

REGULAR TERM:

State of West Virginia, County of Jefferson, to-wit:

At a Regular Term of the County Commission of said County and State continued and held at the Old Charles Town Library thereof on Thursday, June 23, 2005, beginning at 9:30 o'clock a.m.

PRESENT: A.M.S. (Rusty) Morgan, III, President;
James Surkamp; Greg Corliss;
Dale Manuel; Jane M. Tabb; Commissioners

In re: PLEDGE OF ALLEGIANCE

Commissioner Surkamp conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Manuel, second by Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, June 16, 2005, and to approve the Minutes as presented. Motion carried by a 4-1 vote; Commissioner Surkamp voted no.

In re: MINUTES FOR JUNE 9TH, 2005 DISCUSSED

Commissioner Surkamp discussed the minutes for June 9th, 2005 regarding the Conflicts of Interest Policy. Motion by Surkamp, second by Corliss to add the following wording to the motion that passed on June 9th, 2005: "A public official's request and full disclosure be included in the minutes of said meeting and this wording be submitted to our attorney and the Ethics Commission for an opinion." Motion by Manuel, second by Tabb to amend the motion and to add that they voted no as per advice from counsel. The amended motion failed by a 2-3 vote. Commissioners Surkamp, Morgan and Corliss voted no. Original motion by Surkamp, second by Corliss to add the following wording to the motion that passed on June 9th, 2005: "A public official's request and full disclosure be included in the minutes of said meeting and this wording be submitted to our attorney and the Ethics Commission for an opinion." Motion passed by a 3-2 vote. Commissioners Tabb and Manuel voted no.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Corliss, second by Manuel to approve the following Purchase Orders for the Week of June 21, 2005, totaling \$18,614.19: 41410, 40689, 40691, 40692, 40701, 41412, 41413, 41343, 41425, 41426, 41427, 41429, 41439, 41440, 41442, 41443, 41444 and 41248. Motion carried.

In re: BONDING AND ACTIVITY REPORT

Paul Raco appeared before the Commission to give the Planning Commission Activity Report and to discuss Planning Commission procedures.

In re: EXECUTIVE SESSION - PERSONNEL MATTERS

Upon request from Paul Raco, Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Manuel to enter into Executive Session to discuss personnel matters. Motion carried. Motion by Corliss, second by Tabb to close Executive Session.

In re: EXECUTIVE SESSION - PERSONNEL MATTERS

Upon request from Patsy Noland, Circuit Clerk, motion by Tabb, second by Manuel to enter into Executive Session to discuss personnel matters. Motion carried. Motion by Corliss, second by Tabb to close Executive Session and return to Regular Session. Motion carried.

In re: SAUNDRA S. MORELAND - SHEPHERDSTOWN DAY CARE CENTER

Sandra S. Moreland, Program Director of Shepherdstown Day Care Center appeared before the

Commission to request funding for the Shepherdstown Day Care Center Building Program. Ms. Moreland reported on the Center's operation, clientele, staffing and the Center's partnership with Shepherdstown Library.

Shepherdstown Day Care Center Board Members, Ms. Tracy Benjamin with her two children and Ms. Lynn Wilson were also present for comments.

The Commission advised Ms. Moreland that they would consider her budget request during budget deliberations in July.

In re: JENNIFER S. MAGHAN - COUNTY'S CLERK'S REPORT

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the County Clerk's weekly report. Mrs. Maghan reported on election procedures and poll workers for the June 25, 2005 special election.

In re: DEPOSITORY BONDS

Motion by Manuel, second by Tabb to approve the Securities and Depository Bonds outlined by County Clerk, Jennifer Maghan. Motion Carried.

