

VTC

VIRGINIA
TOWN & CITY

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VIRGINIA MUNICIPAL LEAGUE

Broadband Now!

Inside:

Supreme Court
Midterm for Local
Governments 2020-21

Member Spotlight on
City of Waynesboro

The Towns of Loudoun



2021

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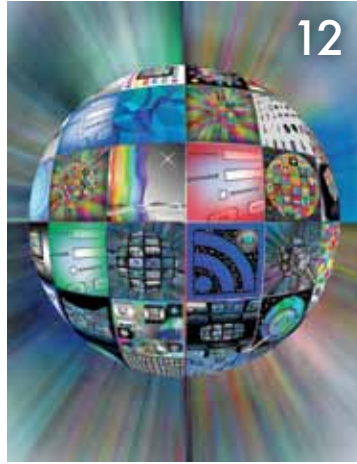
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ABOUT THE COVER

Working, studying, socializing...living online during the pandemic has made us all feel that our bandwidth is getting squeezed. What's needed is some BROADband. Many of us have it, far too many still lack it. Find out what's being done for these Virginians inside.

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Sunshine and warmer days are ahead...we hope?

THERE ARE SO MANY PROBLEMS in the world larger than the Virginia General Assembly, but I must confess that when the General Assembly recently announced Special Session #1 – there was a collective staff groan at the use of the number ONE! Of course, we want them to take the time they need to decide all the weighty issues facing the Commonwealth, many of which affect our members directly, but... we are hopeful that they will go home on March 1st as planned and stay home for a while. At some point, it is essential that the state stop legislating so the localities can start doing!

If you are following our *eNews* bulletins, you can see what bills that interest your localities have passed or failed. If you aren't already subscribed, please do so by using the "subscribe" link at the top of www.vml.org/publications/enews.

As I write this, it's all happening now! The VML policy team are doing everything possible to defend your interests, advance your concerns and ensure that local authority is part of every discussion, every committee meeting, and every vote of this now "special" session.

When the dust settles (as it always does), keep an eye out for the VML policy team's summary of the 2021 session (+1 Special Session...and counting). There's a lot to sift through, but we'll make sure you have the information you need.

Going into the home stretch, the Governor has given your legislators roughly \$700M extra dollars to spend. Not surprisingly, there is great disparity on how to spend this excess. There is also the question of whether the Federal government will send more money directly to cities and towns. The National League of Cities (NLC) continues to update us on the potential for direct aid to localities and we will continue to report on this potentiality.

VML's president, the mayor of the City of Galax, Willie Greene and I recently met with some of our Federal delegation and their aides during the NLC Fly-In. We used this opportunity to share Virginia's stories and drive home the need for direct local aid. During this discussion, we were partnered with the state of Maryland. I can report that they were exceptionally helpful (and a lot of fun!) throughout the NLC event. Thanks Maryland!

So, thinking about all the things we are working on together now, I get a little incredulous. A pandemic, followed by how many General Assembly Sessions? And, why not add in some ice storms!?!?

OK, at least the last item can be dealt with reasonably. The Municipal Electric Power Association of Virginia (MEPAV) has truly stepped up to the plate to help each other restore power and heat for their 16 member localities. As we read about other parts of the United States and their storm issues, I am grateful that VML has an opportunity to work with such a great group of people who genuinely help each other. And this (and pretty much every moment these days), seems like a great opportunity to think all our first responders for their service and dedication. Thank you!

This issue of *VTC* is focused on access to broadband internet. After you read the valuable insights from our contributing authors, I hope you agree with me that just *talking* about universal access to broadband is not helpful. We need action! We must be willing to try creative solutions to ensure that *all* of us have access to broadband. Last year, VML, VACo and the VCTA held a broadband summit and we will hold this event again, so please keep your eye out for the announcement during the summer.

In closing, let's hope Spring brings warm weather, sunshine, and vaccines! I am excited about the prospect of our October conference in Leesburg with the Towns of Loudoun. The wonderfully crafted article about the Town of Hamilton and all its fun shops and restaurants in this issue of *VTC* makes me hopeful that we can all see each other again! Stay safe and healthy.



2021
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Learn about these and additional opportunities at vml.org/events.

- Oct. 2 - 3, 2021** **Virginia Mayors Institute**
Lansdowne Resort, 44050 Woodridge Pkwy, Leesburg, VA 20176
- Oct. 3 - 5, 2021** **Virginia Municipal League Annual Conference**
Lansdowne Resort, 44050 Woodridge Pkwy, Leesburg, VA 20176

PEOPLE

Davis-Younger begins historic term as City of Manassas mayor

After being elected as mayor on November 3, **E. Michelle Davis-Younger** became the first woman, person of color and Democrat mayor of the City of Manassas on January 1. A trifecta of history for the city! Davis-Younger was first elected to council in 2018.



- Davis-Younger - Mayor Davis-Younger is a lifelong resident of Manassas where she owns and operates a Human Resources Consulting firm located in the city's historic downtown. Over the years, she has assisted many residents with career coaching and resume writing as well as businesses with HR compliance, recruiting and training.

She is an active member of numerous professional and civic organizations including the Northern Virginia Transportation Authority for which she serves on the Governance and Personnel subcommittee, the Prince William Chamber of Commerce, the Old Town Business Association, and the Society of Human Resources Management.

Davis-Younger earned her MBA and her bachelor's in business administration from Strayer University.

Royster appointed as Norfolk councilmember

On January 12, **Ms. Danica Royster** was appointed as the councilperson representing Superward 7. The January 5 election of Councilwoman Graves to the Virginia House of Delegates (90th District) created a vacancy on Norfolk City Council. City Council accepted letters of interest from



- Royster -

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PEOPLE

persons who wished to be considered for the position representing Superward 7 until a special election is held in 2022.

Members of Norfolk City Council conducted interviews of the top three candidates during the January 12 public work session.

Ms. Royster was sworn in January 13. She replaces Delegate-elect Graves who served on the council for 10 years.

Petersburg bids farewell to City Manager Ferrell-Benavides; names Miller as new interim city manager

On February 19, **Aretha Ferrell-Benavides** will serve her last day as the city manager of Petersburg.

Ferrell-Benavides' departure wasn't entirely unexpected as she will be returning to Texas where her family still lives and where she previously served as city manager of Glenn Heights for two years. Upon her return, she will be starting as the city manager of Duncanville, about 20 minutes south of Dallas.



- Ferrell-Benavides -

Petersburg Mayor Samuel Parham noted in a recent interview that while the city would miss Ferrell-Benavides, "We are so happy for her. Aretha left her family, everyone is in Texas, so we knew we had her for a period of time."

City Council voted unanimously to appoint former Public Safety Director **Kenneth Miller**, who retired in September, as the interim city manager.



- Miller -

Miller came to Petersburg as the Chief of Police in 2017. He subsequently became the deputy city manager. In an interview, Miller noted, "Petersburg has been wonderful to me the people are fantastic. The city manager was very kind to me and teaching me a lot of things I didn't know so it's time to give back now and be thankful for the things that have been very graciously given to me."

