WEST VIRGINIA:

At a regular session of the County Commission, held for the County of Mercer, at the Courthouse thereof, on Tuesday, July 11, 2017,

Present: Gene Buckner , President

Present: Greg Puckett, Commissioner

Present: Bill Archer, Commissioner

RE: OATH – MERCER COUNTY HOME CONFINEMENT

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 Clyde Justin Bailey, Jr. to serve as Home Confinement Officer.

RE: OATH – MERCER COUNTY FIRE SERVICE BOARD

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 Merrell C. (Skip) Crane to serve as Board Member for the Mercer County Fire Service Board. His term will expire on June 30, 2020.

RE: OATH – GREEN VALLEY-GLENWOOD PSD

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 Otis Bishop to serve as Board Member for the Green Valley-Glenwood PSD. His term will expire on October 31, 2022.

RE: REAPPOINTMENT – BRAMWELL PUBLIC SERVICE DISTRICT

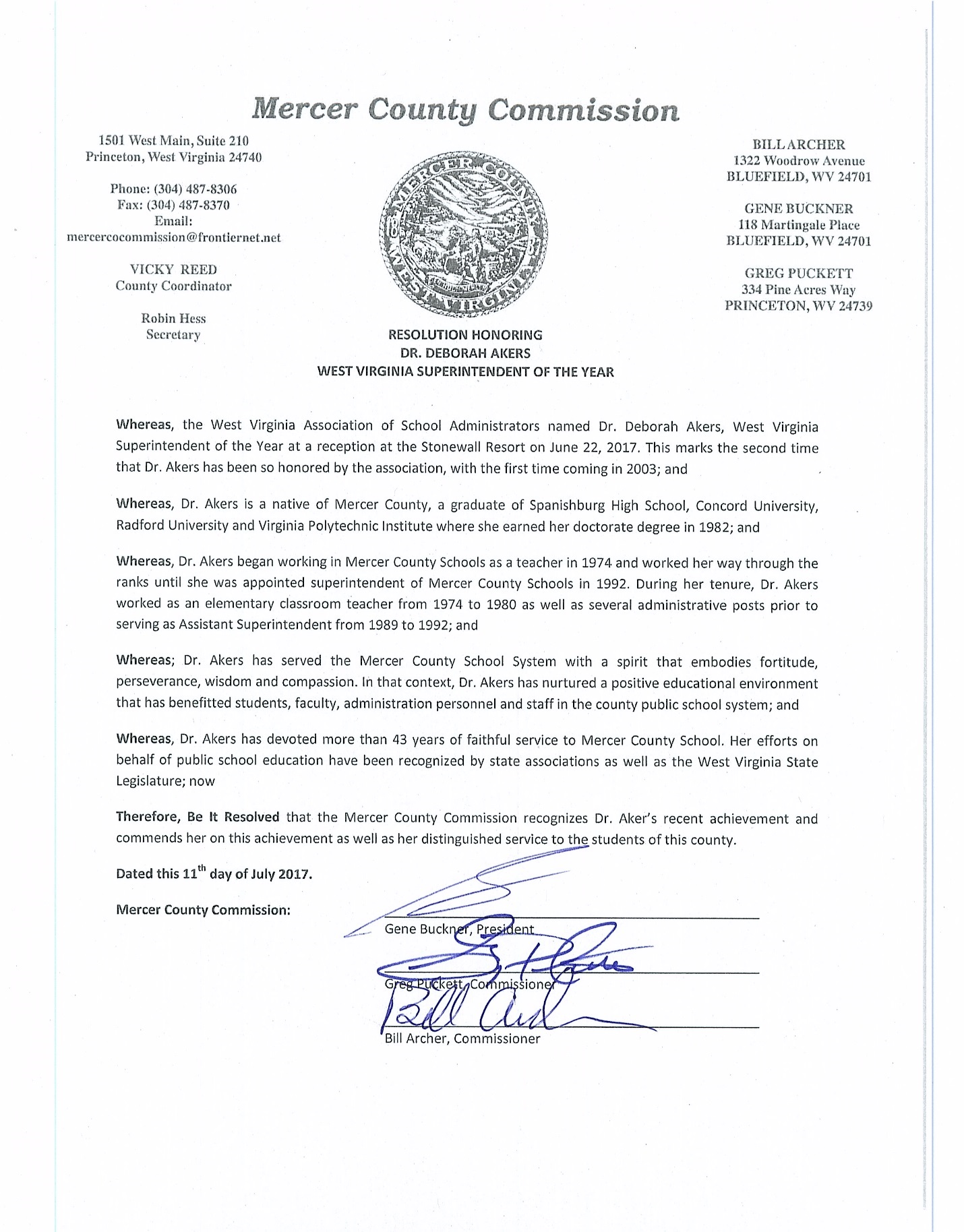
This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the Reappointment of Harold Brown to serve as Board Member for the Bramwell Public Service District. His term will expire on June 13, 2023.

