WEST VIRGINIA:

 At a regular session of the County Commission, held for the County of Mercer, at the Courthouse thereof, on Tuesday, October 9, 2018,

 Present: Gene Buckner, President

Present: Greg Puckett, Commissioner

 Present: Bill Archer, Commissioner

RE: OATH – MERCER COUNTY ANIMAL SHELTER

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 Dustin McKinney to serve as part-time Kennel Technician for the Animal Shelter.

RE: OATH – MERCER COUNTY ANIMAL SHELTER

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 Clayton McKinney to serve as part-time Kennel Technician for the Animal Shelter.

RE: APPOINTMENT – COMMUNITY ACTION OF SOUTHEASTERN WV

This day on motion of Bill Archer, Commissioner, seconded by Gene Buckner, Commissioner, the Commission voted to approve the Appointment and Oath of Office for Jodi Richmond to serve on the Community Action of Southeastern WV (CASE) Board of Directors.

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 accept Drawdown #36 in the amount of $17,070.05 for the Mercer/Summers IV-B Elgood Water Line Extension Project.

RE: ADJUSTMENT – 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 Budget Amendment #13 for the Mercer/Summers IV-B Elgood Water Line Extension Project.

 RE: GRANT – WV COALFIELDS HIGHWAY SAFETY PROGRAM GRANT CONTRACT

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the Commission voted unanimously to approve the FY19 WV Coalfields Highway Safety Program Grant Contract between the WV Department of Transportation, Division of Motor Vehicles and the Mercer County Commission in the amount of $364,400.

RE: GRANT – WV RECORDS MANAGEMENT & PRESERVATION GRANT

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the Commission voted unanimously to approve a WV Records Management & Preservation Grant Application in the amount of $24,688.20 for the County Clerk’s Office and $24,469.80 for the Circuit Clerk’s Office.

 RE: ESTATE – CONNOLLY RICHARD LYNCH – DECEASED

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

**IN RE: CONNOLLY RICHARD LYNCH, DECEASED.**

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

On the 9th day of October, 2018, before the Mercer County Commission, came the matter of the Estate of Connolly Richard Lynch, upon motion of Charles W. Pace, Fiduciary Commissioner of Mercer County, requesting that the Administratrix, Rosetta Lea Brown, be removed for failure to communicate with him and to have the Sheriff of Mercer County, T. A. Bailey be appointed Administrator D.B.N., C.T.A.

 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 Administratrix, Rosetta Lea Brown, be removed and that the Sheriff of Mercer County, T. A. Bailey, be appointed Administrator D.B.N., C.T.A. over the estate of Connolly Richard Lynch.

It is further ORDERED that the current bond of $15,000.00 shall 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 thisthe9th day of October, 2018.

 **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 – BUDDY WESLEY JONES, SR. – DECEASED

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

**IN RE: BUDDY WESLEY JONES, SR., DECEASED.**

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

On the 9th day of October, 2018, before the Mercer County Commission, came the matter of the Estate of Buddy Wesley Jones, Sr., upon motion of Pamela J. Jones requesting that a copy of the Last Will and Testament of Buddy Wesley Jones, Sr. be accepted for recordation inasmuch as the original of said document cannot be located.

 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 Buddy Wesley Jones, Sr. be accepted for recordation.

 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 thisthe9th day of October, 2018.

 **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 – ARGIL B. WHITE – DECEASED

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

**IN RE: ARGIL B. WHITE, DECEASED.**

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

On the 9th day of October, 2018, before the Mercer County Commission, came the matter of the Estate of Argil B. White, upon motion of Anthony R. Veneri, requesting that this estate be reopened for the sole purpose of filing an Amended Appraisement which accurately reflects the transfer of assets between the estates of Jean Ann White and Argil Brown White.

 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 Argil B. White be reopened for the purpose stated in the paragraph above.

 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 thisthe9th day of October, 2018.

