WEST VIRGINIA:

At a regular session of the County Commission, held for the County of Mercer, at the Courthouse thereof, on Tuesday, August 9, 2022,

Present: Gene Buckner, President

Present: Greg Puckett, Commissioner

Present: Bill Archer, Commissioner

RE: REAPPOINTMENTS – CUMBERLAND ROAD PUBLIC SERVICE DISTRICT

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the Reappointments of Scott Pittman, term ending July 14, 2028, Eugene Penland, term ending July 14, 2026 and Samuel Delp, term ending July 14, 2024 to serve as Board Members for the Cumberland Road Public Service District.

RE: OATH – SOUTHERN WV NON-MOTORIZED TRAIL AUTHORITY

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted to table the Appointment and Oath of Office for Josh Parks to fill the unexpired term of Kevin Dials serving as Southern West Virginia Non-Motorized Trail Authority Board Member.

RE: RESOLUTION HONORING THE LIFE OF CHARLES MAYNARD

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 Charles Maynard.

**RESOLUTION HONORING**

**THE LIFE OF CHARLES MAYNARD**

**Whereas**, One of Mercer County’s most beloved and highly regarded coaches, Charles Douglas Maynard, died suddenly on July 14, 2022, at Princeton Community Hospital. During his quarter-century reign as basketball coach at Spanishburg, Coach Maynard established himself as one of the most colorful coaches in the region, but was equally admired for the love he had for all the student athletes he worked with; and,

**Whereas**, Charlie Maynard graduated from Burch High School in Delbarton, Mingo County in 1966, attended West Virginia Tech for one year before heading to Huntington where he graduated from Marshall University in 1969 with a degree in Physical Education and Health. He served as an assistant basketball coach at Credo Kenova High after college, and served as director of the Huntington YMCA industrial basketball league before joining Head Coach Paul Haynes, as a junior high basketball coach at Spanishburg; and

**Whereas**, when Coach Haynes stepped down, Coach Maynard assumed the leadership of the SHS Wildcat round-ballers and remained at the helm of the program for 25 years until Spanishburg, Athens, Oakvale and Matoaka high schools were closed and consolidated into PikeView High School. During its heyday, Class A Boys hoops in Mercer County were competitive, high-flying and exciting. Coach Maynard squeezed and twisted his ever-present red towel on the Wildcat bench, and his teams responded with high-octane, heart-pounding performances; and,

**Whereas**, Charlie’s wife Debbie and daughters, Jill & Malinda were his greatest supporters in good times and bad. They all shared their love of family, faith, sports, school, community and state as Coach Maynard continued his career as an assistant coach at Bluefield State University and Princeton Junior High. At his passing, the West Virginia State Athletic Coaches Association has created a college scholarship in his name in honor of his 50-plus years of service to young people and to the WVSACA – an organization he was serving as Secretary/Treasurer and Region 9 representative at the time of his death.

**Now, Therefore, Be It Resolved** that the Mercer County Commission expresses its heartfelt condolences to the family, friends and all the people – young and old – who were touched and served through the steadfast love, guidance and friendship of Coach Charlie Maynard. His was a life of service that was well-lived.

**Dated this 9th day of August, 2022.**

**MERCER COUNTY COMMISSION:**  /s/ Gene Buckner\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**GENE BUCKNER, PRESIDENT**

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

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

**BILL ARCHER, COMMISSIONER**

RE: AMERICAN RESCUE PLAN – HELPFUL HARVEST FOOD BANK

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve application MC-22-47 from Helpful Harvest Food Bank allocating up to $260,000 from the American Rescue Plan funds to purchase property located at 3048 Hinton Road, Athens, WV.

RE: AMERICAN RESCUE PLAN – BLUEWELL IMPROVEMENT ASSOCIATION

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve $3,500 to the Bluewell Improvement Association. This is application MC-22-41 from Merrell Crane and funds will be used to construct bus shelters for the Bluewell, Bramwell, and Brushfork communities.