RE: OATH – MERCER COUNTY ANIMAL SHELTER

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 Kallie Conley to serve as Animal Control Officer.

RE: RESOLUTION – DEBRA AKERS AS WV SUPERINTENDENT OF THE YEAR

This day the County Commission presented Dr. Deba Akers a Resolution Honoring her as WV Superintendent of the Year.



RE: DRAWDOWN – MERCER/SUMMERS IV-B ELGOOD WATER PROJECT

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve Drawdown #25 in the amount of $4,273.34 for the Mercer/Summers IV-B Elgood Water Line Extension Project.

RE: WEST VIRGINIA CONSERVATION AGENCY

This day an agreement between the West Virginia Conservation Agency and the Mercer County Commission was tabled.

RE: HOTEL MOTEL FUND ADVISORY COMMITTEE

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve the recommendations presented by Jamie Null, Executive Director of the Mercer County Convention & Visitor’s Bureau for an Advisory Committee for Hotel Motel tax.

RE: APPROVAL – COAL SEVERANCE BUDGET REVISION

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve Budget Revision No. 1 for FY 2017/2018 in the amount of $175,499 for the Coal Severance Fund.

RE: KING COAL HIGHWAY

This day Mike Mitchem, Executive Director of the King Coal Highway Authority gave a Status Report regarding the King Coal Highway.

RE: CELL PHONE TOWER ORDINANCE

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to accept the Wireless Telecommunications Facilities Ordinance presented by the Mercer County Planning Commission. First reading during August 8th meeting.

RE: MERCER COUNTY PROPERTY MAINTENANCE CODE

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to send the Mercer County Property Maintenance Code back to the Planning Commission for revisions. They recommend having the Princeton and Bluefield Code Enforcement Officers attend the next planning commission meeting on August 17, 2017 at 11:00 a.m. to help answer public questions.

RE: US CENSUS BUREAU

This day Janet Sprye, Field Representative for the US Census Bureau appeared before the County Commission to discuss local updated census addresses, forming a complete count committee and the 2018 Census test.

RE: EXOTIC ENTERTAINMENT ORDINANCE

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to extend the boundaries from 2,000 feet to 5,280 feet of locations listed in Section II of the current Exotic Entertainment Ordinance. A series of readings will take place before this can go into effect.

RE: **2017 SPECIAL ELECTION FOR CONSTITUTIONAL AMENDMENT**

This day Verlin Moye, County Clerk stated that Senate Joint Resolution 6 passed the house and senate to allow for a special election to amend the WV Constitution for the sale of Road Bonds. The Special Election was set by Governor Jim Justice for Saturday, October 7, 2017.

RE: **NATIONAL WEATHER SERVICE DESIGNATION**

This day Tim Farley, Emergency Management Director explained that the National Weather Service has renewed Mercer County as a StormReady Community. The renewal is good for a period of three years.