BONDS OF DEPOSITORIES OF COUNTY FUNDS

The County Commission designated all banks doing business in the County under State Regulation, as Depositories of County funds for the ensuing fiscal year, the said banks being requested to have their bonds before the County Commission on or before June 24, 2005, and the following named banks having their bonds before the Commission, conditioned according to law, said banks are this day appointed depositories of County funds for the ensuing fiscal year, Michael D. Thompson, Prosecuting Attorney, having examined the said bonds and approved the same, to wit:

Bank of Charles Town		\$16,500,000
\$1,000,000	FHLMC Bond, 3.80% due 02/17/2009	Book Entry
\$1,000,000	FHLMC Bond, 3.375% due 07/21/2008	Book Entry
\$2,000,000	FHLB Bond, 2.92% due 01/19/2007	Book Entry
\$2,000,000	FHLB Bond, 3.08% due 04/30/2007	Book Entry
\$2,000,000	FHLB Bond, 2.55% due 07/28/2006	Book Entry
\$4,000,000	FFCB Bond, 4.875% due 09/01/2006	Book Entry
\$3,000,000	FFCB Bond, 4.875% due 12/19/2006	Book Entry
\$1,000,000	FHLB Bond, 4.875% due 11/15/2006	Book Entry
\$500,000	FHLB Bond, 4.00% due 05/23/2008	Book Entry
 Jefferson Security Bank		 \$750,000
\$750,000	FHLB Bond, 1.50% due 12/30/2005	Book Entry
 United Bank		 \$ 6,391,392.28
\$1,743,762.24	FHLMC Gold, 5.50% due 08/01/2017	
\$248,199.02	COLUMBIA CO NY, 4.60% due 08/01/2014	
\$433,383.85	CROW CREEK SOUX TR, 4.90% due 11/15/2009	
\$757,034.92	DYERSBURG TN WATER, 4.60% due 12/01/2016	
\$97,045.09	GREENBRIAR CITY, WV, 4.00% due 05/01/2014	
\$405,796.72	HAMPSHIRE CO, WV, 4.15% due 05/01/2006	
\$1,719,446.22	PHILIPPI, WV, 5.40% due 11/01/2022	

\$35,241.51	RALEIGH CO, WV, 4.50% due 10/01/2005
\$574,522.19	RIB LAKE WISCONSIN, 4.60% due 03/01/2015
\$143,448.97	HAMPSHIRE CO, WV, 4.15% due 05/01/2007
\$233,471.55	GNM3020PL, 4.00% due 05/16/2027

Susquehanna Bank

\$4,000,000

\$4,000,000	FFCB Bond, 4.04% due 06/30/2008	Book Entry
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B B and T Bank

\$4,845,937.00

\$1,443,281	FHLB Notes, 3.00% due 04/15/2009	Federal Reserve
\$3,402,656	FHLB, 3.350% due 07/09/2009	Federal Reserve

In re: COUNTY BENEFITS SURVEY RESULTS

Jennifer Maghan reported on the Employees Benefits Survey results. Mrs. Maghan provided the Commission with copies of the report outlining the statistics for 37 responses. Mrs. Maghan reported that three Jefferson County agencies did not participate in the survey.

In re: MICHAEL THOMPSON - PROSECUTING ATTORNEY - COUNTY COMMISSION PUBLIC SERVICE DISTRICT AUTHORITY

Michael Thompson, Prosecuting Attorney appeared before the Commission for discussion. Mr. Thompson reported on legalities and procedures as outlined by State Code, the capabilities and procedures of Public Service District Boards; authority of neighboring municipalities with consideration to a potential merger with Jefferson County Public Service District officials, Public Service District meeting by-laws and the duty requirements of Public Service District Board members.

Mr. Thompson will review the number of appointments that may be made to the Public Service District.

The Commission recessed at 12:15 p.m. for lunch

The Commission reconvened at 1:30 p.m.

In re: GEORGE PITCARIN AND JASON ALLEN - ENVIROQUIP, INC. PRESENTATION

Jason Allen appeared before the Commission for discussion and a power point slide show presentation on behalf of Enviroquip, Incorporated. Mr. Allen reported on Water Treatment Resources by Enviroquip, filtration specifications and cost analysis. Mr. Allen also discussed Jefferson County Health Department and Department of Environmental Protection standards with regard to discharge of waste.

