COUNTY COMMISSION MEETING – TUESDAY, DECEMBER 14, 2021 –10:00 A.M.

# AGENDA: OPEN WITH PRAYER

# PLEDGE OF ALLEGIANCE

# MINUTES OF PREVIOUS MEETING

CONTRACTS/AGREEMENTS/RESOLUTIONS : - Resolution Honoring the Life of

Jack Sarver

Bill Archer, Commissioner

- Resolution Recognizing the Development

Authority of Mercer County as the Lead

Economic Development Organization

John O’Neal, Executive Director

- Development Authority of Mercer County

FY 2022 Investment Pledge Form

John O’Neal, Executive Director

- Region One Planning & Development

Resolution supporting joint application between Summers and Mercer Counties to submit an ARC application to assist with Dilapidated Structures Mapping Project

Jason Roberts, Executive Director

- Southern Highlands MHC

Law Enforcement Assisted Diversion

LEAD Program

Candace Nelson, Project Director

- Budget Revision #3 (General County)

Verlin Moye, County Clerk

- Southern West Virginia Non-Motorized

Trail Authority-Appointment of Board Members-Bill Archer & Kevin Dials

- Ricoh Digital Services

Printer, Copier, Scanner, Fax for

Detective Bureau at Gardner

Alan Christian, Chief Deputy

ESTATES: - Elizabeth Adams

- Elizabeth Jean Burdette

- Daniel Scott Giberson

FUNDING REQUESTS: - APalm Project-Community Center

Arnold Palmer, Director

- Bluefield Sanitary Board

Brushfork Pumping Station Upgrade

Shannon Bailey, Manager

- East River Ruritan Club

Heating & Air Conditioning Units

Morris Clyburn, Treasurer

- Claude Erps Construction, Inc.

Pay Request #1

Courthouse Window Restoration Project

DISCUSSION: - Update on Redistricting Process

Verlin Moye, County Clerk

- Bluewell Public Service District

Request for Assistance in removing district dams that are out of compliance with WVDEP-Bryan Rotenberry, Manager

- Ronald Gullion

Land Dispute-Unauthorized Junkyard

- Bluestone Valley Trails

Proposal from Robert Gardner, Attorney

- Brush Creek Sites 14 Update

Bill Archer, Commissioner

- JUUL Lawsuit

Gene Buckner, President

- American Rescue Plan Funding

Project Mountaineer-Transparency

Program-Greg Puckett, Commissioner

- David Wert-Installation of Gate

Old Rock Quarry-Gardner

Bill Archer, Commissioner

- Outdoor Lighting for Courthouse Greg Puckett, Commissioner

Commission Grant Application

Greg Puckett, Commissioner

PUBLIC ANNOUNCEMENTS/COMMENTS - Christmas & New Year’s Holidays

COMMISSION TO APPROVE THE FOLLOWING:

1. Invoices

2. Settlements

3. Exonerations

4. List of Approved Estates for November 2021

WEST VIRGINIA:

At a regular session of the County Commission, held for the County of Mercer, at the Courthouse thereof, on Tuesday, December 14, 2021,

Present: Gene Buckner, President

Present: Greg Puckett, Commissioner

Present: Bill Archer, Commissioner

RE: RESOLUTION HONORING THE LIFE OF JACK SARVER

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 Jack Sarver.

**RESOLUTION HONORING THE LIFE OF JACK WADE SARVER, SR.**

**Whereas**, one of Mercer County’s most respected businessmen and community servants, Jack Wade Sarver, Sr. passed away on Thanksgiving Day, November 25, 2021 at the age of 96. While many in the regional business community likely remember him as “The Candy Man,” because of his long career in sales and later as CEO and Treasurer of Sarver Candy Company, Jack’s excellence in sports, dedication to faith, family and community earned him the respect of all who knew him; and

**Whereas**, Jack approached all things in life with passion and pride. As a Deacon at Bluefield’s Westminster Presbyterian Church, Jack earned the sobriquet “The Coffee Man” for his 64-year commitment of serving coffee and sodas to congregants and guests each Sunday morning. In his youth and well into adulthood, Jack became an exceptional athlete and competed against highly ranked opponents in both tennis and bowling. Later in life, he would make a mark as an official for college and scholastic football games and once held the National Collegiate Athletic Association’s record for most career games officiated. In recognition for his incredible refereeing career both nationally and regionally, Wake Forest University named Truist Field’s officials’ locker room: “The Jack W. Sarver Football Officials’ Locker Room,” and

**Whereas**, while Jack often officiated major games nationwide, he primarily officiated games in the Southern Conference. He was the Southern Conference referee of the football game In Greenville, N.C., on Nov. 14, 1970 between the Marshall Thundering Herd and the East Carolina University Pirates. The Herd’s return flight to Huntington is still remembered as perhaps West Virginia’s most tragic plane crash. Jack once said he recalled hearing about the crash on his car radio while driving home. He remembered the players from both teams on the field that evening as “true gentlemen;” and