RE: **GLENWOOD PARK UPGRADES**

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve the purchase of 6 paddle boats at a cost not to exceed $9,000 from the Hotel Motel fund.

RE: **FALSE ALARM ORDINANCE**

This day Adam Ballard, Deputy Sheriff presented a False Alarm Ordinance to the County Commission for review. This would establish standards for alarm systems and could be beneficial to the County and its first responders.

RE: **PROPOSAL** – **2 COUNTY COMMISSION MEETINGS A MONTH**

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to have a primary commission meeting on the 2nd Tuesday of every month and a secondary meeting, if necessary, on the 4th Tuesday at 10:00 a.m. for a trial period of three months.

RE: NOISE **ORDINANCE**

This day Greg Puckett, Commissioner discussed the Noise Ordinance already in place for Mercer County. Due to numerous complaints about fireworks, Greg Puckett recommends having George Sitler, Prosecuting Attorney review the Ordinance for enforcement details.

RE: **REAL ESTATE EXCISE TAX INCREASE**

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously pursuant to 2017 Regular Session Senate Bill 433, being W.Va. Code 11-22-2, the Mercer County Commission does order the County Clerk to publish as a Class I legal advertisement, no later than Tuesday, July 25th of its intention to consider increasing the Excise Tax on the Privilage of Transferring Real Property.

RE: COURT SECURITY FUND GRANT AWARD

The Court Security Board has approved a Court Security Fund Grant to the Mercer County Commission in the amount of $11,259 for the purpose of enhancing the county’s court security. Card readers will be installed on the side doors of the Courthouse.

RE: BLUESTONE WATERSHED ASSOCIATION

This day Bill Archer, Commissioner, discussed forming a Bluestone Watershed Association in Mercer County. Upon recommendation of Leo Lester, they are looking into gaining public access to the Bluestone River in three locations. He stated they will look into federal funding to help make ramps that are accessible for kayaking, flat bottom boating and tubing.

RE: MERCER COUNTY HERITAGE ART & ESSAY CONTEST

This day Bill Archer, Commissioner, discussed the Mercer County Heritage Art & Essay Contest to be held at the Mercer County Fair on August 4th & 5th.

RE: NETWORK SOLUTIONS – DOMAIN RENEWAL

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to renew the mercercountywv.org domain through Network Solutions for ten years. Funding in the amount of $414.81 will be taken from the Courthouse Equipment fund.

RE: COUNTY COMMISSIONERS ASSOCIATION OF WV ANNUAL MEETING

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to pay the $900 registration fees for the Commissioners to attend the 2017 County Commissioners Association of West Virginia Annual Meeing from the county commission travel expense line item in the General fund.

RE: FUNDING REQUEST – REACHH FAMILY RESOURCE CENTER

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a funding request from Beth Sizemore, Executive Director of the REACHH Family Resource Center. Funding in the amount of $1,800 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 and Glass to replace broken windows in the courthouse. Funding in the amount of $5,440 will be taken from the Financial Stabilization Fund.

RE: FUNDING REQUEST – W.Q. WATTERS COMPANY

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the commission voted unanimously to approve an invoice from W.Q. Watters Company for painting in the courthouse. Funding in the amount of $102,146.85 will be taken from the Financial Stabilization Fund.

RE: FUNDING REQUEST – MERCER COUNTY MAKOS SWIM TEAM

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a funding request from Phillip Reece, representative for the Mercer County Makos Swim Team. Funding in the amount of $1,500 will be taken from the Hotel Motel Fund.

RE: FUNDING REQUEST – MERCER COUNTY HISTORICAL SOCIETY

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to table a funding request from Lois Miller, President of the Mercer County Historical Society.

RE: FUNDING REQUEST – PRINCETON-MERCER COUNTY CHAMBER OF COMMERCE

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to table a funding request from Robert Farley, President and CEO of the Princeton-Mercer County Chamber of Commerce.