Miller will serve in this role until council is able to hire a new city manager.

Vinton appoints Peters as town manager

The Town of Vinton was pleased to welcome **Richard W. Peters, Jr.** as its new town manager on January 1, 2021. Peters has served as the acting town manager since August 1, assuming the role shortly after former town manager, Barry Thompson, announced his retirement effective December 31, 2020. Peters has more than 20 years of experience in local government including roles with the City of Roanoke and Botetourt County.



- Lancaster -

Peters first joined the town in 2015 as assistant town manager/director of economic development. During his tenure with Vinton, Peters has played a key role in the town receiving and managing numerous state and federal grants. These accomplishments include overseeing a Community Development Block Grant to assist with revitalization efforts and develop

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Movers and shakers

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business support programs for the town's downtown business district. Other major roles included assisting with the redevelopment of numerous properties including the former Vinton Motors property at Vinyard Station, Lancelot Sports Complex, Gish Mill, Roland E. Cook Lofts, Billy Byrd Apartments, Vinton Macado's and the recruitment of Rosie's Gaming Emporium.

Peters is also active in the community representing the Town of Vinton on numerous regional boards including the Roanoke Valley Alleghany Regional Commission, Roanoke Regional Partnership and the Vinton Area Chamber of Commerce, to name a few.

Peters holds an undergraduate degree from Ferrum College in recreation and leisure services and a graduate certificate in local government management, a program co-sponsored by the Virginia Local Government Management Association, from Virginia Tech.

PEOPLE

Buena Vista hires Tyree as new city manager



- Tyree -

On March 15 **Jason L. Tyree** will start as the new city manager for Buena Vista.

City Council offered Tyree the position after meeting in closed session. "It's an honor to be chosen by City Council to serve as the next city manager for Buena Vista," said Tyree in a press release issued by the city.

"Buena Vista is an extraordinary community with so much to offer," Tyree continued. "I know there are significant challenges to be addressed, but I look forward to working together with city council, staff, and the entire community to make the quality of life the best possible for everyone that lives, works and visits here."

Tyree was born and raised in Amherst County. His most recent role was serving as the town manager for Buchanan for the past three years. He has a bachelor's degree in business administration from Liberty University and a master's certificate in local government management from Virginia Tech.

Tyree will succeed Jay Scudder who served as the city manager for the past seven years.

Rinehimer selected for new assistant county administrator position

On January 16, James City County Police Chief **Brad Rinehimer** was promoted



- Rinehimer -

to the assistant county administrator position created by the county's board of supervisors last fall.

According to the press release, County Administrator Scott Stevens noted that "Mr. Rinehimer has demonstrated strong leadership and commitment to James City County during his tenure."

In his new role, Rinehimer will be responsible for oversight of the Police Department, Fire Department and Social Services.

Rinehimer has been with the James City County Police Department since 1995 and has served as police chief since 2013. Prior to that, Rinehimer served four years in the U.S. Navy.

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Rinehimer holds a bachelor's degree in criminology from St. Leo University and a master's degree in criminal justice from the University of Cincinnati. He is also a graduate of the FBI National Academy, the University of Richmond's Professional Executive Leadership School, and the FBI's Law Enforcement Executive Development Seminar. He is a board member for the Virginia Association of Chiefs of Police and has previously served as president of the Hampton Roads Chiefs of Police Association.

Clem named as new director of human resources in Harrisonburg

Angela Clem, who currently serves as the town manager in Woodstock, will join the Harrisonburg executive leadership team starting March 1. She brings a wealth of experience leading Woodstock's human resources efforts for a number of years and a passion for working collaboratively with multiple partners to achieve organizational goals.



- Clem -

In a press release, Harrisonburg City Manager Eric D. Campbell said he is eager to welcome Clem to City Hall. "I am thrilled to have the opportunity to add a dedicated community servant and leader to our team," Campbell said. "Angela has proven herself through the direction and drive she has brought to our neighbors in Woodstock, and I am certain that dedication to local government and management will be to the benefit of every City of Harrisonburg employee and our residents."

Clem will step into a role that is vital in supporting a diverse staff of professionals striving to provide essential services to a growing city.

Growing up in Shenandoah County, and working in Woodstock for the past 15 years, Clem is no stranger to The Friendly City. Harrisonburg's growth over the years, and its dedication to education, sustainability, and quality of life improvements, were all key reasons for her eagerness to join the community.

"I have long admired the progressive nature of the City of Harrisonburg and its professional leadership team," Clem said. "Harrisonburg has consistently been a community that I have utilized as a benchmark and have evaluated their public spaces, policies and procedures, and practices with admiration."

In Memoriam: Jerry M. Wood



- Jerry M. Wood -

FORMER TOWN OF WARRENTON Ward 1 Council Member, **Jerry M. Wood** passed away at age 83 in January 2021. A native of Roanoke, Mr. Wood proudly served our country in the US Navy and continued that service by representing Virginia's 31st District from 1992-1994 in the House of Delegates. For over twenty years Mr. Wood and his wife Colleen owned the Warrenton Pharmacy, a staple on Main Street.

Jerry was elected to the Town Council in August 2014 and served faithfully until June 2020. While on the council, he served on the Town's Public Safety and Transportation Committee and the Finance Committee. He took great pride in being the Town of Warrenton's liaison to the Rappahannock-Rapidan Regional Commission, most recently serving as the treasurer. Mr. Wood was commonly referred to as the chaplain of the Town Council, routinely offering heartfelt, relevant, and moving invocations before Council meetings.

Mr. Wood loved his community and made it a priority to advocate for community non-profits. He was instrumental in founding the Fauquier County Boys and Girls Club and considered it a priority to dedicate his time to community organizations.

Jerry will be remembered as a loving husband, father, brother, uncle, and papa. Condolences and memories may be shared in a memorial book at www.moserfuneralhome.com.

Clem holds a B.A. from the University of Kentucky and a M.S. in organizational leadership from Shenandoah University.

Watson retires as mayor of Town of Victoria

Mayor **Carol R. Watson** retired as Mayor of the Town of Victoria on June 30, 2020 with 39 years of public service between her time with the Town of Victoria and Lunenburg County. She was first elected to the Victoria Town Council in July 1982 and served until December 1989 when



- Watson -

she was elected to a four-year term on the Lunenburg County Board of Supervisors commencing January 1990. In April 1995 Watson was appointed to fulfill a vacancy on the Victoria Town Council where she served until June 2020. Watson was elected as the first female mayor of the Town of Victoria and served in that capacity from 2000 until her retirement in 2020.

In July of 2020, Mayor Watson was presented a Resolution of Appreciation, a ceremonial gavel, and a framed painting of the seal of the Town of Victoria. Her selfless service to the community was also recognized by a resolution from the Lunenburg County Board of Supervisors in August 2020.