RE: CUMBERLAND INDUSTRIAL PARK BROADBAND EXPANSION PROJECT

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to accept the Cumberland Industrial Park Broadband Expansion Project Self-Evaluation for Compliance with Section 504 for the Rehabilitation Act of 1973.

RE: GRANT – WVDEP LITTER CONTROL GRANT PROGRAM CONTRACT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve the FY2023 WV Department of Environmental Protection Rehabilitation Environmental Action Plan (REAP) Grant contract in the amount of $5,000.

RE: LEASE – WV DEPARTMENT OF ADMINISTRATION

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to accept the 5-year lease contract with the WV Department of Administration beginning September 1, 2022 and ending August 31, 2027, at the current monthly rate of $375.00 for the DHHR to have office space in the Mercer Health Department Building.

RE: APPROVE – MERCER COUNTY EMERGENCY OPERATIONS PLAN

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the Mercer County Emergency Operations Basic Plan presented by Keith Gunnoe, Emergency Management Director.

RE: JUUL LAWSUIT

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to dismiss the lawsuit against the JUUL Company.

RE: ESTATE – G. MICHAEL STAFFORD – DECEASED

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

**IN RE: G. MICHAEL STAFFORD, DECEASED.**

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

On the 9th day of August, 2022, before the Mercer County Commission, came the matter of the Estate of G. Michael Stafford, deceased, upon motion of Michael J. Stafford, Executor, 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 the copy of the Last Will and Testament of G. Michael Stafford, 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 thisthe9thth day of August, 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 – FIRST PRESBYTERIAN CHURCH

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a funding request from First Presbyterian Church for Recovery Hall Renovation. Funding in the amount of $2,000.00 will be taken from the Video Lottery Fund.

RE: FUNDING REQUEST – MERCER COUNTY PSD

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a funding request from Mercer County PSD to pay for operations of the Matoaka Sewer Plant. Funding in the amount of $10,000 will be taken from the Coal Reallocation Fund.

RE: FUNDING REQUEST – BLUEFIELD BEAUTIFICATION COMMITTEE

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve a funding request from Bluefield Beautification Commission for 2022 Oktoberfest in the Park. Funding in the amount of $2,800 will be taken from the Hotel Motel Fund.

RE: DILAPIDATED STRUCTURES – DEMOLITION GRANT FUNDING PROCEDURES

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve Option Four which states that the County has owner sign a consent form to demo the property and county tears down structure with no cost to owner and no lien filed against property. This process is in regards to Demolition Grant funding the County has been awarded. There is an application process for citizens to fill out a grant application and which structures are torn down will be based on safety concerns, dangerous conditions, visibility on main roads etc. Structures must meet certain guidelines and be ‘dilapidated and beyond repair’ to be considered for the grant.

RE: MERCER COUNTY PSD – NEMOURS WATER PROJECT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve funding in the amount of $24,824.89 to the Mercer County PSD for Mercer County’s portion of the Nemours Waterline upgrade. This is part of $35,000 that was approved on October 12, 2021. Funding will be taken from the Coal Reallocation Fund.

This day came Maynard & Alice Jones, by representative, and moved the Commission to correct the Land Books for 2022, touching the assessment thereon against the said Maynard & Alice Jones, on Lot 1 Old Athens Rd, Princeton 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 $21,960 class 4 – should be assessed for $15,540 class 4. It is therefore ordered that Maynard & Alice Jones 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 $178.22

This day came Timothy Jr & Chelsea Brummett, by representative, and moved the Commission to correct the Land Books for 2022, touching the assessment thereon against the said Timothy Jr & Chelsea Brummett, on Lot 9 Sec 511 Thorn, Princeton 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 $67,020 class 4 – should be assessed for $67,020 class 2. It is therefore ordered that Timothy Jr & Chelsea Brummett 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 $930.24

This day came Benjamin & Angela Meadows, by representative, and moved the Commission to correct the Land Books for 2022, touching the assessment thereon against the said Benjamin & Angela Meadows, on 2 Ac Bluestone, Jumping Branch 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 $31,500 class 3 – should be assessed for $15,702 class 2. It is therefore ordered that Benjamin & Angela Meadows 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 $538.25