RE: FUNDING REQUEST – BLUEFIELD PRESERVATION SOCIETY

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a funding request by Skip Crane on behalf of Julie Hurley, Vice President of the Bluefield Preservation Society for the 3rd Annual Blues Festival. Funding in the amount of $1,000 will be taken from the Video Lottery Fund.

RE: FUNDING REQUEST – BLUEFIELD PRESERVATION SOCIETY

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a funding request by Skip Crane on behalf of Debrah Ammar, President of the Bluefield Preservation Society for the 5th Annual Lemonade Festival. Funding in the amount of $1,000 will be taken from the Video Lottery Fund.

RE: FUNDING REQUEST – MERCER DAY REPORT CENTER

This day on motion of Gene Buckner, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to table a funding request from Bill Jessee, Director of the Mercer Day Report Center.

RE: FUNDING REQUEST – BLUEWELL IMPROVEMENT ASSOCIATION

This day a funding request from Skip Crane, Bluewell Improvement Association was tabled.

RE: FUNDING REQUEST – BLUEFIELD SHRINE CLUB

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a funding request by Rich Work on behalf of Wilson Butt, President of the Bluefield Shrine Club for the 49th Shrine-Blue Gray Horse Show. Funding in the amount of $1,500 will be taken from the Hotel Motel Fund.

RE: FUNDING REQUEST – CHUCK MATHENA CENTER

This day a funding request by Sierra Browning on behalf of Candace Wilson, Executive Director for the Chuck Mathena Center was tabled.

RE: FUNDING REQUEST – MERCER COUNTY RECYCLING PROGRAM

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the funding request to purchase a light bar from Mountaineer Communications for the recycling truck was approved. Funding in the amount of $1,014 will be taken from the Recycling Grant Fund. Gene Buckner opposed the motion.

RE: ESTATE – BRENDA LAWRENCE – DECEASED

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

**IN RE: BRENDA LAWRENCE, DECEASED.**

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

On the 11th day of July, 2017, before the Mercer County Commission, came the matter of the Estate of Brenda Lawrence, this matter was previously tabled from the May and June meetings and upon request of William H. Sanders, Attorney he has requested that this matter again be tabled for the filing of the Final Settlement which has been prepared.

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 Brenda Lawrence be tabled until the next County Commission meeting tentatively scheduled for August 8, 2017.

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 thisthe11th July 2017.

**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 – DEWAYNE VASS – DECEASED

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

**IN RE: DEWAYNE VASS, DECEASED.**

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

On the 11th day of July, 2017, before the Mercer County Commission, came the matter of the Estate of Dewayne Vass, this estate was opened and is being administered as an intestate estate. There have been two Holographic Wills presented for probate with affidavits from witnesses signed.

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 be tabled until the next County Commission meeting tentatively scheduled for August 8, 2017.

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 thisthe11th July 2017.

**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 – LINDA GAIL SADDLER AKA LINDA G. WATKINS–DECEASED

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

**IN RE: LINDA GAIL SADDLER AKA LINDA G. WATKINS, DECEASED.**

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

On the 11th day of July, 2017, before the Mercer County Commission, came the matter of the Estate of Linda Gail Saddler aka Linda G. Watkins, this estate was opened and is being administered as an intestate estate. There has been a will now produced for this estate and request has been made to have the Last Will and Testament of Linda Gail Saddler aka Linda G. Watkins probated and the current Administrator Ted Nelson Saddler removed.

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 Last Will and Testament of Linda Gail Saddler aka Linda G. Watkins be accepted for probate, Ted Nelson Saddler, the current Administrator is to be removed and will be responsible for the accounting and filing of a Final Settlement of assets to be turned over to the new Co-Executors of the estate.

The Commission further **ORDERS** the bond in the amount of $2,500.00 is to remain on estate.

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 thisthe11th July 2017.

**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: 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 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: MERCER COUNTY SHERIFF’S DEPARTMENT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the commission voted unanimously to provide the sheriff’s budget an additional $55,000 to be used for salaries and fringe benefits for the deputies. Funds to be moved from the Coal Severance and Financial Stabilization funds.