 **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 – JEAN ANN WHITE – DECEASED

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

**IN RE: JEAN ANN WHITE, DECEASED.**

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

On the 9th day of October, 2018, before the Mercer County Commission, came the matter of the Estate of Jean Ann White, upon motion of Anthony R. Veneri, requesting that this estate be reopened for the sole purpose of filing an Amended Appraisement which accurately reflects the transfer of assets between the estates of Jean Ann White and Argil Brown White.

 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 Jean Ann White be reopened for the purpose stated in the paragraph above.

 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 thisthe9th day of October, 2018.

 **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 – CLARENCE OKLEY TAYLOR – DECEASED

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

**IN RE: CLARENCE OKLEY TAYLOR, DECEASED.**

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

On the 9th day of October, 2018, before the Mercer County Commission, came the matter of the Estate of Clarence Okley Taylor, upon motion of Patty A. Verderose requesting that the estate of Clarence Okley Taylor be reopened for the purpose of obtaining medical records. Ms. Verderose also requested that she be allowed to serve as Administratrix D.B.N., C.T.A., without bond, inasmuch as Ruth M. Taylor, the former Executrix, 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 the estate of Clarence Okley Taylor be reopened and that Patty A. Verderose serve as Administratrix D.B.N., C.T.A., without bond

 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 thisthe9th day of October, 2018.

 **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 – MERCER COUNTY ANIMAL SHELTER

This day on motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the commission voted unanimously to approve the request for Elizabeth Morehead, Director and Stacy Harman, Assistant Director to attend the Animal Care Expo in New Orleans, Louisiana. Funding for travel expenses up to $2,600 will be taken from the Animal Shelter budget in the General Fund.

RE: DISCUSSION – WAR MUSEUM

This day Tony Whitlow, War Museum Director appeared before the County Commission to discuss the need for expansion of the War Museum.

RE: DISCUSSION – FURNITURE FOR COURTHOUSE MAIN HALLWAY

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the commission voted unanimously to approve the purchase of furniture for the main hallway of the Courthouse. Funding up to $5,000 will be taken from the Hotel Motel Fund.

RE: DISCUSSION – APPLICATION FOR USE OF COURTHOUSE GROUNDS

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the commission voted unanimously ask the County Administrator to take the 2 applications for use of courthouse grounds from Roane County and Fayette County and at her discretion come up with an application to present at the next Commission meeting.

RE: DISCUSSION – SPAY-NEUTER ORDINANCE

This day on motion of Greg Puckett, Commissioner, seconded by Bill Archer, Commissioner, the commission voted unanimously to table the Spay-Neuter Ordinance until the November meeting.

RE: PRESENTATION – JOE DAVIDSON BRIDGE DEDICATION

This day Bill Archer announced that a Bridge Dedication for Constable Joe Davidson will be held at the District 10 Headquarters in Gardner today at 1:00 p.m. On motion of Bill Archer, Commissioner, seconded by Greg Puckett, Commissioner, the commission voted unanimously to continue this meeting at the conclusion until 1:00 p.m.

RE: PUBLIC HEARING – BROADBAND DEVELOPMENT FUNDING

This day Jason Roberts, Executive Director for Region 1 Planning & Development appeared before the County Commission to hold the 1st Public Hearing to inform the public of activities the Commission intends to include in an application seeking FY2018 CDBG Funding for Broadband Development.

RE: PUBLIC COMMENTS – JOHN MCCUSKEY, STATE AUDITOR

This day John McCuskey, State Auditor appeared before the County Commission to give a presentation on the wvcheckbook.gov website that provides spending and revenue transparency. He is encouraging all counties to participate.

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.

