

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE MULTI-PURPOSE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 9<sup>TH</sup> DAY OF DECEMBER, 2004, AT 10:00 A.M.

PRESENT: DONALD L. HARAWAY – CHAIRMAN ELECTION DISTRICT #2  
ROBERT L. BOWMAN IV ELECTION DISTRICT #3  
DORETHA E. MOODY ELECTION DISTRICT #4  
MICHAEL W. STONE ELECTION DISTRICT #5

(Absent) HARRISON A. MOODY - VICE CHAIR ELECTION DISTRICT #1  
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Mr. Donald L. Haraway, Chairman, called the continuation meeting to order at 10:09 A.M.

**IN RE: HIGH SPEED RAIL WORK SESSION**

The Board of Supervisors, Representatives of the School Board, several Town of McKenney Council members, and Chris Caulkins with the Petersburg National Park Service met with Mr. David Foster, Mr. Alan Tobias, Mr. Winston Phillips and other representatives of the North Carolina and Virginia Department of Transportation (Rails Division) to discuss the potential impacts of the proposed High Speed Rail route on County roads, bridges, battlefields, and Civil War Earthworks.

Mr. Tobias and Mr. Foster stated if the Board had any questions or concerns to feel free to contact them.

As a follow up of the meeting Mr. William Scheid, Director of Planning, sent the following letter to the representatives of the North Carolina and Virginia Department of Transportation (Rails Division).

“It has been stated that the Board of Supervisors have gone on record as opposing the S-line route and recommended the A-line for several reasons. I will not pursue this issue since you specifically asked for comments on the maps submitted for comments (these maps will be kept in the Planning Office for future reference).

A few general comments must be made at this time. It is our understanding that the proposed road improvements and road/bridge relocations are an intricate part of the High Speed Rail line and will be constructed at the same time that the rail line is built. The rail line will not extend north of the Burgess intersection area but will proceed east toward the Collier Railroad Yard. Impacts on the Civil War Battlefield sites will be negligible since the rail line will remain within the existing rail line right-of-way. Efforts will be made to assist the County in locating/developing a trail system along the rail line.

The following comments are site specific:

1. on map 10 of 125, it appears that the relocation of Dabney Mill Road will have minimum impact on adjacent property owners; and
2. on map 12 of 125, it appears there is a major road/bridge relocation. There is a concern about the impact associated with severing land owners land parcels; and
3. on map 14 of 125, the same concern expressed in #2 is applicable; and
4. on maps 15, 16 and 17 there is a major rail line relocation from the existing rail bed. Several issues arose from this regarding impacts on home owners as well as the use of the unused portion of the rail bed. Certainly, the County may be interested in a trail system on the unused portion of rail bed; and

5. on map 18 of 125 there are concerns with wetlands located in this area, the road relocation and how the grade separation will be accomplished; and
6. on map 19 of 125 there is some concern regarding the conversion of Blessings Lane (F-855) to a through road. Access to Route 1 is important to the citizens living on Glebe Road and other interior roads connecting to Glebe Road; and
7. on map 20 of 125 there is a major reworking of the roadway alignment and construction of a bridge to obtain grade separation with the rail line and Route 1. It is important that the citizens living to the west of the rail line be given access to Route 1 and I-85; and
8. on map 25 of 125 there is considerable concern with the rail line and its impacts on the Town of McKenney, Route 40 and Sunnyside Elementary School. It is our understanding that the rail line will be lowered into the ground and special bridge improvements are needed where Route 40 crosses the rail line. Also, sound impacts on the Elementary School will be minimized due to the depression of the rail line below ground elevation and the use of earth berms.

I hope that the comments are of benefit to you. It is our expectation that our concerns will be included in any future documents developed on the high speed rail proposal.”

**IN RE: CLOSED SESSION**

Mr. Stone moved to close the meeting in order to discuss matters exempt under section: §2.2-3711 (A) (7) - Legal - Public Safety;

Ms. Moody seconded the motion. Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Haraway, voting “Aye”, the Board moved into the Closed Meeting at 12:03 P.M.

The meeting reconvened into Open Session at 12:34 P.M.

**IN RE: CERTIFICATION**

**Whereas**, this Board convened in a closed meeting under: §2.2-3711 (A) (7) - Legal - Public Safety;

**And whereas**, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

**Now be it certified**, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Haraway, voting “Aye”, this Certification Resolution was adopted.

**IN RE: ADOPTION OF EMERGENCY ORDINANCE RELATED TO OFFENSES AGAINST PEACE AND ORDER**

The County Administrator gave a summary of the details associated with the emergency ordinance. She stated that the emergency ordinance would be in effect for only 60 days and if the Board wanted to make it permanent a public hearing would have to be held to adopt it as an amendment to the County Code.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Haraway, voting “Aye”, the following emergency ordinance was adopted.

