

**VIRGINIA:**

At a regular meeting of the Washington County Board of Supervisors held Tuesday, April 22, 2003, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

**PRESENT:**

Joe W. Derting, Chairman  
Phillip B. McCall, Vice Chairman  
Jack H. Barker  
Bobby D. Ingle  
Dulcie M. Mumpower  
Anthony S. Rector  
John B. Roberts, Sr.

Mark K. Reeter, County Administrator  
Lucy E. Phillips, County Attorney  
Mark Seamon, Accounting Manager  
Naoma A. Mullins, Administrative Supervisor

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**1 Call to Order**

The meeting was called to order by Mr. Joe Derting, Chairman of the Board, who welcomed everyone in attendance.

**2 Invocation and Pledge of Allegiance – Supervisor Joe W. Derting**

Supervisor Joe Derting gave the Invocation and led the Pledge of Allegiance.

**3 Approval of Agenda**

*On motion of Mr. Ingle, second by Mr. Rector, it was resolved to approve the Agenda with the following amendments.*

*New Item 4b Request from Goodson-Kinderhook Fire and Rescue*

*The vote on this motion was as follows: (7-0)*

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

**4 Approval of Minutes - April 8, 2003, Regular Meeting**

*On motion of Mr. Rector, second by Mr. Roberts, it was resolved to approve the minutes of the April 8, 2003, Regular Meeting as presented.*

*The vote on this motion was as follows: (7-0)*

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

**4b Request from Goodson-Kinderhook Fire and Rescue**

Mr. Steve Rachel, Chief, Goodson-Kinderhook Fire and Rescue Department appeared before the Board to present a request for financial assistance in the amount of \$6,000 to offset a deficit in the Department's budget. Mr. Rachel explained that the Department recently purchased a new ambulance using the Emergency Volunteers Association rotation money and combined with State grants the ambulance is now in service. The Department budgeted \$12,000 to purchase the mandatory equipment to place this ambulance in service and to pass mandatory state inspection. An Emergency Medical Services 50/50 matching grant was applied for and received by the Department to assist with the purchase of an Automatic External Defibrillator (AED) and radios required for the ambulance. The grant award was for \$3,700 and the cost of an AED starts at \$12,000. The Department contacted the Emergency Medical Services office to verify that the grant award figure was correct and was told due to cuts in funding the \$3,700 was all the Department would receive. Because of the cut in grant funding the Department was forced to make up the difference. To date the Department has spent approximately \$20,000 to purchase equipment required for the ambulance. Therefore, the request before the Board is for 50% of the \$12,000.

Mr. Rachel advised the Board that this request had been taken to the Emergency Services Committee.

Discussion ensued among the Board regarding this request. One of the principle concerns discussed was the impact to other emergency services organizations in the County due to the reductions from the State in the 50/50 matching grant for equipment purchases.

*On motion of Mr. Barker, second by Mr. Rector, it was resolved to approve a transfer from reserves for contingencies to the Goodson-Kinderhook Fire and Rescue Department in the amount of \$6,000 to assist with costs pertaining to purchase of an Automatic External Defibrillator.*

*The vote on this motion was as follows: (7-0)*

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

**5 Public Hearing on Proposed Ordinance to Amend Chapter 34 of the Code of Washington County, Virginia to Create an Auxiliary Police Force**

Ms. Phillips advised the Board that Sheriff Fred Newman has requested an old ordinance that allows for an auxiliary police force for the County be placed back in the Washington County Code.

Sheriff Fred Newman addressed the Board requesting the adoption of an ordinance to create and establish an auxiliary sheriff's force in Washington County. The auxiliary force would be available to provide assistance to the manpower within the Sheriff's Department. The auxiliary sheriff's force personnel would receive training, which would include instruction on proper uses of firearms. Also, the personnel would undergo background checks.

Mr. Derting opened the public hearing and invited comments both in support of and in opposition to a proposed ordinance.

Mr. Patrick Mannix addressed the Board regarding language in the proposed ordinance that deals with carrying of firearms.

Mr. Jerry Davis addressed the Board in favor of the proposed ordinance.

There being no further comments, Mr. Derting declared the public hearing closed.