This day came William & Patricia Perkins, by representative, and moved the Commission to correct the Land Books for 2022, touching the assessment thereon against the said William & Patricia Perkins, on Lot 407 Blk 1 Sec 2 Quail Val Fee, 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 the property is assessed for $83,340 class 2 – should be assessed for $83,340 class 2 with $20,000 homestead exemption applied to property. It is therefore ordered that William & Patricia Perkins 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 $227.60

This day came Matthew Lacy, by representative, and moved the Commission to correct the Land Books for 2022, touching the assessment thereon against the said Matthew Lacy, on 0.91 Ac Bantam Rd, 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 $224,820 class 2 – should have been assessed for $156,420 class 2. It is therefore ordered that Matthew Lacy 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 $778.39

This day came Travis Lacy, by representative, and moved the Commission to correct the Land Books for 2022, touching the assessment thereon against the said Travis Lacy, on 0.92 Ac Bantam Rd, 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 $157,080 class 2 – should have been assessed for $147,180 class 2. It is therefore ordered that Travis Lacy 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 $112.66

This day came Helen J. Brooks, by representative, and moved the Commission to correct the Land Books for 2022, touching the assessment thereon against the said Helen J. Brooks, on 21.3 Ac Arista Flat Top Mtn, Rock 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 $4,200 class 3 – should be assessed for $4,200 class 2. It is therefore ordered that Helen J. Brooks 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 $47.80

This day came Lonnie & Cynthia Odle, by representative, and moved the Commission to correct the Land Books for 2022, touching the assessment thereon against the said Lonnie & Cynthia Odle, on Lots 38-39 Pt 37 Bluestone, Rock 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 $27,600 class 2 – should be assessed for $27,600 class 2 with the $20,000 homestead exemption applied to the property. It is therefore ordered that Lonnie & Cynthia Odle 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 $227.60

This day came Kevin Dunford, by representative, and moved the Commission to correct the Land Books for 2022, touching the assessment thereon against the said Kevin Dunford, on 38.2 Ac Miltons Fk, Rock 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 $23,390 class 2 – should be assessed for $18,660 class 2. It is therefore ordered that Kevin Dunford 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 $53.83

This day came Alice Matthews, by representative, and moved the Commission to correct the Land Books for 2022, touching the assessment thereon against the said Alice Matthews, on Lot 14 Sec 972 Bland Rd, 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 $65,520 class 2 – should be assessed for $65,520 class 2 with the $20,000 homestead exemption applied to the property. It is therefore ordered that Alice Matthews 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 $277.60

This day came Twelve Oaks Investments, by representative, and moved the Commission to correct the Land Books for 2022, touching the assessment thereon against the said Twelve Oaks Investments, on Pt Lot 31 Pt Lot 18-A Sec 1624 (.26 Ac), 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 $30,360 class 4 – should be assessed for $30,360 class 2. Has rent to own contract. It is therefore ordered that Twelve Oaks Investments 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 $421.40

This day came Earnest & Carol Bishop, by representative, and moved the Commission to correct the Land Books for 2022, touching the assessment thereon against the said Earnest & Carol Bishop, on 41.1 Ac Bent Mtn, 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 $77,580 class 2 – should be assessed for $77,580 class 2 with the $20,000 homestead exemption applied to property. It is therefore ordered that Earnest & Carol Bishop 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 $227.60

This day came Jeffrey Clark, by representative, and moved the Commission to correct the Land Books for 2022, touching the assessment thereon against the said Jeffrey Clark, on Pt 73.41 Ac Laurel Creek, 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 $54,440 class 2 – should be assessed for $25,300 class 2. Farm use left off. It is therefore ordered that Jeffrey Clark 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 $331.61

This day came Martins Backhoe Serv LLC, by representative, and moved the Commission to correct the Personal Property Books for 2022, touching the assessment thereon against the said Martins Backhoe Serv LLC on Personal Property, Princeton 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 was charged for a 2008 Chevrolet assessed for $6,510 class 4, did not own 7/1/21. It is therefore ordered that Martins Backhoe Serv 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 $180.72

PETITION FOR CANCELLATION OF ERRONEOUS CHARGES

DATE 8/9/2022

Tax Year 2020

Beaver Pond District

TICKET # NAME REASON AMOUNT

200000922 Sabrina M. Taylor Wrong value on supplement $ 561.26

Ticket.