Town of Chilhowie names Moss as new chief of police

Marion Police Lt. **Andrew K. Moss** was named the new chief of police for the Town of Chilhowie at its regular council meeting in December. The council began its search in August of 2020. The search was vetted by the Virginia Association of Chiefs of Police. Moss was chosen from 13 applicants with a wide range of experience. He has a total of 26 years of police experience, 24 of them with the Town of Marion and two with the Vinton Police Department.

His first priorities will be to meet the community, find out their views on how the police department can be improved, and update policies for the department.

Moss graduated from East Tennessee State University with a degree in criminal justice. He also attended Virginia Tech and played football there. He also attended and graduated from the Cardinal Criminal Justice Academy in Salem.



(l-r) Police Chief Andrew Moss was sworn in by Smyth County Clerk of Circuit Court John Graham on January 4.

New maker studio coming to Norfolk Public Library



THE MARY D. PRETLOW ANCHOR BRANCH will join the ranks of libraries and cities across the country with a maker studio. Named “The Randi Marston Peterson Studio @ Pretlow,” the maker studio will memorialize Randi Marston Peterson, an avid reader and regular patron of the Van Wyck Branch Library. Peterson died in March of 2020 and included a charitable bequest to the Norfolk Public Library Foundation in her will.

When the public can safely gather again, the maker studio will serve as a community do-it-yourself center for people of all ages to create, learn, share, and explore.

The 2,000-foot studio will house cutting-edge technologies, including a recording booth, photography equipment, computer systems, sewing machines, collaboration spaces, and other programming equipment.

Additional funds are being raised by the Norfolk Public Library Foundation for the project. For more information about the project and how to donate, contact Tom Jones, president of the Norfolk Public Library Foundation, at 757- 961-0067.

Elkton dedicates restored historic building as new town hall

ORIGINALLY CONSTRUCTED IN 1840, the Jennings House in the heart of Downtown Elkton has been a centerpiece for the Elkton community for more than 180 years. In 1964, the home was donated to the Town of Elkton by Merck and Company and it has been a part of the community life of Elkton ever since.

In 2016, after decades of deteriorating conditions, however, the Elkton Municipal Officers and Elkton Police Department moved out of the building and it sat vacant for nearly four years. However, in April 2020 plans were put into motion to restore the historic building. Finally, on December 11, the building was dedicated as the new Elkton Town Hall.

The Town Hall will house the Police Department, Public Restrooms, Treasurer, Community Development, Special Projects,

administrative departments and various conference room and meeting spaces.

The new Elkton Town Hall has about 7,500 square feet of finished space with seven new HVAC units, five new restrooms, an elevator, two break rooms, 30 new interior storm windows, 15 new windows in the addition, seven miles of network cables, all new electric and plumbing, and new coffered ceilings in seven rooms.

Jon and Pennie Garber with Lineage Architects performed design work and oversite of the building process, Lantz Construction Company served as the general contractor for the project and the Town of Elkton Special Projects Manager Gaither Hurt oversaw all aspects of the work.



Town of Vienna finds new ways to do public outreach during a pandemic

AS THE TOWN OF VIENNA began undertaking an update of its zoning code for the first time in 50 years, it knew that citizen engagement would be crucial but also a challenge during a global pandemic. Still the town wanted to create as many opportunities as possible for citizens to provide input. So, working with YARD & Company, the town has created an array of unique feedback opportunities, all designed with safety and accessibility in mind.

Walk (or Bike) & Tell Field Notes – The town encourages residents to pick up a free field guide at one of several convenient locations and then take a walk or bike ride to note and even draw their observations around Vienna’s neighborhoods and commercial areas. Mayor Linda Colbert created a video demonstrating how the guide can be utilized; the video has been shared on the Town’s social media platforms. Search “Field Notes Town of Vienna” on YouTube to check it out.

Lunch and Learn – Planning and zoning staff members host webinars on the first and third Fridays of each month. A 20-minute presentation is followed by an opportunity for par-



ticipants to ask questions. Topics cover both residential and commercial zoning and have included signage, outdoor dining, and obtaining variances for residential projects not permitted by code. Afterward, the PDF presentations as well as video and audio-only of the webinars are posted online.

Two-Cent Survey – The Town has created a short survey that can be completed in matter of minutes. The online survey includes questions like: “What are some changes in business activity during the pandemic that you would like to see become permanent (e.g., use of parking for outdoor dining)?”

Visual Surveys – Infographics and photos augment surveys to help explain zoning topics. By combining the written word with visual elements, these surveys pack big ideas into small spaces to make the information easier to digest.

And these are only the beginning of the collaborative effort among the town, its residents, and businesses as Vienna’s zoning code is updated. As the weather improves, the town hopes to create more engagement opportunities at in-person outdoor events.

‘Envision’-ing a new future in Bluefield

IN RECENT YEARS, the Town of Bluefield has put a focus on sparking new ventures and diversifying its economy as the coal industry declines and the region continues to build new revenue streams in the wake of decades of manufacturing losses.

As part of this initiative, the Town of Bluefield’s Industrial Development Authority (IDA) bought an empty building in the heart of its downtown in July of 2019.

The vision: Turn the 5,400-square-foot commercial building – once home to a carpet store, dance theater, fitness center, and medical equipment company – into a small business and retail incubator to accelerate business growth.

That vision is becoming reality, even amid pandemic times. The building, called Envision Center of Bluefield, has three primary objectives. First, advance the town’s goal of increasing middle-wage jobs through economic growth. Second, promote small business and workforce development growth in Southwestern Virginia. Finally, help companies establish and become permanent contributors to overall vitality, diversity, and growth of the region’s economy.

The Envision Center is poised to be at the heart of the town’s revitalization and continued growth.

VCC Bank, a subsidiary of Virginia Community Capital, provided a \$170,000 loan to the Bluefield IDA to fund property improvements to the Envision Center building. The IDA will repay the loan with the lease income from small business tenants.

Local businesses are excited to move in. The Grind Coffee Shop, winner of the 2020 Tazewell County Business Challenge that January (a Challenge sponsored by VCC along with regional partners) will be its first tenant. AXtoGrind – an exciting venue offering four lanes of axe throwing entertainment – will be ready to go as well.

IDA is in discussions with a hair salon, also operating a beauty school, to be the tenant in the third space.



A big month for positive news out of Petersburg

ON JANUARY 21, GOVERNOR NORTHAM announced that pharmaceutical manufacturer Civica will invest \$124.5 million to establish its first in-house pharmaceutical manufacturing operation in the City of Petersburg. The project will create 186 new jobs.



Civica is a nonprofit generic drug company launched in 2018 to address the problem of chronic generic drug shortages and high drug prices, and a key partner for

the new U.S. government-funded partnership with Phlow Corporation, Medicines for All Institute, and AMPAC Fine Chemicals.

As part of this initiative, Civica will construct a 120,000-square-foot state-of-the-art manufacturing facility on Normandy Drive adjacent to Phlow's future operation and AMPAC's existing facility. The Civica plant will manufacture vials and syringes of injectable medicines used for COVID-19 patient

care, emergency rooms, surgeries, and the treatment of serious infections and hypertension, which will be shipped to hospitals across the country.

