WEST VIRGINIA:

At a regular session of the County Commission, held for the County of Mercer, at the Courthouse thereof, on Tuesday, October 8, 2019,

Present: Gene Buckner, President

Present: Greg Puckett, Commissioner

Present: Bill Archer, Commissioner

RE: OPIOID LAWSUIT DISCUSSION

At the recommendation of H. Truman Chafin, a motion was made by Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, to go into executive session to discuss the Opioid Lawsuit with Attorneys H. Truman Chafin and Tish Chafin, and Prosecuting Attorney George Sitler. On motion of Bill Archer, seconded by Greg Puckett, the Commission voted unanimously to come out of executive session and go back into regular session. George Sitler stated, “because the opioid crisis has hit Mercer County in disproportionate way, because West Virginia’s overdose death rate is far higher than many of the municipalities and counties that are represented in that national class, the County Commission, at the advice of The Chafin Law Firm, has decided to opt out of that negotiating class and seek remand of the County’s claims to WV Circuit Courts and ultimately to the mass litigation panel with the WV Supreme Court. We feel that is far more likely to result in a more beneficial resolution for Mercer County’s Residents”. Motion by Greg Puckett, seconded by Bill Archer, the Commission voted unanimously to accept the recommendation presented by Prosecuting Attorney George Sitler.

RE: OATH – OAKVALE ROAD PUBLIC SERVICE DISTRICT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to table the Appointment and Oath of Office for Stacy Hicks to serve as Board Member for the Oakvale Road Public Service District. His term will expire December 31, 2021.

RE: OATH – 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 and Oath of Office for Roger Topping to serve as Board Member for the Mercer County Board of Health. His term will expire June 30, 2021.

RE: PUBLIC HEARINGS – THIRD READING – CITY OF BLUEFIELD ANNEXATION

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to table the Third Reading of the Petition of the City of Bluefield, West Virginia to Annex City Owned Property and a portion of U.S. Route 52 into the City of Bluefield by Minor Boundary Adjustment and a Petition of the City of Bluefield, West Virginia to Annex Certain City Owned Property into the City of Bluefield by Minor Boundary Adjustment.

RE: GRANT – GOVERNOR’S HIGHWAY SAFETY PROGRAM GRANT CONTRACT & RESOLUTION

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the FY20 WV Governor’s Highway Safety Program Grant Contract and Resolution between the WV Department of Transportation, Division of Motor Vehicles and the Mercer County Commission in the amount of $370,150. This grant will provide local Highway Safety Coordination for McDowell, Mercer, Mingo Monroe, Pocahontas, Summers, and Wyoming Counties.

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

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to accept Drawdown #41 in the amount of $1,207.14 for the Mercer/Summers IV-B Elgood Water Line Extension Project.

RE: CONTRACT – IDEMIA IDENTITY & SECURITY USA LLC

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve the Maintenance and Support Agreement between Idemia Identity & Security USA LLC and the Mercer County Sheriff for the period October 20, 2019 through October 19, 2020. Funding in the amount of $4,611 will be taken from the Courthouse Equipment Fund.

RE: LINE ITEM TRANSFER – SHERIFF’S TAX OFFICE

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve a request for line item transfers for the Sheriff Tax Office.

RE: ESTATE – JERRY H. PARKER – DECEASED

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

**IN RE: JERRY H. PARKER, DECEASED.**

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

On the 8th day of October, 2019, before the Mercer County Commission, came the matter of the Estate of Jerry H. Parker, deceased, upon motion of Randy Parker, son of Jerry H. Parker, deceased, requesting that he be allowed to serve as Administrator D.B.N, with current bond in the amount of $30,000.00, in the place and stead of Susan A. Parker, Administratrix 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 Randy Parker shall qualify as Administrator, D.B.N., with bond in the amount of $30,000.00 to remain until the closure of the 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 thisthe8th day of October, 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 – GARY S. PHILLIPS – DECEASED

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

**IN RE: GARY S. PHILLIPS, DECEASED.**

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

On the 8th day of October, 2019, before the Mercer County Commission, came the matter of the Estate of Gary S. Phillips, deceased, upon motion of Susan A. Phillips, Administratrix, requesting that the estate be reopened for the purpose of administering newly found funds.

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 Gary S. Phillips, deceased, shall be reopened and that Susan A. Phillips be allowed to serve as Administratrix, with bond in the amount of $34,080.00 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 thisthe8th day of October, 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 – TINA MCPHERSON – DECEASED

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

**IN RE: TINA MCPHERSON, DECEASED.**

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

On the 8th day of October, 2019, before the Mercer County Commission, came the matter of the Estate of Tina McPherson, deceased, upon motion of Darla McPherson, wife of Randall McPherson, requesting that she be allowed to serve as Administratrix D.B.N, with current bond in the amount of $1,000.00, in the place and stead of Randall McPherson, Administrator 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 this request from Darla McPherson be denied.

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 thisthe8th day of October, 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 – FRANK JAMES UPRIGHT – DECEASED

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

**IN RE: FRANK JAMES UPRIGHT, DECEASED.**

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

On the 8th day of October, 2019, before the Mercer County Commission, came the matter of the Estate of Frank James Upright, deceased, which was previously tabled from the September 10, 2019 meeting. Harold B. Wolfe, III, Attorney for the Sheriff of Mercer County, has requested that this matter again be tabled in order to continue to get this matter resolved.