RE: MERCER COUNTY SHERIFF’S DEPARTMENT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the commission voted unanimously to require Sheriff Tommy Bailey provide to George Sitler, Prosecuting Attorney a copy of the letter from the Ethics Commission verifying he can hire his sister, Alisa Kim Bailey. On motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the commission voted unanimously to pay Alisa Kim Bailey for the hours she has already worked.

This day came William K. & Lori Tucker, by representative, and moved the Commission to correct the Land Books for 2015, touching the assessment thereon against the said William K. & Lori Tucker on Lot 221 The Ridge SD (1.14 Ac) #15171, 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 $344,700 class 3 – should be assessed for $344,700 class 2. It is therefore ordered that William K. & Lori Tucker 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 $3,922.69.

This day came William K. & Lori Tucker, by representative, and moved the Commission to correct the Land Books for 2016, touching the assessment thereon against the said William K. & Lori Tucker on Lot 221 The Ridge SD (1.14 Ac) #15171, 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 $345,540 class 3 – should be assessed for $345,540 class 2. It is therefore ordered that William K. & Lori Tucker 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 $3,932.25.

This day came William K. & Lori Tucker, by representative, and moved the Commission to correct the Land Books for 2015, touching the assessment thereon against the said William K. & Lori Tucker on Lot 223 The Ridge SD (0.65 Ac) #15171, 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 $24,780 class 3 – should be assessed for $24,780 class 2. It is therefore ordered that William K. & Lori Tucker 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 $282.00.

This day came William K. & Lori Tucker, by representative, and moved the Commission to correct the Land Books for 2016, touching the assessment thereon against the said William K. & Lori Tucker on Lot 223 The Ridge SD (0.65 Ac) #15171, 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 $25,200 class 3 – should be assessed for $25,200 class 2. It is therefore ordered that William K. & Lori Tucker 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 $286.78.

This day came Virginia Pauley, by representative, and moved the Commission to correct the Personal Property Books for 2013, touching the assessment thereon against the said Virginia Pauley on a mobile home, 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 taxpayer was double assessed on mobile home, on real estate also assessed value $2,940 class 2. It is therefore ordered that Virginia Pauley 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 $32.62.

This day came Virginia Pauley, by representative, and moved the Commission to correct the Personal Property Books for 2014, touching the assessment thereon against the said Virginia Pauley on a mobile home, 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 taxpayer was double assessed on mobile home, on real estate also assessed value $2,940 class 2. It is therefore ordered that Virginia Pauley 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 $32.62.

This day came Virginia Pauley, by representative, and moved the Commission to correct the Personal Property Books for 2015, touching the assessment thereon against the said Virginia Pauley on a mobile home, 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 taxpayer was double assessed on mobile home, on real estate also assessed value $3,444 class 2. It is therefore ordered that Virginia Pauley 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 $61.00.

PETITION FOR CANCELLATION OF ERRONEOUS CHARGES

DATE 7/5/2017

Tax Year 2016

Beaver Pond District

TICKET # NAME REASON AMOUNT

603401 Virginia Ellen Pauley Double assessed. $ 42.06

This day the flowing 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 #68702-68784

JUSTICE FINES - Check #5311

EMERGENCY 911 - Check #4261

HOME CONFINEMENT - Check #2272-2277

HOTEL MOTEL - Check #3575-3581

COURTHOUSE ANNEX - Check #1426-1428

VIDEO LOTTERY - Check #1246-1249

MCDRC FEES - Check #4552-4560 Void #4555

ASSESSOR REAPPRAISAL - Check #5947-5959

FINANCIAL STABILIZATION - Check #1021

DRUG FORFEITURE - Check #183-185

SHERIFF DRUG FUND - Check #1043

DEPUTY SHERIFF RETIREMENT - Check #245

It is ordered that this Commission be and is hereby adjourned until Tuesday, August 8, 2017.

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