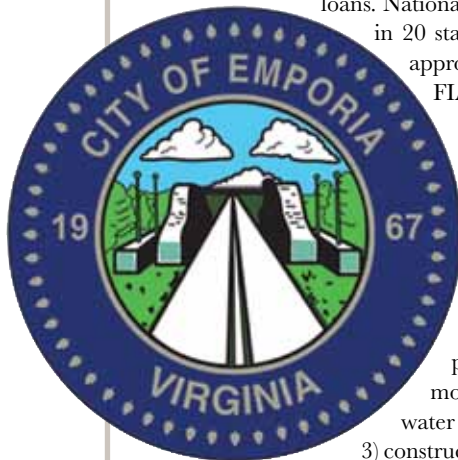
The Virginia Economic Development Partnership (VEDP) worked with the City of Petersburg, Virginia's Gateway Region, and the Community College Workforce Alliance (CCWA) to secure the project for Virginia. Support for Civica's job creation will be provided through the Virginia Talent Accelerator Program, a workforce initiative created by VEDP in collaboration with the Virginia Community College System.

The good news about Civica came on the heels of an announcement on January 12 that White Oak Healthcare MOB REIT had acquired Commonwealth Medical Park in Petersburg. Commonwealth Medical Park includes four buildings containing 48,237 SF and is located adjacent to Southside Regional Medical Center, a Bon Secours Mercy Health Hospital.

White Oak Healthcare MOB REIT is a vertically-integrated healthcare real estate investment platform with extensive capabilities in acquisitions, underwriting, research, asset management and capital markets.

City of Emporia invited to apply for Water and Sewer Infrastructure Improvement Program

THE U.S. ENVIRONMENTAL Protection Agency (EPA) has invited the City of Emporia to apply for a total of \$12 million in Water Infrastructure Finance and Innovation Act (WIFIA) loans. Nationally, a total of 55 new projects in 20 states were invited to apply for approximately \$5.1 billion in WIFIA loans.



The city intends to address its immediate and long-term water and sewer issues by funding its Water and Sewer Infrastructure Improvement Program. This will include: 1) installation of a new treatment process for manganese removal; 2) replacement of several water and sanitary sewer lines; and 3) construction of new sewer lines to the Norwood Industrial Park.

Taken together, the projects will protect community health and support economic development by installing a new treatment process for manganese and expanding sanitary sewer services.

"Saturday Sun-days" happening at Chesapeake's Elizabeth River Park

THE PUBLIC IS INVITED to join the Back Bay Amateur Astronomers (BBAA) on select Saturdays from 10:00 a.m. – 1:00 p.m. to observe the heart of our solar system during daytime viewings of our sun at Elizabeth River Park. With surface temperatures of about 10,000 degrees Fahrenheit and a diameter over 100 times that of our earth, the sun dominates our solar system in sheer size, power, and mass. Club members will provide education about our sun and as they safely guide visitors through viewing the sun and its features. This solar viewing free and weather dependent and may be canceled. Face masks are required.

Upcoming 2021 dates: March 27, April 24, May 29, June 26, July 24, August 21, September 25, October 23, November 21, December 19.

For the most current BBAA calendar visit <http://goo.gl/Zq8Njs>. For weather cancellations or more about the club visit www.backbayastro.org.



City of Alexandria, County of Arlington achieve top Equality Index score

IN EARLY DECEMBER, the Human Rights Campaign Foundation and Equality Federation Institute announced that the City of Alexandria and the County of Arlington had received the maximum possible score of 100% on the ninth annual Municipal Equality Index. The scorecard rated 506 U.S. localities (including 11 in Virginia) on 49 criteria, including non-discrimination laws; each municipality as an employer; municipal services; law enforcement; local leadership's public positions on equality; and how inclusive municipal laws, policies and services are of LGBTQ people.

Alexandria is among fewer than 1 in 5 localities in the U.S. to have earned the maximum score and joins neighboring Arlington County as the only two such localities in Northern Virginia.

Alexandria and Arlington were singled out on the first page of the full Municipal Equality Index report's executive summary for "boldly leading the way to equality" by recently strengthening protections for gender identity. Alexandria has been ranked

in the index every year since it began in 2012, with consistently increasing scores. Among all states, Virginia localities had the second-highest overall increase (24%) from 2019 to 2020.

Alexandria has a long history of promoting human rights. The Alexandria Human Rights Code was one of the first human rights ordinances in Virginia when it was enacted in 1975 and has been repeatedly expanded to protect more people.

Visit www.alexandriava.gov/HumanRights for more information about human rights protections in Alexandria.



Charlottesville deer population management program runs through March

ON FEBRUARY 1, the City of Charlottesville continued its work with a wildlife management specialist by implementing a deer management program that will continue until late March.

The program continues the city's successful deer culling program which was first implemented in 2018. City Council approved the program in response to numerous and sustained complaints about hazardous driving conditions, health concerns stemming from Lyme disease, landscapes being impacted by an overabundant deer population, and the health of the local herd.



The goal is to remove up to 125 deer annually with the operation taking place in City of Charlottesville parks during nighttime hours. Over the past three years the deer culling program has removed an average of 92 deer annually. The operation

is being carefully coordinated with the Emergency Communications Center and the Charlottesville Police Department.

Bulk baiting for the deer began in mid-January. Instructions were given to the wildlife management firm to avoid shooting Charlottesville's albino/white deer.

The answers to many Frequently Asked Questions can be found about the program can be found at www.charlottesville.gov/deer.

Newport News set to hold virtual 2021 One City Marathon

RUNNERS GET READY! While the 2021 One City Marathon will look different, the races are returning! One City Marathon weekend will take place in Newport News from Friday, March 5 through Sunday, March 7. Runners will complete events using a race app.

The various events include the marathon, half marathon, 8K and Nautical Mile. New for 2021 are multi-race challenges that give runners the opportunity to complete more than one race. For the first time ever, runners have the opportunity to participate in the three long races (marathon, half marathon and 8K) as part of a challenge bundle. All marathon, half marathon and 8K participants will utilize the One City Marathon App to submit their race times during the March 5-14 time frame. Registrants will also receive race shirts, medals and personalized bibs.

Many sponsors are returning for the 2021 race, including Newport News Shipbuilding, the marathon's Presenting Sponsor. BayPort Credit Union is again sponsoring the half marathon and Optima is sponsoring the 8K. Additional sponsors include Riverside Health System, TowneBank and Liebherr.

Additional information on activities and the virtual race platform are available at www.onecitymarathon.com.



Roanoke joins new Cities of Opportunity initiative

IN LATE JANUARY, 23 MUNICIPALITIES from across the country were announced to join three new and distinct components of the National League of Cities' "Cities of Opportunity" initiative. In Virginia, Roanoke was invited to join the Cities and Health Systems Community of Practice program. This program works to ensure robust city and health system partnerships to improve health outcomes and advance access to healthy, affordable

food, reliable transportation, hazard-free living conditions, and access to clean air and water among other factors.

Cities of Opportunity offers an agenda for action for recovery from the pandemic and seeks to improve the health and well-being of city residents.