**Whereas**, Jack was detail oriented in everything he did from stocking shelves to managing the day-to-day operations of the Sarver Candy Company. From his humble office in a secluded corner of the company’s College Avenue warehouse, Jack Sarver befriended customers and competitors alike. To be sure, he loved his family, but he also loved the people of the entire region. He once recalled traveling to the Celanese Plant at Glen Lynn, Virginia with his friend John C. Shott and a stack of newspapers announcing the Japanese attack at Pearl Harbor;

**Now, Therefore, Be It Resolved** that the Mercer County Commission expresses its heartfelt condolences to the family and friends of Jack W. Sarver, Sr., and urges the citizens of Mercer County to join this commission as we express our appreciation to the late Jack Sarver for a life well lived.

**Dated this 14th day of December, 2021.**

**Mercer County Commission:**

/s/ Gene Buckner\_\_\_\_\_\_\_\_\_\_\_\_ /s/ Greg Puckett\_\_\_\_\_\_\_\_\_\_\_\_\_ /s/ Bill Archer\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

RE: RESOLUTION – 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.

**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.

**NOW, THEREFORE, BE IT RESOLVED** that the Mercer County Commission passed this resolution in an open meeting on the 14th day of December 2021.

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

GENE BUCKNER, PRESIDENT

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

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

BILL ARCHER, COMMISSIONER

RE: INVESTMENT PLEDGE FORM – DEVELOPMENT AUTHORITY OF MERCER COUNTY

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve an investment pledge to the Development Authority of Mercer County in the amount of $22,727.

RE: RESOLUTION – DILAPIDATED STRUCTURES MAPPING PROJECT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a Resolution supporting joint application between Summers and Mercer County to submit an ARC application to assist with a Dilapidated Structures Mapping Project.

**RESOLUTION**

**WHEREAS**, the Mercer County Commission wishes to submit a joint application with the Summers County Commission to the Appalachian Regional Commission to request ARC grant funding for the Summers County and Mercer County Dilapidated Structures Mapping Project.

**WHEREAS**, the Mercer County Commission must give assurances that the Appalachian Regional Commission Grant Program regulations related to grant administration, civil rights, and other applicable State and Federal laws will be followed; and

**WHEREAS**, the Mercer County Commission must designate an official representative to act in connection with the application and execute all necessary documents; and

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Mercer County Commission authorized the submission of a joint application with the Appalachian Regional Commission for the Summers County and Mercer County Dilapidated Structures Mapping Project.
2. The Mercer County Commission will comply with all laws and

regulations pertaining to the program.

3. The Mercer County Commission designates the President of the Summers County Commission as the authorized official to act in connection with the application.

/s/ Gene Buckner\_\_\_\_\_\_\_\_\_\_ /s/ Greg Puckett\_\_\_\_\_\_\_\_\_\_ /s/ Bill Archer \_\_\_\_\_\_\_\_\_

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

I, Verlin Moye, County Clerk, certify that the above is a true copy of a Resolution adopted the \_\_\_\_ day of December, 2021, at a regular meeting of the Mercer County Commission. I further certify that a quorum was present and voted unanimously for this Resolution. /s/ Verlin Moye\_\_\_\_\_\_\_\_\_\_ County Clerk

RE: CONTRACTUAL AGREEMENT – SOUTHERN HIGHLANDS

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve a Contractual Agreement in which Southern Highlands Community Mental Health Center will provide $2,500 quarterly to the Sheriff’s department for mental health and substance use initiatives through the Law Enforcement Assisted Diversion (LEAD) program.

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. 3 for FY 2021/2022 for the General Fund.

RE: OATH – SOUTHERN WV NON-MOTORIZED TRAIL AUTHORITY

This day on motion of Greg Puckett, Commissioner, seconded by Gene Buckner, Commissioner, the Commission voted to approve the Appointment and Oath of Office for Bill Archer to serve as Southern West Virginia Non-Motorized Trail Authority Board Member. Bill Archer recused from vote.

RE: OATH – SOUTHERN WV NON-MOTORIZED TRAIL AUTHORITY

This day on motion of Greg Puckett, Commissioner, seconded by Gene Buckner, Commissioner, the Commission voted to approve the Appointment and Oath of Office for Kevin Dials to serve as Southern West Virginia Non-Motorized Trail Authority Board Member. Bill Archer recused from vote.

RE: CONTRACT – RICOH DIGITAL SERVICES

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve a contract with Ricoh Digital Services for an IMC2500 printer for the Detective Bureau. Funding in the amount of $2,085.36 per year for 5 years will be taken from the Sheriff’s budget.

