WEST VIRGINIA:

At a regular session of the County Commission, held for the County of Mercer, at the Courthouse thereof, on Tuesday, December 10, 2019,

Present: Gene Buckner, President

Present: Greg Puckett, Commissioner

Present: Bill Archer, Commissioner

RE: PROPOSAL – MERCER COUNTY PROSECUTOR’S OFFICE

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to table a proposal from the Prosecutor’s Office for a new copier.

RE: GLENWOOD RETIREMENT VILLAGE – QUITCLAIM DEED

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to accept the Quitclaim Right-of-Way and Easement Deed as presented by David Hammond on behalf of Glenwood Retirement Village.

RE: RESOLUTION & INVESTMENT PLEDGE FORM – DEVELOPMENT AUTHORITY OF MERCER COUNTY

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a Resolution recognizing the Development Authority of Mercer County as the county’s lead economic development organization and an investment pledge in the amount of $22,727 to be paid by June 30, 2020.

**RESOLUTION**

**WHEREAS,** the governing body of MERCER COUNTY is interested in the economic well-being of its citizenry and community at-large; and

**WHEREAS,** the governing body is prepared to support the appropriate efforts within the community to become totally prepared to promote economic development; and

**WHEREAS,** the MERCER COUNTY COMMISSION recognizes the DEVELOPMENT AUTHORITY OF MERCER COUNTY as the county’s lead economic development organization; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mercer County Commission passed this resolution in an open meeting on the 10th day of December 2019.

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

**Gene Buckner, President**

/s/ Greg Puckett\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Greg Puckett, Commissioner**

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

**Bill Archer, Commissioner**

RE: PROCLAMATION – GENERAL HUGH MERCER MONTH

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a Proclamation declaring January 2020 as General Hugh Mercer Month.

**RESOLUTION**

**Whereas,** the sons of the American Revolution is the leading male lineage society in the United States of America that perpetuates the ideals of the War for Independence from Great Britain; and

**Whereas,** Hugh Mercer was born January 17, 1726, in Aberdeenshire, Scotland, later joining the Jacobean Army and eventually fled to America after being considered a fugitive in his own homeland; and

**Whereas,** Hugh Mercer distinguished himself in the course of the American Revolutionary War rising to the rank of General before being mortally wounded during the Battle of Princeton, New Jersey on January 3, 1777 and dying on January 12, 1777, while fighting for America’s independence; and

**Whereas,** one hundred and eighty-three years ago, on March 17, 1837, the Virginia General Assembly entitled an Act creating Mercer County from parts of Giles and Tazewell counties; and

**Whereas,** Mercer County was named in honor and in memory of General Hugh Mercer of American Revolutionary War fame; and

**Whereas,** Princeton was also named in honor and in memory of General Hugh Mercer of American Revolutionary War fame as it was during the Battle of Princeton, New Jersey in which he was mortally wounded; and

**Now, therefore,** we, the Mercer County Commission declare the month of January 2020 as General Hugh Mercer month in Mercer County, West Virginia. We encourage all citizens of Mercer County to observe the month of January 2020 in a manner which brings to mind the memory and honor of General Hugh Mercer.

**Dated this 10th day of December 2019.**

**Mercer County Commission:** /s/ Gene Buckner\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Gene Buckner, President**

/s/ Greg Puckett\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Greg Puckett, Commissioner**

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

**Bill Archer, Commissioner**

RE: GRANT – WV COURTHOUSE FACILITIES IMPROVEMENT AUTHORITY

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the WV Courthouse Facilities Improvement Authority Grant Contract for roof replacement on the courthouse in the amount of $98,880. Funding for the match in the amount of $19,760 will be taken from Budget Stabilization fund.

RE: FUNDING REQUEST – THOMPSON & LITTON

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to increase the estimated ceiling amount to $25,000 for engineering services by Thompson & Litton for Shaffer-Griffith Building Evaluation Project No. 14648-21. Funding will be taken Video Lottery fund.

RE: AGREEMENT – THOMPSON & LITTON, INC.

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve an Agreement to Engage the service of Thompson & Litton, Inc. as Consultant and Advisor for Cumberland Industrial Park Broadband Expansion Project.

RE: RESCIND RESOLUTION HONORING JOHN K. RAPP, SR.

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

the Commission voted unanimously to rescind the Resolution Honoring John K. Rapp, Sr., Former County Commissioner that was approved during special session on November 26, 2019.

RE: MERCER COUNTY PUBLIC SERVICE DISTRICT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to send a revised letter to the WV Public Service Commission in regards to the Matoaka Wastewater Treatment System requesting recovery of taxpayer funds used in support of the Matoaka dissolution process.