The municipalities that are part of the new Cities of Opportunity cohorts are as follows:

CA (Fremont and San Francisco), GA (South Fulton), IL (Bloomington), KY (Lexington), LA (Baton Rouge), MA (Lawrence and Springfield), MI (Grand Rapids), MN (Rochester), MO (Kansas City), MT (Missoula), NC (Charlotte), NJ (Plainfield), PA (Pittsburg), TX (Dallas, Houston, and San Antonio), VA (Roanoke), WA (Spokane and Tacoma), WI (Milwaukee) and WV (Huntington).

Per a press release from NLC, "Roanoke's involvement demonstrates the city's commitment to not only to responding to and recovering from COVID-19, but also in using this unprecedented time in our history as an opportunity to build strong community partnerships and spur job creation, employment and economic opportunity for all Virginia residents."

More information is available at www.nlc.org/initiative/cities-and-health-systems-community-of-practice.



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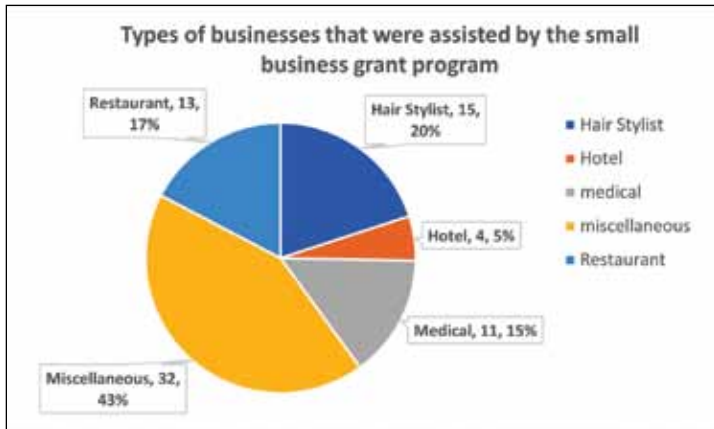
City of Colonial Heights grant program supports local businesses

IN JUNE 2020, THE COLONIAL HEIGHTS City Council approved \$500,000 from CARES Act funding to be used by the Economic Development Authority (EDA) for small business grants. Mayor Greg Kochuba stated, "We want to assist our businesses as much as possible because we know they have been seriously impacted by the pandemic, and they are an important part of our community."

After a successful first round with two levels of funding at \$5,000 and \$7,500 (based on the number of employees) was completed on July 15, the EDA offered a second round of grants with a third level at \$10,000.

Businesses applying for the grants had to meet specific requirements such as: possession of a business license, having been in operation for at least 24 months in the first round of grants (reduced to 12 months in the second round of grants), and able to submit receipts for expenses that had occurred since March when stay at home orders went into effect. Preference was given to those businesses that made efforts to retain employees during the pandemic and remain operational (if allowed to do so under the Governor's executive orders).

Qualifying business owners could use the grant program funding to retain employees, cover operating expenses (including payroll), and stock inventory. Robert Wade, Chairman of the City's EDA said, "This is a great opportunity for the EDA to play a role in promoting and facilitating economic development in the city through the small business grant program. Our small businesses play a major role in creating a sense of community."



(please)...

This story has a happy ending,
so should everyone's. By Rob Bullington



LAST MARCH, WITH THE KIDS suddenly schooling from home, my wife, a teacher, educating from home and me working from home my family realized something was wrong with our internet. Of course, we felt lucky to have internet to begin with and though it wasn't the top-tier type (unavailable in our part of Richmond), it had always worked well enough. True, if my son was playing on his Xbox, a movie on the streaming television might get a little choppy, but this wasn't really a problem since it's pretty easy to step over a teenager to unplug an Xbox. But with my wife struggling to teach 1st graders via Zoom, both my kids struggling to understand their teachers' Zoomed instructions and me hopping on and off meetings as VML's staff adjusted to distance working, it became apparent that our internet service wasn't cutting the mustard.

For example, when all four of us were streaming video, the video ceased to behave like a stream and became more of a dribble. This led to spirited (dare I say heated) debates as to whose meeting or class was most important at any given moment.

In more desperate moments, I found myself huddled near the wi-fi router as though it were a warm fire on a cold night. I purchased a ridiculously long ethernet cable to string between the router and the spare room I'd begun using as an office. This helped a bit, but not enough. Also, it created a tripping hazard through much of the house.

I called our internet service provider (I won't say which) who were only too happy to charge me more per month for what they claimed would be faster internet. With jobs and education on the line, I readily agreed. "No problem," the customer service representative said, "We're happy to charge you more!" It turns out they just needed to send me an updated router (which I would also need to pay for). A few days later, as I pulled the new router from the box, I felt empowered and triumphant. "Here," I thought, "was the solution to my family's internet woes!" My sense of accomplishment, however, was short lived as I realized that our new router was identical to our old router.

My customer service rep was sympathetic but didn't seem to grasp the nuances of the situation. "I understand," he said, "you

are dissatisfied with your new router." "No," I countered, "I haven't plugged it in because it is *just like the router I already have!*" It took awhile for the true nature of my dilemma to become apparent. I was then advised to plug in the new router in hopes that it was somehow different on the inside. Skeptically, I tried this course of action and experienced the bittersweet satisfaction of being right about something I would have preferred not to have been.

I will spare you the details of how the new router was returned and my refund was processed. Suffice it to say, it was not a smooth series of convenient steps. It was more like climbing up an escalator moving in the opposite direction while wearing flip flops.

As soon as I was sure I'd get my money back, I immediately called the other internet service provider in town (yes, we are lucky to have more than one in Richmond) and offered my first son's Xbox in exchange for reliable internet. At this point I trusted nobody, so for awhile our home had service from two different providers until we could make sure the new service was better than the old. I'm happy to report that it's better by leaps and bounds (240 Mbps download / 12 Mbps upload sitting on a different floor than the router to be exact).

So, my family was lucky. But for far too many Virginians the options I navigated to achieve broadband satisfaction aren't even available. I'm old enough to still be impressed by what we can do with our nifty internet connected gadgets but young (and impatient) enough to wonder what the big hold up is about getting broadband to everyone. If you're like me, your response to broadband availability issues is something along the lines of "Why can't we just string up some wires and plug some things into some other things and get everyone broadband yesterday?"

So, for those like myself, we present this issue of *Virginia Town & City*. We pulled together some broadband heavy hitters whose breadth of experience with the issues will surely educate, inform, and enlighten.

Spoiler alert: It's more complicated than you think, but there's good reason for hope!



Building better broadband

Can you hear me now?

IT WASN'T SO LONG AGO that a cell phone was just another a cool gadget that some, but not most, people used when they were away from their landline. But those who were willing to fork over the money for the convenience of a cell phone soon learned that cell service wasn't always available. Travelling long distances with a cell phone meant entering the so-called "dead zones" that would cause your call to drop without warning. "Can you hear me now?" didn't begin as an advertiser's catch phrase, it was something cell phone users asked during calls and often served as a greeting as well.