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 This day came Drema S. Tote, by representative, and moved the Commission to correct the Land Books for 2018, touching the assessment thereon against the said Drema S. Tote on 2.28 Ac Nr Glenwood, 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 $57,060 class 2 – should be assessed for $57,060 class 2 with the $20,000 homestead exemption applied to property. It is therefore ordered that Drema S. Tote 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 New Peoples Bank Inc., by representative, and moved the Commission to correct the Land Books for 2018, touching the assessment thereon against the said New Peoples Bank Inc. on Lot 19 Sec 312 3rd, 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 $22,320 class 4 – should be assessed for $8,100 class 4. It is therefore ordered that New Peoples Bank Inc. 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 $394.75

This day came William R. Goodman, by representative, and moved the Commission to correct the Personal Property Books for 2018, touching the assessment thereon against the said William R. Goodman on personal property, 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 taxpayer was charged for a camper assessed for $3,358 class 3. Did not own a camper. It is therefore ordered that William R. Goodman 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 $76.43

This day came Richard & Nina Dyson, by representative, and moved the Commission to correct the Personal Property Books for 2014, touching the assessment thereon against the said Richard & Nina Dyson on personal property, 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 taxpayer was double assessed on a 2008 Ford assessed for $14,100 and a 1995 Ford assessed for $1,080, also taxed on D & L Services, Inc. It is therefore ordered that Richard & Nina Dyson 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 $345.50

This day came Richard & Nina Dyson, by representative, and moved the Commission to correct the Personal Property Books for 2013, touching the assessment thereon against the said Richard & Nina Dyson on personal property, 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 taxpayer was double assessed on a 2008 Ford assessed for $11,340 and a 1995 Ford assessed for $1,200, also taxed on D & L Services, Inc. It is therefore ordered that Richard & Nina Dyson 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 $285.41

This day came Richard & Nina Dyson, by representative, and moved the Commission to correct the Personal Property Books for 2016, touching the assessment thereon against the said Richard & Nina Dyson on personal property, 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 taxpayer was double assessed on a 2008 Ford assessed for $11,535 and a 1995 Ford assessed for $1,259, also taxed on D & L Services, Inc. It is therefore ordered that Richard & Nina Dyson 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 $291.19

PETITION FOR CANCELLATION OF ERRONEOUS CHARGES

DATE 10/2/2018

Tax Year 2017

Bluefield District

TICKET # NAME REASON AMOUNT

706141 Ramsey School Inc Tax exempt. $ 103.10

Tax Year 2018

Beaver Pond District

TICKET # NAME REASON AMOUNT

803488 R C Outdoors Not in business 7/1/17. $ 251.02

Tax Year 2018

East River District

TICKET # NAME REASON AMOUNT

810483 Whites Wholesale Double assessed. $ 18.04

Tax Year 2018

Bluefield District

TICKET # NAME REASON AMOUNT

806096 The Ramsey School Inc Exempt property. $ 113.40

12405 Gary Bowling’s House Exempt property. 1,500.72

 Of Art

12408 Gary Bowling’s House Exempt property. 13.32

 Of Art

12407 Gary Bowling’s House Exempt property. 20.00

 Of Art

12406 Gary Bowling’s House Exempt property. 21.66 Of Art

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 #70710-70810

COAL SEVERANCE - Check #3579-3583 Void #3580

JUSTICE FINES - Check #5326

MAGISTRATE COURT - Check #5361

EMERGENCY 911 - Check #4266

HOME CONFINEMENT - Check #2393-2400 Void #2395

HOTEL MOTEL - Check #3783-3794 Void #3787

K-9 FUND - Check #1504-1505

COURTHOUSE EQUIPMENT - Check #760-761

COURTHOUSE ANNEX - Check #1532-1536

VIDEO LOTTERY - Check #1309-1310

MCDRC FEES - Check #4826-4844

ASSESSOR REAPPRAISAL - Check #6140-6151

DRUG FORFEITURE - Check #212-213

SHERIFF DRUG FUND - Check #1064-1065

ANIMAL SHELTER EST DONATION - Check #1017-1018

DRUG COURT - Check #1149

DEPUTY SHERIFF RETIREMENT - Check #260

RE: CONSTABLE JOHN H. DAVIDSON BRIDGE DEDICATION CEREMONY

The time being 1:00 p.m. at the WV Department of Highways District 10 Headquarters in Gardner. A Memorial Bridge Dedication Ceremony was held for Constable Joe H. Davidson who was killed in the line of duty on October 9, 1934.

It is ordered that this Commission be and is hereby adjourned until Tuesday, November 13, 2018.

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