Ms. Sue Lawton was present for comments.

In re: MANAGEMENT STUDY RFP

Leslie D. Smith, County Administrator, reported to the Commission that one Management Study RFP has been received and that she will schedule an interview at the discretion of the County Commissioner's schedules. Ms. Smith asked for the Commissioners review and input of the RFP received.

In re: DISCUSSION AND VOTE ON SELECTION AND AUTHORIZATION OF A DENTAL AND OPTICAL PLAN FOR JEFFERSON COUNTY EMPLOYEES

Leslie Smith, County Administrator reported that she has reviewed numerous health insurance proposals that include dental and optical plans with an explanation of employee coverage, deductibles and County Commission financial responsibility.

After discussion, motion by Manual, second by Surkamp requesting County Commission commitment in providing Dental and Optical insurance to County Employees with a decision on the best

provider plan after review and consideration of all proposals received. Motion failed, Commissioners Corliss, Tabb and Morgan voted no.

In re: APPROVAL OF NOISE ORDINANCE

Brandy Sims, Assistant Prosecuting Attorney appeared before the Commission and reported on the Magistrate's review and input of the proposed Noise Ordinance. Ms. Sims also provided a detailed explanation of amendments.

After discussion the Commission agreed to place this matter on next week's agenda.

In re: UPDATE ON RANSON-COUNTY IMPACT FEE AGREEMENT

Commissioner Morgan reported that Greg Jones, Assistant Prosecuting Attorney is still in negotiations with Ranson Officials. Mike Thompson, Prosecuting Attorney was present for comments.

No action was taken on this item.

In re: LEGAL REVIEW OF COUNTY COMMISSION AUTHORITY WITH RESPECT TO THE PUBLIC SERVICE DISTRICT AND AS PROVIDED BY STATE CODE

This item was covered in Prosecuting Attorney, Michael D. Thompson's previous report.

In re: ANNUAL UTILIZATION REPORT - JEFFERSON COUNTY RECEIVER SITE

Motion by Tabb, second by Manuel to approve the Annual Utilization Reports for the Jefferson County Receiver Site. Motion carried.

In re: APPOINTMENTS OF ALTERNATE MEMBERS TO THE BOARD OF ZONING APPEALS

Leslie Smith, County Administrator reported that there are no applicants. The Commission agreed to place this matter on the agenda next week as Old Business.

In re: COUNTY COMMISSION ZONING ORDINANCE AMENDMENTS, PRINCIPAL PERMITTED USES IN THE RURAL DISTRICT

Paul Raco, Director of Planning, Zoning and Engineering appeared before the Commission for discussion and presentation of the Zoning Ordinance Amendment Draft Proposal for Commission review and consideration. Mr. Raco provided a detailed explanation outlining all Ordinance amendments.

After discussion, motion by Corliss, second by Manuel to hold a public hearing on the draft amendments on Thursday, July 21, 2005 at 1:30 p.m. Motion carried.

In re: APPROVAL OF EMPLOYMENT - PUBLIC SAFETY DISPATCHER - NANCY DOPSON

Motion by Corliss, second by Tabb to approve the full-time employment of Nancy Dopson as a Public Safety Dispatcher. Motion carried.

In re: STATUS MEETINGS WITH BERKELEY COUNTY COMMISSION AND SHEPHERDSTOWN TOWN COUNCIL

The Commission requested Leslie Smith to ascertain agenda information for the proposed joint meeting with Berkeley County Commission and Shepherdstown Town Council officials to establish the time frame necessary before scheduling.

In re: STATUS OF SUPPORT TO BOARD OF ZONING APPEALS

No action was taken on this agenda item.

In re: STATUS OF \$10,000.00 FUNDED FOR AERIAL PHOTOGRAPHY OF THE COUNTY

Leslie D. Smith, County Administrator reported that the aerial photography could not take place this year and would have to wait until fall 2005 or spring 2006.