Discussion ensued among the Board. The following action was taken:

***On motion of Mr. Roberts, second by Mr. McCall, the Board acted to adopt the following ordinance:***

*AN ORDINANCE TO AMEND CHAPTER 34  
OF THE CODE OF WASHINGTON COUNTY, VIRGINIA,  
TO CREATE AN AUXILIARY POLICE FORCE*

***WHEREAS, Chapter 17, Article 3, of Title 15.2 of the 1950 Code of Virginia, as amended, allows the governing body of a locality to create an auxiliary police force; and***

***WHEREAS, the Sheriff of Washington County has requested the Board of Supervisors to establish by ordinance an auxiliary police force as allowed by state law; and***

***WHEREAS, the Board of Supervisors of Washington County finds that creation of an auxiliary police force would further the preservation of public peace, safety and good order of the community,***

***NOW, THEREFORE, be it resolved that the Board of Supervisors of Washington County, Virginia, after notice and public hearing as required by law, hereby adopts this ordinance, which shall be incorporated into the Washington County Code (2002), to create and establish an auxiliary police force in Washington County.***

***1. That a new Article II is created in Chapter 34 of the Code of Washington County, Virginia (2002), as set forth below, and the provisions formerly set forth in Articles II and III of Chapter 34 shall be renumbered accordingly:***

***LAW ENFORCEMENT.***

***Article I. In General.***

***§§ 34-1 to 34-23. Reserved.***

***Article II. Auxiliary Sheriff's Force.***

- § 34-24. *Created.*  
 § 34-25. *Composition.*  
 § 34-26. *Appointment.*  
 § 34-27. *Oath of office.*  
 § 34-28. *Uniform; organization.*  
 § 34-29. *Calling auxiliary police forces into service.*  
 § 34-30. *Powers and immunities.*

Sec. 34-24. Created.

*For the further preservation of the public peace, safety and good order of the community, the county auxiliary sheriff's force is hereby created and established.*

Sec. 34-25. Composition.

*The county auxiliary sheriff's force shall consist of no more than fifteen (15) members.*

Sec. 34-26. Appointment.

*The sheriff of the county is authorized and empowered to appoint persons of good character who have been carefully screened and fully trained to minimum state standards as members of the county auxiliary sheriff's force, and the appointment of each member of such county auxiliary sheriff's force shall be revocable at any time by the sheriff of the county.*

Sec. 34-27. Oath of office.

*Each member of the county auxiliary sheriff's force shall take an oath of office.*

Sec. 34-28. Uniform; organization.

*The sheriff of the county shall prescribe the uniform and organization of the county auxiliary sheriff's force, and the sheriff shall prescribe such rules and regulations as the sheriff shall deem necessary for the operation of such auxiliary sheriff's force.*

Sec. 34-29. Calling auxiliary police forces into service.

*The sheriff of the county is authorized to call into service such members of the county auxiliary sheriff's force as the sheriff may deem necessary (a) in time of public emergency, (b) at such times as there are insufficient numbers of regular police force to preserve the peace, safety, and good order of the community, (c) at any time for the purpose of training such members of the county auxiliary sheriff's force, and (d) as otherwise allowed by state law. At all times when performing such service, the members of such county auxiliary sheriff's force shall wear the prescribed uniform.*

Sec. 34-30. Powers and immunities.

*When called into service as herein provided, each member of the county auxiliary sheriff's force shall have all the powers and authority and all the immunities of constables at common law. Members of the county auxiliary sheriff's force who have met the training requirements established by the Department of Criminal Justice Services under section 9.1-101 of the 1950 Code of Virginia, as such is amended from time to time, shall have all the powers and authority and all the immunities of full-time law-enforcement officers. No member of the county auxiliary sheriff's force shall be permitted to carry or use a firearm while serving as a member of the county auxiliary sheriff's force unless such officer has met the firearms training requirements established in accordance with in-service training standards for law-enforcement officers as prescribed by the*

*Criminal Justice Services Board and specifically authorized by the sheriff to carry or use a firearm while serving as a member of the county auxiliary sheriff's force.*

\* \* \*

2. *That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Washington County Code.*

3. *That this ordinance shall become effective immediately upon its enactment.*

*The vote on this motion was as follows: (7-0)*

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

**6 Consideration of Resolution Pertaining to Relocation of Right-of-Ways Involving State Routes 10, 11, 58, 81, 91, 605, 616, 641, 647 and 700**

County Administrator Mark Reeter addressed the Board explaining that the Virginia Department of Transportation is requesting adoption of a Resolution pertaining to various additions and abandonment of road right-of-ways as a result of a number of highway improvement projects affecting State Routes 10, 11, 58, 81, 91, 605, 616, 641, 647 and 700.