Of course, times change, and technology improves. Voice communication was quickly supplemented by texting and then the phones themselves became "smart" devices able to do so much more than simply communicate. These improvements brought with them an entirely new set of challenges for localities whose residents came to expect access to reliable service in their area.

But it wasn't just our "phones" that were rapidly changing during this time, desktop computers became less common as tablets, laptops, dedicated gaming consoles, and a multitude of additional wired and wireless devices – all needing to be connected to the internet to exchange data – came to the forefront.

It is hard to remember, but there was a time when most households had one internet-connected device that everyone shared. Now,

most households have multiple internet-connected devices *per person*. The average U.S. household reportedly utilizes between 9 and 11 devices that rely on internet connectivity. It's not just laptops, tablets and cell phones, now many homes have "smart" technologies as part of everything from TV's and speakers to thermostats and doorbells. Internet-connected security cameras have also become commonplace, allowing homeowners to see who is ringing their doorbell or what their pets are doing while sitting just upstairs or thousands of miles away.

Amid all this progress, most consumers don't stop to consider the infrastructure upon which the digital highway is built. The rapid increase in demand for connectivity and data means that traditional telephone lines and cell towers are facing obsolescence unless they can be upgraded and configured to transmit and receive the faster, more robust connections needed to handle simultaneous audio, video, and data.

What is "broadband"?

Although the term does not have a singular technical definition, "broadband" can generally be described as any connection that allows data to move from the internet to your device – quickly. But just how quick does it need to be to qualify as "broadband"?

Depends on who you ask.

The Commonwealth of Virginia defines "broadband" as a



connection speed of greater than 10 megabits per second download (i.e., when data loads from the internet to your device) and 1 megabit per second upload (i.e., when you send data from your device out to the internet). However, the Federal Communications Commission definition of broadband is 25 Mbps download speed / 3 Mbps upload speed.

Are “internet” and “broadband” the same thing?



The terms “internet” and “broadband” are sometimes used interchangeably; but “broadband” is a type of internet. When an internet connection is too slow to handle enhanced functionality, it’s not *broadband* internet.

Regardless of what benchmark you use to measure broadband, it’s pretty obvious when it is lacking. This has led to the emergence of new, but now all too familiar, utterances in American households: “...my game is lagging, everyone get off your wireless connection!”; “...getting a delay here in my virtual meeting;” “...turning off my video so you can hear me better”.

As the number of personal devices per household increased, cell phone carriers and internet providers quickly realized that if they wanted to keep customers, they needed to up their game. This led to an advertising and marketing frenzy around which services could provide the best coverage and the fastest, most reliable connections at the lowest price. Some start-up providers and resellers entered the market and met with varying degrees of success. New choices and variations of connections began to be offered, including fiber to the home, utilization of TV whitespace, satellites, and other wired and wireless solutions.

Despite the dizzying array of marketing and new options, it remains true that digital capacity and speed varies from region to region depending on topography, amount of fiber in the ground, capacity of antennas, the number of users, and other related factors.

So, what does all this mean for a local government trying to plot the best path forward to meet its residents’ needs?

It means that the best solution for any locality is to be flexible, open-minded, creative, and receptive to all types of technology, whether fixed broadband, wireless, or even a hybrid approach.

The traditional approach – Upgrade and add density to current networks

One way to enhance the capacity and speed of broadband connections is to install more fiber in the ground. However, this approach is one of the most expensive, and relies on local permitting, design engineering and civil contractors to install infrastructure in the rights-of-way.

One option is through direct connections to a fixed end point, available from traditional cable providers such as Cox, Comcast, Spectrum, Verizon Fios, as well as other internet (non-cable) companies. Most of the cable companies already have a significant amount of wiring and fiber in the ground in most localities, so they have been able to quickly add broadband to their traditional cable and telephone

service offerings. Routers and wireless technology added paved the way for whole-home wireless options (e.g., Cox’s “Panoramic WiFi”).

Yet even when traditional providers add bandwidth and options, the local government often continues to receive frequent complaints about a lack of adequate choices and/or inadequate internet service, especially when multiple users in the home are online simultaneously. The reasons vary and depend upon the provider and the specific tier of service being purchased by the resident. For example, the provider may “throttle” (slow down) the connection once a customer hits a certain amount of monthly usage, or even during periods of excessive use within a geographic area. Also, while “unlimited” data plans may sound great in print, the data may not be offered at the highest speed available.

The bottom line: Just as providers need to closely monitor their fiber networks for needed upgrades, consumers need to closely monitor the fine print on the “upgraded” plans their providers offer.

The (problematic) rise of small cells

During the 2017-2019 timeframe, “small cell” technology hit the radar of state and federal legislators who became convinced by small cell providers that expediting the deployment of this technology was critical to keeping the U.S. competitive with other countries in the race for a better internet. During those years, Virginia (and nearly 30 other states) enacted small cell legislation to try and accelerate small cell deployment.

Unlike the macro towers that sustained the cell phone industry during its infancy and growth, newer technologies require smaller antennas, placed closer together. The average macro tower is 50-200 ft. and casts a wide signal for cell phone and data reception. Most macro towers are located miles apart.

Small cells, in comparison, form a network of small low-powered antennas that provide coverage in a much smaller area, but with the benefit of faster speeds and lower latency. With a sweet spot of about 35 feet, small cells need to be located much closer to the ground. Co-locations on streetlights, traffic signals, utility poles and any viable infrastructure in localities’ rights-of-way became the preferred siting locations, and providers were ready to compete for this access. The providers (e.g., Verizon d/b/a Cellco, AT&T d/b/a New Cingular Wireless and T-Mobile), convinced state and federal lawmakers that the only way to get these small cells in place was to override local permitting and zoning processes by passing legislation that compels localities to dispense with many of their usual processes. The argument was that this small cell legislation was vital to achieving broadband connectivity on a national level and if the process were left to localities the result would be too many variants, delayed deployment, and unnecessary regulations that would impede progress.

Like many states across the nation, Virginia’s localities became subject to legally mandated expedited approval processes and adherence to certain shot clocks. If a locality failed to meet these requirements, the provider would have an easy path to challenge a denied permit siting request or, in some instances, would be “deemed approved” without having to go through the local permitting process. Moreover, the FCC promulgated its own orders, which preempted local authority in those states that did not go far enough in their expediting legislation or failed to adopt any small cell rules.

Needless to say, this state of affairs has led to some controversy which I expect will continue as small cell technology evolves and siting issues and challenges continue to emerge.

Despite the impediments and complications associated with small cells, the best course for localities is to embrace the current regulations and figure out a way to work with providers collaboratively to bring the highest-speed and most reliable broadband service to your locality.

