.

RE: FUNDING REQUEST – CAMP CREEK STATE PARK FOUNDATION

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to table a funding request from Camp Creek State Park Foundation.

RE: FUNDING REQUEST – HELPFUL HARVEST FOOD BANK

This day, the Commission voted unanimously to table a funding request from Helpful Harvest Food Bank.

RE: FUNDING REQUEST – S & R REFRIGERATION

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a funding request from S & R Refrigeration to purchase a ductless BTU Unit for the Mercer County Sheriff's Department. Funding in the amount of $3,960 will be taken from the Video Lottery Fund.

RE: FUNDING REQUEST – EASTERN DOOR & GLASS

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve an invoice from Eastern Door & Glass for construction at the former Day Report Center. Funding in the amount of $7,165 will be taken from the Coal Severance Fund.

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 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: RAISES FOR COUNTY EMPLOYEES

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to give 5% raise to elected officials to distribute among employees.

This day came Larry W. or Dreama Long, by representative, and moved the Commission to correct the Personal Property Books for 2020, touching the assessment thereon against the said Larry W. or Dreama Long on Personal Property, East River 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 taxpayer paid taxes on a 2008 Toyota assessed for $5,310 – did not own 7/1/19. It is therefore ordered that Larry W. or Dreama Long 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 $133.52

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 #74764-74845	
COAL SEVERANCE	- Check #4102-4109	
JUSTICE FINES	- Check #5359	
EMERGENCY 911	- Check #4279	
HOME CONFINEMENT	- Check #2514-2516	
HOTEL MOTEL	- Check #4222-4229	
K-9 UNIT	- Check #1521	
COURTHOUSE EQUIPMENT	- Check #804-806	Void #804
COURTHOUSE ANNEX	- Check #1748-1752	
VIDEO LOTTERY	- Check #1449-1451	
COAL REALLOCATION	- Check #1028	
MCDRC FEES	- Check #5471-5484	
ASSESSOR REAPPRAISAL	- Check #6524-6533	
ANIMAL SHELTER ESTATE DONATIONS	- Check #1041	
DEPUTY SHERIFF RETIREMENT	- Check #294	

It is ordered that this Commission be and is hereby adjourned until Tuesday, August 10, 2021.

_____PRESIDENT