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 10th day of December, 2019, 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 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 matter of the estate of Michael Manns, deceased, be tabled until the next County Commission meeting, tentatively scheduled for January 14, 2020, per request of James Palmer, Attorney.

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 thisthe10th day of December, 2019.

**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 10th day of December, 2019, 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 of said estate. He also requests that this matter be tabled until the January meeting, as he cannot attend the meeting scheduled for December 10, 2019.

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 January 14, 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 thisthe10th day of December, 2019.

**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 – JOE JAMES VINCIGUERRA – DECEASED

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

**IN RE: JOE JAMES VINCIGUERRA, DECEASED**

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

On the 10th day of December, 2019, before the Mercer County Commission, came the matter of the Estate of Joe James Vinciguerra, deceased, upon motion of Betty Karl, Executrix, requesting that a copy of the Last Will and Testament of Joe James Vinciguerra, 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 March 1, 2006, of Joe James Vinciguerra, 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 thisthe10th day of December, 2019.

**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 W. WORRELL – DECEASED

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

**IN RE: BOBBY W. WORRELL, DECEASED**

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

On the 10th day of December, 2019, before the Mercer County Commission, came the matter of the Estate of Bobby W. Worrell, deceased, upon motion of Janette Joann Worrell, Executrix, requesting that a copy of the Last Will and Testament of Bobby W. Worrell, 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 July 29, 2014, of Bobby W. Worrell, 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 thisthe10th day of December, 2019.

**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 – DOMINION SYSTEMS, LLC

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve a proposal from Dominion Systems, LLC for new computers in various offices. Funding of up to $57,757.50 will be taken from the Courthouse Equipment fund.

RE: FUNDING REQUEST – DOMINION SYSTEMS, LLC

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve an invoice from Dominion Systems, LLC for a new printer in the voter registration office. Funding in the amount of $720 will be taken from the Courthouse Equipment fund.

RE: FUNDING REQUEST – OAKVALE ROAD 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 Oakvale Road Public Service District for Miscellaneous Sewer Extensions Phase I Project (Halls Ridge Road, Hill Top Drive, Melrose Lane). Funding in the amount of $47,517 will be taken from the Coal Reallocation fund.

RE: FUNDING REQUEST – KEEP MERCER CLEAN CAMPAIGN

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve funding of marketing materials for the 2020 Love Where You Live-Keep Mercer Clean-Community Clean Up. Funding of up to $2,500 will be taken from the Video Lottery Fund.

RE: FUNDING REQUEST – CCAWV 2020 LEGISLATIVE ASSOC. MEETING

This day on motion of Bill Archer, Commissioner, seconded by Gene Buckner, Commissioner, the commission voted unanimously to approve a request for Greg Puckett to attend the County Commissioners Association 2020 Legislative Association Meeting in Charleston, WV. Funding for travel expenses up to $600 will be taken from the County Commission budget in the General Fund. Greg Puckett abstained from voting.

RE: DISCUSSION – LEWIS GLASSER, PLLC

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the commission voted unanimously to approve the dissolution of contract with Lewis Glasser, PLLC for delinquent tax collections.

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.

This day came Henry K. Cox, by representative, and moved the Commission to correct the Land Books for 2019, touching the assessment thereon against the said Henry K. Cox, on Plat #16073 81.2 Ac Camp Creek & Mtn Ck, 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 $119,160 class 3 – should be assessed for $119,160 class 2. It is therefore ordered that Henry K. Cox 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 $1,356.04

PETITION FOR CANCELLATION OF ERRONEOUS CHARGES

DATE 12/3/2019

Tax Year 2019

East River District

TICKET # NAME REASON AMOUNT

908577 James R. Lambert Taxpayer turned in $ 32.44

Information twice, double assessed.

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 #72425-72533 Void #72431-72436

COAL SEVERANCE - Check #3919-3926

DOG FUND - Check #630

JUSTICE FINES - Check #5341

MAGISTRATE COURT - Check #5366

HOME CONFINEMENT - Check #2447-2452 Void #2449

HOTEL MOTEL - Check #3959-3972

K-9 FUND - Check #1518

COURTHOUSE ANNEX - Check #1614-1619

VIDEO LOTTERY - Check #1378-1379

MCDRC FEES - Check #5123-5147

ASSESSOR REAPPRAISAL - Check #6318-6325

FINANCIAL STABILIZATION - Check #1036

SHERIFF DRUG FUND - Check #1084

TEEN COURT - Check #216-217

RECYCLING GRANT - Check #1028

DEPUTY SHERIFF RETIREMENT - Check #274

It is ordered that this Commission be and is hereby adjourned until Tuesday, January 14, 2020.

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