Tax Year 2020

East River District

TICKET # NAME REASON AMOUNT

500001030 Catherine Schrage Keying error on supplement. $ 112.66

Tax Year 2021

Bluefield District

TICKET # NAME REASON AMOUNT

300000666 Hunter Miller 2021 supplement was made up, $ 175.72

does not owe taxes for 2021.

Tax Year 2021

East River District

TICKET # NAME REASON AMOUNT

309371 Brandon Sammons Double assessed on MH. $ 72.18

Tax Year 2021

Beaver Pond District

TICKET # NAME REASON AMOUNT

20000114 Matthew Sutphin Taxpayer gave wrong $ 384.74

information on supplement.

Tax Year 2021

Princeton District

TICKET # NAME REASON AMOUNT

1000000386 John Currence Wrong value on supplement. $ 141.56

Tax Year 2022

Bluefield District

TICKET # NAME REASON AMOUNT

300000010 Interior Motives Keyed supplement as a 2022 $ 30.34

should be a 2020 supplement.

Tax Year 2022

Plymouth District

TICKET # NAME REASON AMOUNT

311283 Roy Roberts, Jr. Double assessed on MH. $ 154.94

Tax Year 2022

Rock District

TICKET # NAME REASON AMOUNT

314289 Donna Short Double assessed on MH. $ 157.04

313604 Stacey Harman Did not own MH 7/1/21. 125.24

1100000007 Jacob Dixon Error on supplement ticket. 137.58

Tax Year 2022

Bever Pond District

TICKET # NAME REASON AMOUNT

303859 Rose Stanley Double assessed on MH. $ 331.16

302065 Rachael Hurley Did not own MH 7/1/21. 55.52

300756 Geneva Bullard Did not own MH 7/1/21. 55.52

304047 Jarred Thomason Double assessed on MH. 78.46

PETITION FOR CANCELLATION OF ERRONEOUS CHARGES

DATE 8/9/2022

Tax Year 2022

Rock District

TICKET # NAME REASON AMOUNT

42974 Mahmoud Salimi Double assessed, included $ 680.76

in another parcel.

Tax Year 2022

East River District

TICKET # NAME REASON AMOUNT

22637 Hunt Branit LLC Double assessed. $ 12.30

500000027 Ricky A. Meadows Keyed supplement as wrong year. 60.48

500000004 Harry L. Smith Jr. Keying error on supplement. 13.64

500000008 David M. Meadows Keying error on supplement. 28.66

500000002 Rachell A. Belcher Supplement should be 2021, 13.98

keyed as a 2022.

307734 Austin W. Hatcher Double assessed on MH. 158.68

309944 Rachel Wickline Did not own MH 7/2/21. 75.18

308512 Nathan Mills MH burned. 50.06

309136 Brandon Sammons Did not own MH 7/1/21. 74.08

309366 Patsy Smith Taxpayer turned in wrong info. 118.12

309685 Carolyn Trump Taxpayer turned in 2 assessment 50.54

cards, one under Jeanette and one

Carolyn.

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 #76201-76301

COAL SEVERANCE - Check #4213-4224

EMERGENCY 911 - Check #4285

HOME CONFINEMENT - Check #2569-2574

HOTEL MOTEL - Check #4393-4411

COURTHOUSE EQUIPMENT - Check #838-840

COURTHOUSE ANNEX - Check #1835-1845

VIDEO LOTTERY - Check #1520-1523

COAL REALLOCATION - Check #1045-1046

MCDRC FEES - Check #5713-5734

ASSESSOR REAPPRAISAL - Check #6652-6671

RECYCLING GRANT - Check #1037-1039

AMERICAN RESCUE PLAN - Check #1011-1017

DEPUTY SHERIFF RETIREMENT - Check #307

It is ordered that this Commission be and is hereby adjourned until Tuesday, August 9, 2022.

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