Tools already in the local toolbox

Funding Opportunities and Educational Resources. All broadband options need fiber in the ground somewhere, and 5G technology is going to need lots of it. Small cells may appear to just be an antenna on a pole, but every one of them must have backhaul – fiber connection to a hub. As such, it’s important to explore incentives or opportunities for assistance whether it be local permitting or partnering on a project to bring broadband to currently unserved or underserved areas. Virginia has a robust financing program to expand broadband throughout the Commonwealth. The Virginia Telecommunications Initiative (VATI) provides financing assistance through public/private partnerships to unserved communities in Virginia. More information is available at www.dhcd.virginia.gov/vati.

In addition to VATI, Virginia’s “Commonwealth Connect” website offers a trove of information and a broadband toolkit tailored for local government officials. More information is available at www.commonwealthconnect.virginia.gov.

Find Out What Your Local Providers Can Offer. I would be remiss if I failed to mention the obvious: The global pandemic has further emphasized the need for ubiquitous broadband. CARES Act funding and other local, state, and federal initiatives provided opportunities to install permanent infrastructure that will continue to enhance broadband connectivity post-pandemic. Several cities in Virginia were able to tap CARES Act funding to install “smart poles” in parking lots, parks, and other public places to provide wireless hot spots, which are now permanent structures.

Make sure you know what the providers in your area are offering, and what is available to your residents. For example, here are some of the initiatives that Cox Communications offered throughout the state to meet the needs of virtual-learning students and teleworking employees:

- Partnered with five Virginia public school systems to set up a student internet subsidy program. To date approximately 1,100 individual accounts are being paid for by a third party
- Worked with Stafford County on a WiFi access point project to provide another connectivity solution for families in low-income housing neighborhoods in the county
- Completed network extension projects to reach unserved homes in New Kent County, James City County and Roanoke County using CARES Act funding

- Expanded qualifications so more families with students could take advantage of the Connect2Compete program; increased speeds to 50 Mbps and offered first two months free for new customers
- Connected more than 5,000 households to the internet through Connect2Compete in 2020
- Condensed two years of planned network improvements into six months to handle increased network demand during the COVID-19 pandemic
- Opened public WiFi hotspots in Northern Virginia for use by the general public, not just Cox customers

Looking ahead: A Hampton Roads example

As small cell, 5G, and antenna technology evolves, there will undoubtedly be opportunities for localities to host pilot projects, collaborate with providers, and establish innovative models for enhanced broadband connectivity.

For example, the cities of Virginia Beach, Norfolk, Chesapeake, Portsmouth, and Suffolk have been working together with the Hampton Roads Planning District Commission to design and build a fiber ring that would connect all the cities and access the internet through the high-speed subsea cables off the coast of Virginia Beach. In addition to serving the needs of the region’s local governments, military installations, and institutes of higher education, this fiber ring could also provide a middle-mile strategy for providers to connect currently unserved or underserved rural areas in and around these localities. Eventually this ring could be expanded to offer the benefits of high-speed, low latency solutions to additional areas.

Other examples include companies like SpaceX which are exploring how satellites and progressive technology could provide ubiquitous broadband that makes antennas on poles obsolete.

I would venture to predict that the next generation will see an internet that is “always on” and the need to “connect” a device, wait for a download, or limit household usage so “mom can connect to work” will be as outdated as rotary phones and rabbit ear antennas.

About the author: *Debra M. Bryan is the Legislative Affairs Liaison for the City of Virginia Beach. Additionally, Ms. Bryan is President of the Virginia Association of Telecommunications Officers and Advisors (VATOA) and is currently serving a two-year term as appointee to the Federal Communications Commission’s Intergovernmental Advisory Committee (FCC-IAC).*



Affordable broadband programs can close the digital divide

PROVIDING BROADBAND ACCESS to all Virginia residents is a priority for the Commonwealth. While significant progress has been made, now, especially during the COVID-19 pandemic, it is crucial that we continue to work to close the digital divide.

There are two fundamental challenges to universal broadband access in Virginia:

Challenge # 1 – Infrastructure

When we speak of broadband infrastructure, we are referring to the construction of, and actual connections to, the hardware and systems needed to access the internet. To address the infrastructure issues associated with getting broadband to unserved populations in Virginia, the legislature created a public/private partnership, the Virginia Telecommunications Initiative (VATI).

This nationally recognized partnership has proven to be the most efficient and cost-effective method of building out broadband service to the unserved areas of Virginia. The private sector provides the equipment, people, and finances to leverage the infrastructure and reinvestment in the community. On the public side, the Governor's current budget allocates \$50 million for VATI.

Challenge #2 – Affordability and Adoption

Even where the infrastructure exists, or is installed, broadband internet access may elude those for whom the cost is a strain on their household's budget. However, in the wake of the COVID-19 pandemic, it has become clear that getting affordable broadband access especially to students is more important than ever.



To respond to this challenge, several broadband providers have created strategic affordability initiatives. Examples include Comcast's "Internet Essentials," Cox's "Connect2Compete," and Spectrum's "Internet Assist." These programs have proven to be the most efficient method to provide broadband service to lower income households. They provide:

- Low-cost home internet for about \$9.95/mo.
- No data caps
- Minimum speeds of 30/3 – with most offering above 50/3 (sufficient for online learning, teleworking, teleconferencing, etc.)

Helping students who need help

For years members of the VCTA – The Broadband Association of Virginia – have recognized the need to provide affordable broadband access solutions to students. During the 2021 General Assembly Session, legislators are considering Senate Bill 1225 (patroned by Senator Jennifer Boyko). The legislation clarifies and affirms a local school board's ability to partner with private broadband providers to promote broadband affordability programs to students and families.

[**Note** – At the time this article went to print, the Senate and House committee of jurisdiction have passed the legislation].

The measure also permits providers to share information about their affordable broadband programs with students who receive free/reduced lunches, as this is one of the qualifying factors for families to participate in these programs. In fact, many private broadband service providers offer affordable broadband access programs to students who qualify for *any* school nutritional program such as the National School Lunch Program, SNAP, TANF, Head Start or if their families receive housing assistance.

This bill also clarifies that a broadband service provider may reimburse a school or school system for any costs (i.e., mailings) incurred in promoting these programs.

Already, nearly 220,000 students are connected to in-home internet through broadband affordability programs. Senate Bill 1225 would aid in the important work of continuing to contact other families who could benefit but might not be aware of the programs.

The bottom line: Affordable broadband access is possible through public/private partnerships. The COVID-19 pandemic undoubtedly has increased the need for these broadband affordability programs. We are on the right track, and we have made significant progress, but it is critical that we continue to educate those who lack access to broadband about the available opportunities as a key component to close the digital divide.

About the author: Ray LaMura is the president of the VCTA-Broadband Association of Virginia.

Bridging the digital divide: A report from the Office of the Governor

MAKING BROADBAND INTERNET access a reality for all Virginians has been a priority for the Northam administration from the beginning. Thanks to the hard work of the administration, nearly 108,000 Virginia homes and businesses were connected prior to the pandemic. Unfortunately, when the stay-at-home order went into effect last March, there were still roughly 350,000 Virginia homes and businesses without access to high-speed internet connections.