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 Frank James Upright, deceased, be tabled until the next County Commission meeting tentatively scheduled for November 12, 2019.

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 thisthe8th day of October, 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 – PRINCETON RESCUE SQUAD

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to table a funding request from Princeton Rescue Squad for the Education and Emergency Shelter Building.

RE: FUNDING REQUEST – CASEWV COMMISSION ON AGING

This day on motion of Greg Puckett, Commissioner, seconded by Gene Buckner, Commissioner, the Commission voted unanimously to table a funding request from CASEWV Commission on Aging for the Hot/Cold truck. Bill Archer abstained from voting.

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 table a funding request from Oakvale Road Public Service District for miscellaneous sewer extensions.

RE: FUNDING REQUEST – RALEIGH TILE, INC.

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve an estimate from Raleigh Tile, Inc. Funding in the amount of $6,731.42 will be taken from the Financial Stabilization fund for materials to replace flooring in Judge Sadler’s offices.

RE: DISCUSSIONS

This day a presentation was given by Michael Bennett, Partnership Specialist with the U.S. Census to discuss forming a complete count commission. Todd Boggess, Architect gave an update on the Coaldale Project, Greg Puckett discussed the 2020 Legislative Priorities and the Commission Grant application. Motion by Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to move discussion of AAA Septic Services to executive session.

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.

This day came Diana Feuchtenberger, by representative, and moved the Commission to correct the Land Books for 2018 Back Tax, touching the assessment thereon against the said Diana Feuchtenberger, on Strip Inc Map 33 Pcl 268 Jefferson, 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 $36,000 class 2 and was back taxed in error and paid. It is therefore ordered that Diana Feuchtenberger 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 $516.42

This day came Diana Feuchtenberger, by representative, and moved the Commission to correct the Land Books for 2018 Back Tax, touching the assessment thereon against the said Diana Feuchtenberger, on Alley (10x135) Jefferson, 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 $300 class 2 and was back taxed in error and paid. It is therefore ordered that Diana Feuchtenberger 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 $4.28

This day came Summer Blankenship, by representative, and moved the Commission to correct the Personal Property Books for 2019, touching the assessment thereon against the said Summer Blankenship on Personal Property, 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 taxpayer’s mobile home assessed for $21,000 class 2 has been paid twice – assessed as personal property and on real estate. It is therefore ordered that Summer Blankenship 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 $233.00

This day came Randomworld LTD Ref: Moose Lodge Princeton, by representative, and moved the Commission to correct the Personal Property Books for 2019, touching the assessment thereon against the said Randomworld LTD Ref: Moose Lodge Princeton 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’s business was taxed for $10,871 class 4 – was not in business 7/1/18. Tax ticket was cancelled and then paid. It is therefore ordered that Randomworld LTD Ref: Moose Lodge Princeton 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 $294.24

PETITION FOR CANCELLATION OF ERRONEOUS CHARGES

DATE 10/1/2019

Tax Year 2019

Bluefield District

TICKET # NAME REASON AMOUNT

16031 Delta Thompson Back tax in error. $ 297.50

Tax Year 2019

Plymouth District

TICKET # NAME REASON AMOUNT

29899 Cox Select Rentals LLC Back tax in error. $ 535.60

Tax Year 2019

Princeton District

TICKET # NAME REASON AMOUNT

34414 Cos Select Rentals LLC Back tax in error. $ 972.82

35767 Danay S. McNamee Should not have tax ticket for 2019. 232.36 Certified to state in 2017.

Tax Year 2019

Beaver Pond District

TICKET # NAME REASON AMOUNT

902432 Krystal Grose Double assessed. $ 38.28

Photography

6220 Nellie Osborne Back tax in error. 162.14

MOBILE HOMES

PETITION FOR CANCELLATION OF ERRONEOUS CHARGES

DATE 10/1/2019

Tax Year 2019

TICKET # NAME REASON AMOUNT

615518 David Shumate Double assessed. $ 68.36

815191 David Shumate Double assessed. 72.46

715306 David Shumate Double assessed. 70.40

603840 Margaret Sadler Deceased. 28.14

703749 Margaret Sadler Deceased. 28.96

503894 Margaret Sadler Deceased. 26.22

903695 Margaret Sadler Deceased. 30.86

803712 Margaret Sadler Deceased. 29.84

915201 David Shumate Double assessed. 75.04

910262 Rhonda G. Via Repossessed. 125.36

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 #72255-72363

- Void #71967, 72260, 72345, 72349, 72350

COAL SEVERANCE - Check #3628-3645

JUSTICE FINES - Check #5339

HOME CONFINEMENT - Check #2444

HOTEL MOTEL - Check #3934-3946

K-9 FUND - Check #1517

COURTHOUSE EQUIPMENT - Check #783-784

COURTHOUSE ANNEX - Check #1604-1611

VIDEO LOTTERY - Check #1373-1374

MCDRC FEES - Check #5084-5107

ASSESSOR REAPPRAISAL - Check #6297-6307

FINANCIAL STABILIZATION - Check #1034

TEEN COURT - Check #215

DEPUTY SHERIFF RETIREMENT - Check #272

It is ordered that this Commission be and is hereby adjourned until Tuesday, November 12, 2019.

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