*On motion of Mrs. Mumpower, second by Mr. Rector, the Board acted to adopt the following Resolution:*

**RESOLUTION 2003-20**

*WHEREAS, the Virginia Department of Transportation has provided this Board with sketches depicting the additions and abandonment required in the Secondary System of State Highways as a result of Projects 0010-710A; 0011-710D; 0058-095-110,C501; 0058-095-E07, C501; 0081-095-109,C501; 0091-095-V04, C501; 0091-00106-01; 0091-095-102,C503; 0605-095-223,M501; 0605-095-223,M502; 0616-095-142,C501; 0641-095-220, C501; 0647-095-258,M501; 0700-095-160,C501, which sketches are hereby incorporated herein by reference, and*

*WHEREAS, the new roads serve the same citizens as those portions of old roads identified to be abandoned and those segments no longer serve a public need, and*

*NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation add to the Secondary System of State Highways the portion of roads identified by the sketches be added, pursuant to Sec. 33.1-229, Code of Virginia, and*

*BE IT FURTHER RESOLVED, this Board abandons as part of the Secondary System of State Highways the portion of roads identified by the sketches to be abandoned, pursuant to Sec. 33.1-155, Code of Virginia;*

**BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.**

*The vote on this motion was as follows: (7-0)*

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

*Scribner's Note:* The sketches in the aforementioned Resolution are included as Minutes Exhibits Item 2003-04-22A.

**7 Consideration of Resolution Establishing Fees for Use of Leo “Muscle” Sholes Memorial Park**

Recreation Manager Keith Owens presented the Board with a proposal to establish a number of fees to be levied for the use of the Leo “Muscle” Sholes Memorial Park at Glade Spring. The proposed fee schedule has been reviewed and recommended for Board approval by the Joint County Parks and Recreation Committee.

The Board was provided with a status report on the renovations at the Leo “Muscle” Sholes Memorial Park.

County Administrator Mark Reeter advised the Board that at a later date they will be presented with a list of proposed rules and regulations pertaining to the Memorial Park for their consideration.

Discussion ensued among the Board regarding this request. A concern discussed was that little league organizations in Washington County should not be charged fees to use County recreational facilities. The Board thanked Mr. Owens for his work at the Leo “Muscle” Sholes Memorial Park.

The Board requested that signage pertaining to the fee structure be erected.

***On motion of Mr. Rector second by Mr. Ingle, it was resolved to adopt the following resolution:***

***RESOLUTION 2003-21***

***ESTABLISHING VARIOUS FEES FOR THE  
LEO “MUSCLE” SHOLES MEMORIAL PARK FOR CALENDAR YEAR 2003***

***WHEREAS, pursuant to the “Agreement for the Operation, Maintenance & Improvement of Glade Spring Park” (the Agreement) entered into by the Board of Supervisors and Washington County Park Authority dated January 30, 2003, the Board of Supervisors is authorized to establish fees for the use of the Leo “Muscle” Sholes Memorial Park (a.k.a. Glade Spring Park), and***

***WHEREAS, the County Department of Recreation has developed the following fee schedule for consideration by the Board;***

***NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it hereby approves and adopts the following schedule of fees for the use of the Leo “Muscle” Sholes Memorial Park for Calendar Year 2003:***

- (1). *Daily Public Pool Pass - \$2.50 per person, regardless of age.*
- (2). *Public Pool Night Swim Pass - \$1.00 per person, regardless of age.*
- (3). *Private Pool Party Rental - \$50.00 reservation deposit required 1 week in advance of reservation date. An additional \$50.00 due and payable the day of reserved use.*
- (4). *Public Pool Storage Locker Rental (if provided) - \$0.50 per day*
- (5). *Ball Field Rental - \$50.00 per day for both Little League and Baseball Fields.*
- (6). *Picnic Shelter Rental - \$25.00 per day*

*BE IT FUTHER RESOLVED, that the specific operational/managerial policies and procedures for the Leo “Muscle” Sholes Memorial Park shall be established and approved by both the Board of Supervisors and Washington County Park Authority under a separate Facilities Management Plan document.*

*BE IT FURTHER RESOLVED, that the fees set forth herein shall be in effect for Calendar Year 2003 and shall remain in effect for subsequent years until otherwise amended and/or additional fees established by the Board of Supervisors.*

*BE IT FURTHER RESOLVED, that the revenue generated by the fees set out herein and by any subsequent fees as may be established shall be deposited in the General Fund of the County unless prescribed otherwise by the Board of Supervisors.*

*The vote on this motion was as follows: (7-0)*

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

**8 Recess**

It was consensus of the Board not to take a recess.

**9 Presentation on Disaster Recovery Task Force**

The Board received a report on the newly formed Washington County Local Disaster Recovery Task Force from Emergency Services Coordinator Mary Fraysier and Task Force Chairman Jack Garland. The mission of the Task Force will be to assist with the unmet needs of victims should a disaster occur in Washington County by filling the gaps where there are no federal or state assistance programs available.

