

**Minutes**  
**Board of Director's Meeting – Regular Session/Executive Session**  
**August 8, 2015**

**Members in Attendance:** Clark Ackerman 16, John Lundberg 17, Tracy Usry 17 (by teleconference), Michele Robinson 17, Dick Asbell 16. Others: Officer Davis, King George Sheriff's Dept. and Toni Ackerman.

The meeting was called to order and a motion was made and seconded to postpone all regular committee reports and discussion until the regularly scheduled meeting on August 15.

The meeting began with a discussion with Sgt. Davis of the King George Sheriff's Office. The members of the BOD had drafted the following questions related to the relationship between the neighborhood and the King George Sheriff's Office. The questions had been submitted to the Sheriff's office in July, and the Sheriff's Office agreed to send a representative to meet with the board to discuss the questions.

**QUESTIONS**

- 1) Address the "Trespassing" process as it pertains to the Meadows:
  - a) The bylaws give the BOD the authority to set rules of usage of the common properties and facilities and establish penalties for violation of the rules (Article VII Section 1 Subsection a). Assume that the BOD adopts the set of rules of usage for the recreational area and makes the rules known to the HOA members (mail, website, etc.). Let's further assume that one of the rules is that access to the recreational area inside the gate (or other defined perimeter) is not permitted from dusk to dawn (nighttime hours) without the permission of the BOD.
    - i) If an HOA member (or family member) violates this rule, may the BOD file trespassing charges? Or is this an internal issue that can only be resolved within the framework of the HOA?
    - ii) The neighborhood common areas are for the benefit of the HOA members (residents) and their guests. If a non-resident of the neighborhood is present on the common areas without permission from a resident, what procedures should we follow to remove them from the common area:
  - b) Since the roads within the neighborhood are private roads and maintained by the HOA, do traffic laws apply and are they enforceable? For example, stop signs and speed limit signs are posted throughout the neighborhood. Is there any mechanism for enforcing these signs.
  - c) Are those individuals that utilize the Dahlgren Heritage Train and leave the trail once they have accessed the Meadows and are not Residents or guests subject to "trespassing" violations? The reason we ask is that we do know of individuals who have accessed The Meadows from the Trail, walked their dogs, children, rode bicycles, jogged, etc. There are clearly marked "No Trespassing" signs and residents still deal with them on the property to hunt or picnic.
  - d) Are those individuals that come on The Meadows through the access areas (roads), are not invited guests or residents and utilize the roads to "learn how to drive", ride their bicycles, launch their canoes, etc. subject to "trespassing" citations?
  - e) We are interested in what the Commonwealth Attorney says about residents who fail to observe posted areas for access. It should be interesting since they are residents and simply not observing posted hours/signs.
- 2) Can the Sheriff's office patrol the area as a normal patrol route or must they be invited in? What is the process for normal patrol?
- 3) Explain the "Neighborhood Watch" program and the role of the Sheriff's office has in that program.
- 4) Under what grounds/circumstances should we call the Sheriff/State Police?
- 5) What are the differences between King George Sheriff and Virginia State Police? How do these differences affect law enforcement in The Meadows?
- 6) What is a citizen's arrest? Should we ever do that?
- 7) What proof do we need to present if violations happen – eye witness report, caught in the act, photos/video, etc. documentation?

- 8) Since we have a resident King George Sheriff living in the neighborhood, what authority, if any, does he possess relative to seeing and taking appropriate action within the confines of the neighborhood?

#### ANSWERS

- 1) **Ai)** The answer of arresting a HOA member under these circumstances is yes you can have them charged. A conviction may be complicated. This is something that would have to be established by the court as someone having the authority to put the signs up and being able to provide documentation of the rules established by the BOD.
- Aii)** The first and best practice would be to call the Sheriff's Office; you never know who you are confronting and what state of mind they may be in. The second best practice is attempt to observe with the possibility to identify either by vehicle registration or the individual. A person of authority such as a board member always has the right to go before a magistrate to obtain warrants to be served by the Sheriff's Office. However that is going to involve that individual appearing in court testifying against the trespasser.
- B)** Currently the roads are not enforceable and we cannot enforce any violation including signs. If the BOD would like traffic enforcement there is a procedure in which that can be done. That procedure is a letter of which we can assist. The BOD must realize that the enforcement would cover all traffic laws.
- C)** If a person leaves the trail and enters properly marked property the person or persons could be charged with a trespassing violation. Remember the same applies as in **(Aii)**; all private property is easy because we have a property owner, common property comes under authority of the BOD of which complicates things to a certain degree.
- D)** Yes they are subject to trespassing if the entrance is clearly marked by the person of authority by the BOD.
- E)** If areas are clearly marked by the person of authority, any person resident or non-resident is subject to being charged.
- 2) If the Meadows is marked (Private Property Residents and guests only) then we have to be invited or have exigent circumstances to enter. A regular security patrol can be requested by the BOD to patrol the entire subdivision. A resident can only request the patrol of their home and property.
- 3) The neighborhood watch program is a program we come in and instruct on how to set it up. The program itself is administered by the neighborhood.
- 4) Please call the Sheriff's Office on any suspicious activity or persons. We do not recommend approaching or confronting people by local residents. However, we do know of several police officers living in the Meadows, they clearly would be an exception.
- 5) King George Sheriff's Office and the Virginia State Police are different organizations but have the same authority. The King George 911 center can communicate with both providing the closest or the available to the request. There is no difference that would affect law enforcement in The Meadows.
- 6) A citizens arrest is a citizen detaining someone having committed a crime or about to in their presence. This should only be considered in the interest of life or death or serious harm to someone. The police following the detention will respond and take custody of the individual for transport.
- 7) All of the above to include date and time of the offense.
- 8) Deputy Weston has full authority to take any necessary action on or off duty in The Meadows.

#### ADDITIONAL DISCUSSION

Additional discussion included the following information about contacting key members of the Sheriff's Office.

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Officer Davis: [jdavis@co.kinggeorge.state.va.us](mailto:jdavis@co.kinggeorge.state.va.us)  
Sheriff Steve Dempsey: [sdempsey@co.kinggeorge.state.va.us](mailto:sdempsey@co.kinggeorge.state.va.us)  
Officer Brandts: [kbrandts@co.kinggeorge.state.va.us](mailto:kbrandts@co.kinggeorge.state.va.us)

**Other topics discussed:**

- 1) Dick Asbell will draft a series of motions to complete actions taken via email on various issues.
- 2) John will prepare a meeting agenda and email to board members for discussion and approval.

A motion to conduct an **executive session** to discuss the HOA insurance contract, annual dues debt status, neighborhood sign status, and appointment of an additional member to the BOD was made by Dick Asbell, 2<sup>nd</sup> by Tracy Usury and passed unanimously.

A motion to adjourn the **executive session** was made by Dick Asbell, 2<sup>nd</sup> by Michele Robinson and passed unanimously.

A motion to adjourn the **special meeting** was made by Dick Asbell, 2<sup>nd</sup> by Michele Robinson and passed unanimously.

The next meeting of the BOD will be at the home of Michele Robinson at 9am on August 15.

Respectfully submitted,

Toni Ackerman  
Secretary