RE: ESTATE – ELIZABETH ADAMS – DECEASED

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

**IN RE: ELIZABETH ADAMS, DECEASED.**

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

On the 14th day of December, 2021, before the Mercer County Commission, came the matter of the Estate of Elizabeth Adams, deceased, upon motion of Derrick W. Lefler, Attorney, requesting that an estate be opened, and the Sheriff of Mercer County, T. A. Bailey, be appointed Administrator, to allow claims to be filed from a civil lawsuit.

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 Elizabeth Adams, deceased, shall be opened, and that the Sheriff of Mercer County, T. A. Bailey, be allowed to serve as Administrator, with no bond being required.

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 thisthe14th day of December, 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 – NORMA JEAN BURDETTE – DECEASED

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

**IN RE: NORMA JEAN BURDETTE, DECEASED.**

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

On the 14th day of December, 2021, before the Mercer County Commission, came the matter of the Estate of Norma Jean Burdette, deceased, upon motion of Deanna Burdette, Administratrix, requesting that the estate be reopened to distribute monies from a pending lawsuit related to her death.

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 Norma Jean Burdette, deceased, shall be reopened, and that Deanna Burdette be allowed to serve as Administratrix, with bond to be determined.

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 thisthe14th day of December, 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 – DANIEL SCOTT GIBERSON – DECEASED

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

**IN RE: DANIEL SCOTT GIBERSON, DECEASED.**

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

On the 14th day of December, 2021, before the Mercer County Commission, came the matter of the Estate of Daniel Scott Giberson, deceased, upon motion of Nathan Chill, Attorney, requesting that the estate be reopened, and the Sheriff of Mercer County, T. A. Bailey, be appointed Administrator, due to a pending lawsuit.

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 Daniel Scott Giberson, deceased, shall be reopened, and that the Sheriff of Mercer County, T. A. Bailey, be allowed to serve as Administrator, with no bond being required.

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 thisthe14th day of December, 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 – BLUEFIELD SANITARY BOARD

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to table a funding request from Bluefield Sanitary Board for the Brushfork pumping station upgrade.

RE: FUNDING REQUEST – EAST RIVER 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 East River Ruritan Club for heating and air conditioning units.

RE: FUNDING REQUEST – CLAUDE ERPS CONSTRUCTION, INC.

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve an invoice from Claude Erps Construction, Inc. for the Courthouse Restoration Project. Funding in the amount of $159,000 will be taken from the Budget Stabilization Fund.

RE: DISCUSSION – BLUEWELL PUBLIC SERVICE DISTRICT

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to table the Bluewell Public Service District request for assistance in removing district dams that are out of compliance with WVDEP.

RE: DISCUSSION – RONALD GULLION

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to table the discussion with Ronald Gullion regarding a land dispute over an unauthorized junkyard.

RE: DISCUSSION – JUUL LAWSUIT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to table the discussion regarding the JUUL Lawsuit.

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 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 Delta Atkinson, by representative, and moved the Commission to correct the Land Books for 2021, touching the assessment thereon against the said Delta Atkinson, on Pt 73.06 Ac Brushcreek CC Split, 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 $162,700 class 3 – should be assessed for $130,000 class 3. It is therefore ordered that Delta Atkinson 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 $744.25

PETITION FOR CANCELLATION OF ERRONEOUS CHARGES

DATE 12/7/2021

Tax Year 2020

Bluefield District

TICKET # NAME REASON AMOUNT

300000070 Efrain Villanueva Taxed in Bluefield, should be $ 158.22

East River, supplement ticket.

Tax Year 2020

Beaver Pond District

TICKET # NAME REASON AMOUNT

200000105 Brittany Farley Keyed supplement ticket wrong. $ 28.32

Tax Year 2020

East River District

TICKET # NAME REASON AMOUNT

500000154 Zachary Meadows Supplement was made, taxes $ 132.12

Were already paid.

Tax Year 2021

Beaver Pond District

TICKET # NAME REASON AMOUNT

80000760 Next Step Above Homes Double assessed on MH. $ 173.56

80000761 Next Step Above Homes Double assessed on MH. 154.18

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 #75192-75273 Void #75195

COAL SEVERANCE - Check #4144-4149

JUSTICE FINES - Check #5362

MAGISTRATE COURT - Check #5373

HOME CONFINEMENT - Check #2528-2534

HOTEL MOTEL - Check #4287-4299 Void #4239

COURTHOUSE EQUIPMENT - Check #819-820

COURTHOUSE ANNEX - Check #1779-1784

VIDEO LOTTERY - Check #1473-1476

COAL REALLOCATION -Check #1035

MCDRC FEES - Check #5557-5574

ASSESSOR REAPPRAISAL - Check #6571-6584 Void #6580-6584

DEPUTY SHERIFF RETIREMENT - Check #299

It is ordered that this Commission be and is hereby adjourned until Tuesday, January 11, 2022.

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