**AN EMERGENCY ORDINANCE TO AMEND CHAPTER 15 OF THE CODE OF  
THE COUNTY OF DINWIDDIE, VIRGINIA BY ADOPTING AND ENACTING  
SECTIONS 15-7 THROUGH 15-11 RELATED TO OFFENSES AGAINST  
PEACE AND ORDER**

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**WHEREAS**, the Board finds that offenses against peace and order are threatening to the health, safety, and welfare of the public; and

**WHEREAS**, the Code of Virginia permits localities to enact ordinances making such conduct unlawful; and

**WHEREAS**, an emergency exists due to an increasing number of offenses against the peace and order in the County and the resulting increase in the danger to the health and safety of the public;

**NOW THEREFORE BE IT ORDAINED**, by the Board of Supervisors of Dinwiddie County pursuant to the authority granted to it under §§ 15.2-926, 15.2-1427, 18.2-404, 18.2-415, and 18.2-416 of the *Code of Virginia* and in order to promote the public health, safety, and public welfare that Sections 15-7 through 15-11 of the Code of the County of Dinwiddie, Virginia be enacted to read as follows:

**Sec. 15-7. Loitering.**

- (a) No person shall loiter, lounge or sleep in or upon any street, park or public place or in any public building.
- (b) For the purposes of this section, the term "loiter" shall encompass, but shall not necessarily be limited to, one or more of the following acts:
  - (1) Molesting or interfering with any person lawfully upon any street, park or other public place.
  - (2) Remaining idle in essentially one location without a legitimate business or purpose in so remaining idle.
  - (3) Refusing to move on when so requested by a peace officer; provided that the peace officer has exercised his discretion and reasonably under the circumstances in order to preserve or promote public peace and order.
  - (4) For the purpose of this section, the term "other public place" shall be deemed to include the quasipublic area in front of or adjacent to any store, shop, restaurant, luncheonette or other place of business and shall include also any parking lot or other vacant private property not owned or under the dominion of the person charged with a violation of this section.
- (c) Any person who violates any of the provisions of this section shall be guilty of a Class 1 misdemeanor.

**Sec. 15-8. Obstructing free passage of others.**

- (a) Any person or persons who, in any public place or on any private property open to the public, unreasonably or unnecessarily obstructs the free passage of other persons to and from or within such public place or private property and who shall fail or refuse to cease such obstruction or move on when requested to do so by the owner or lessee or agent or employee of such owner or lessee or by a duly

authorized law enforcement officer shall be guilty of a class 1 misdemeanor.

- (b) Lawful picketing shall not be construed as a violation of subsection (a) of this section.

**15-9. Disorderly conduct generally.**

- (a) A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

(1) In any street, highway, public building, or while in or in a public conveyance, or public place engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this chapter; or

(2) Willfully or being intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts any meeting of the governing body of any political subdivision of this state or a division or agency thereof, or of any school, literary society or place of religious worship, if such disruption (i) prevents or interferes with the orderly conduct of such meeting or (ii) has a direct tendency to cause acts of violence by the person or person at whom, individually, such disruption is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this chapter.

(3) Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administrated alcohol or other drug of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable by this chapter.

- (b) The person in charge of any such building, place, conveyance, meeting, operation, or activity may eject there from any person who violates any provision of this section, with the aid, if necessary, of any persons who may be called upon for such purpose.
- (c) For the purposes of this section a public place shall include any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, not necessarily a place devoted solely to the uses of the public. Public place also includes the front and immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.
- (d) A person violating any provision of this section shall be guilty of a class 1 misdemeanor.

**15-10. Abusive language.**

(a) It shall be unlawful for any person in the county, in the presence or hearing of another, to curse or abuse such person, or use any violent, abusive language to such person concerning himself or any of his relations, under circumstances reasonably calculated to provide a breach of the peace.

(b) Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor.

**15-11. Permitted conduct.**

Acts authorized as an exercise of a person's constitutional right to picket, protest, or speak shall not constitute unlawful activity under this chapter.

**BE IT FURTHER RESOLVED** that if any section, sentence, paragraph, term, or provision of this Ordinance is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, sentence, paragraph, term, or provision of this Ordinance, all of which will remain in full force and effect.

This Ordinance shall become effective immediately upon its adoption by the Board of Supervisors.

**IN RE: ADJOURNMENT**

Upon Motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Haraway voting "Aye", the continuation meeting adjourned at 12:36 P.M. to be continued to Wednesday, December 15, 2004 at 5:00 P.M. for a Closed Session - Personnel for County Administrator.

  
Donald L. Haraway, Chairman

ATTEST:

  
W. Kevin Massengill  
Assistant County Administrator

/abr