In re: INVITATION TO USDA ADMINISTRATOR RANDY PLUM, JANE PETERS re: WATER SYSTEM

Bill Chesley appeared before the Commission to report on the sale of the Burr-Bardane Water System.

Discussion included the economic impact regarding the sale of the Burr-Bardane Water System, USDA Involvement and County Commission Authority in the sale.

After discussion, motion by Surkamp, second by Corliss that before the Economic Development Authority takes action on the sale of the water system that all parties meet to discuss the proposed sale of the Burr-Bardane Water System to Jefferson Utilities with Randy Plum, Program Director of the USDA Rural Development Program. Motion by Manuel, second by Tabb to table Commissioner Surkamp's previous motion for further consideration. Motion failed, Commissioners Morgan, Corliss and Surkamp voted no. Original Motion carried by a 3-2 vote; Commissioners Tabb and Manuel voted no.

In re: SUPPORT FOR PLANNING COMMISSION VOTE ON PUBLIC SERVICE DISTRICT LETTER OF ASSURANCE

Commissioner Surkamp withdrew this agenda item.

In re: REQUEST FOR HEARING - RURAL RETREAT ROAD MAINTENANCE ASSOCIATION

The Commission authorized Leslie Smith, County Administrator to schedule the Rural Retreat Road Maintenance Association hearing for Thursday, July 21, 2005.

In re: APPROVAL OF EMPLOYMENT - ASSESSOR'S OFFICE

Motion by Manuel, second by Tabb to approve the employment of Cindy Hawes at the Assessor's Office. Motion carried.

In re: COUNTY COMMISSION REPORTS

Commissioner Surkamp reported on the Hazardous Materials Committee meeting he attended.
Commissioner Corliss reported on the Development Authority meeting he attended.
Commissioner Manuel reported on the Eastern Panhandle Transit Authority meeting he attended.
Commissioner Manuel reported on the Department of Highways meeting scheduled for June 23, 2005.

Commissioner Tabb reported on the Fire Safety class she instructed on behalf of the Jefferson County Office of Homeland Security's Fire Safety program.

Commissioner Tabb reported on the Development Authority meeting

Commissioner Tabb reported on the festivities of Farm Day.

Commissioner Morgan reported on the festivities of the Saddles and Smiles event he attended.

Commissioner Morgan reported on the Radio Communications meeting he attended.

Leslie D. Smith, County Administrator presented the Commission with the bill heads for Park and Recreations Land Development and Improvement Fund.

Leslie D. Smith, County Administrator reported on the status of Capital Outlay Fund for the Communication Center.

Leslie D. Smith reported on the status of County Commission contributions to the Capital Outlay Fund.

The Commission received the following information:

Notice of Jefferson County Commission meeting cancellation on Thursday, July 7, 2005.

Appointments to be made on June 30, 2005 to the Parks and Recreation Commission, Board of Health, and the Summit Point Library Committee.

Correspondence received from Joseph Hankins concerning grant funds received from Altria Group.

Information received from the County Commissioners' Association concerning annual meeting registration.

Correspondence received from Gail Banfield, on behalf of South Jefferson Elementary School Destination Imagination, thanking the Commission for the allocation of funds.

Correspondence received from the Division of Highways concerning grant projects.

Correspondence received from the Division of Culture and History concerning 114 North Charles Street.

Correspondence received from Comcast concerning the reorganization process of cable providers.

Copies of newspaper articles received from the County Commissioners' Association concerning mobile office hours for Senator Byrd, the Budget Digest, Cabell County's unpaid jail bills, and the Retirement Board.

Affidavit of Circulation received from the Spirit of Jefferson.

Correspondence received from Senator John R. Unger, II concerning the request for \$50,000 for the Affordable Housing Authority.

Correspondence received from Delegate Locke Wysong concerning legislative information.

E-911 fees received from Citizens Telecommunications.

Weekly settlement for Charles Town Races received from the West Virginia Lottery.

Miscellaneous

Upon rising, the Commission recessed until Thursday morning next beginning at 9:30 o'clock a.m.

A.M.S. MORGAN, III, PRESIDENT