The Board offered their support to the Task Force and expressed appreciation their willingness to assist the citizens of Washington County should a disaster occur.

## 10 Quarterly County Budget Status Report

Accounting Manager Mark Seamon presented the Board with a status report on the FY 2002-03 Budget for quarter ending March 31, 2003. The E911 Personnel Budget has 17.18% of their budget remaining, and the Community and Economic Development Budget has 5.38% remaining. These departments will need additional financial assistance to get through the remainder of the fiscal year.

Sheriff Fred Newman is requesting a \$15,000.00 interdepartmental line item transfer to cover needed E911 Personnel Budget expenses for the remainder of the fiscal year. Additionally, the Sheriff is requesting a supplemental appropriation in the amount of \$32,295.00 for court security fees collected this fiscal year to help fund part-time court service deputies.

Assistant County Administrator Christy Parker is requesting a transfer from Reserve for Contingencies in the amount of \$35,000.00 to cover needed Economic and Community Development expenses for the remainder of the fiscal year. The Economic Development Office has received a significant amount of prospective industry activity, which contributed to the need for additional assistance.

***On motion of Mr. Ingle, second by Mrs. Mumpower, the Board acted to approve the following:***

***a. Approval of a \$15,000.00 interdepartmental line-item transfer to cover needed E-911 Personnel Budget expenses for the remainder of FY 2002-03. It was further resolved to approve a supplemental appropriation in the amount of \$32,295.00 for court security fees collected in FY 2002-03 to help fund part-time court service deputies.***

***b. Approval of a transfer from Reserve for Contingencies in the amount of \$35,000.00 to cover needed Economic and Community Development expenses for the remainder of FY 2002-03.***

***The vote on this motion was as follows: (7-0)***

<b><i>Mr. Derting</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Barker</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Ingle</i></b>	<b><i>Aye</i></b>
<b><i>Mr. McCall</i></b>	<b><i>Aye</i></b>
<b><i>Mrs. Mumpower</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Rector</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Roberts</i></b>	<b><i>Aye</i></b>

## 11 County Administrator Reports

County Administrator Mark Reeter reviewed the FY 2003-04 County Operating Budget Meetings Calendar. Mr. Reeter advised the Board that he proposes the County Administrator's recommended budget for FY 2003-04 be delivered at 6:00 PM on April 29, 2003. Currently, the first of two workshop meetings to receive agency/departamental reports concerning the FY 2003-04 budget is scheduled for 7:00 PM on April 29, 2003. Mr. Reeter proposed to the Board that this meeting be rescheduled to 7:00 PM on May 1, 2003 and the second of the two meetings remain on May 6, 2003 at 7:00 PM. Mr. Reeter advised the Board that the requested amendment to the meetings calendar would allow additional time to get the budget information disseminated to the departments and agencies.

It was consensus of the Board to approve the proposed changes to the FY 2003-04 County Operating Budget Meetings Calendar.

In another matter, Mr. Reeter drew attention to letter from the Industrial Development Authority of Washington County regarding the Industrial Appreciation Dinner scheduled for May 15, 2003.

**12 County Attorney Reports**

No County Attorney reports.

**13 Board Information**

Board information reviewed under County Administrator Reports.

**14 Consent Agenda**

There were no consent agenda items.

**15 Board Member Reports**

Supervisor Jack Barker requested that the County Administrator and County Attorney continue to pursue the issue of the cell phone tax being levied on Washington County, Virginia residents that have cell phones with a Tennessee number.

Board Chairman Joe Derting reported that the financing of the Southwest Virginia Regional Jail Authority is nearing completion. Approximately 100 million dollars in bonds were sold. The site preparation for the Abingdon jail is complete. Site preparation will begin soon in Duffield and Haysi. Groundbreaking ceremonies at the Abingdon site are tentatively scheduled for May 22, 2003.

**16 Recess to April 29, 2003, 6:00 pm for Purpose of Receiving the County Administrator's Proposed and Recommended Operating Budget for FY 2003-04 and for Conducting a Workshop Meeting to Receive Departmental and Agency Reports Concerning the FY 2003-04 County Operating Budget Requests**

*On motion of Mr. McCall, second by Mr. Rector, it was resolved to recess the meeting to April 29, 2003, 6:00 pm for purpose of receiving the County Administrator's Proposed and Recommended Operating Budget for FY 2003-04 and for conducting a Workshop Meeting to receive departmental and agency reports concerning the FY 2003-04 County Operating budget requests.*

*The vote on this motion was as follows: (7-0)*

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

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**Prepared by:**

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Naoma A. Mullins, Recording Clerk

**Approved by the Washington County Board of Supervisors:**

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Joe W. Derting, Chairman