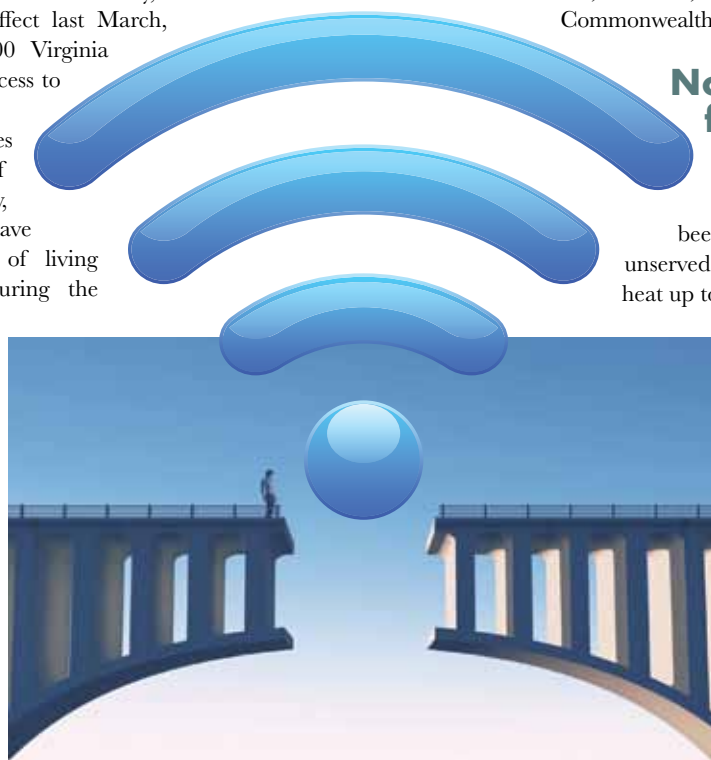
Citizens living in communities from Lee County to the City of Chesapeake to Frederick County, and everywhere in between have struggled to meet the burden of living without broadband internet during the pandemic. For some this means driving their kids every evening to a McDonald's parking lot to upload homework. For others it means driving even further to see a doctor since telehealth is not an option. For all it means that participating in today's social dialogue is nearly impossible as social media has replaced the town square.

Good questions, disappointing answers

When local leaders think about addressing broadband, they often begin by trying to scope the problem by asking questions such as "Where is a comprehensive map of served and unserved areas in my community?" Unfortunately, such a map does not exist. The Federal Communications Commission (FCC) does collect data on service coverage from broadband providers, but fundamental flaws in the data collection process make the end result unreliable and misleading. In rural Virginia, where the most acute broadband accessibility issues exist and data is most needed, the map is the least accurate. This leads to a guessing game for localities that want to prioritize expansion efforts. The Commonwealth's broadband team has developed a workaround in grant-funded areas, but it's expensive and time-consuming.

After mapping, the next question most folks ask is why can't internet service providers just build out the infrastructure and be done with it? The answer is that, at its essence, the digital divide is a math problem. Broadband infrastructure – the fiber optic cable, telecommunications equipment, installation labor – costs roughly the same whether it is

being done in Allegheny or Arlington. The difference is the number of potential customers and the rate of return. Where there is high population density and a sufficient rate of the return, broadband has mostly already been deployed by the private sector, leaving a patchwork of less-dense, unserved, communities strewn throughout the Commonwealth.



Now is the moment for universal broadband

The digital divide has long been a simmering issue for Virginia's unserved, but the pandemic has turned the heat up to a full boil. Just looking at society's digital transition during the pandemic: (1) According to Gallup surveys throughout 2020, anywhere from 58% to 69% of American workers have worked from home during the pandemic. (2) According to the Centers for Disease Control, there was a 50% increase in telehealth visits in 2020. (3) The vast majority of Virginia school divisions partially transitioned to virtual instruction throughout the pandemic, with many divisions, including the Commonwealth's largest, conducting all learning virtually.

Simply put: 2020 was a sea change for broadband utilization. We have likely turned a corner; many of the practices that were once an option to do online will remain completely virtual either out of safety or convenience going forward. Getting Virginia's unserved communities connected to the ever more vital opportunities broadband provides has become increasingly more urgent.

Three pathways to universal coverage

The good news is that Governor Northam had prioritized broadband expansion well before the pandemic. Within the first few months of taking office in 2018, Governor Northam set the bold goal of universal broadband in Virginia in no more than a decade. To meet this goal, the governor's broadband team has focused on three pathways to achieve universal coverage.

Path #1 – Increased state funding for infrastructure grants

The first pathway to universal coverage is increased state funding to overcome the rural broadband math problem mentioned above. The Virginia Telecommunication Initiative (VATI) is the Commonwealth's last-mile grant program, where public-private partnerships between broadband providers and localities apply to extend infrastructure to unserved areas. In 2018, the program's budget was \$4 million. Three years later, VATI's annual budget is at \$50 million and the program has invested over \$70 million and, along with other state programs, supported projects connecting 108,000 locations prior to the pandemic, and projects to connect an additional 53,000 in the months since. Despite the exponential growth in the program, demand for VATI remains incredibly high as demonstrated by the most recent round of requests totaling \$105 million – more than double what was available.

Path #2 – Smart public policy

The next pathway for achieving universal broadband has been sustained bipartisan development and implementation of smart broadband public policy. While broadband policies have passed every year, Virginia's most innovative broadband legislation came in 2019, when HB2691 passed overwhelmingly in the General Assembly. The premise behind the legislation was simple – Virginia's two largest electric utilities (Dominion Energy and Appalachian Power) were modernizing their grids, a major component of which included stringing substantial amounts of fiber optic broadband cable throughout their networks. There was a clear opportunity to leverage this effort and facilitate rural broadband expansion. The legislation established a pilot program that allowed the utilities to install excess fiber optic cable when modernizing their grids and lease this excess capacity to broadband providers to connect unserved communities. This effectively created two new middle mile broadband providers spanning much of the Commonwealth.

Since 2019, the pilot's impact has been significant. Grayson County, one of the least dense and most mountainous localities in Virginia, achieved universal broadband through a partnership with the broadband provider Gigabeam and Appalachian Power. Dominion Energy has announced several projects they are pursuing, including a regional project in partnership with Northern Neck Electric Cooperative and All Points Broadband to achieve universal coverage in four Northern Neck counties. Even more projects are in the pipeline and the pilot has been replicated in West Virginia and Ohio.

Path #3 – Local planning support

All the smart policies and increased funding in the world are meaningless unless Virginia localities have the ability and capacity to take advantage of them. The critical role of localities in bridging the digital divide is why the Commonwealth pursued the third pathway to universal coverage: local planning support.

The Commonwealth launched a new website – Commonwealth-connect.virginia.gov – chock full of resources, like an all-inclusive broadband toolkit for local leaders and a list of broadband providers operating in the Commonwealth. Localities have seen a substantial increase in information sharing with the creation of the Virginia Local Broadband Network (VLBN) and Commonwealth Connect Coalition. These networks have given a platform for local leaders to stay in the loop on the latest best practices in broadband, connect with broadband providers looking to expand, and hear about other approaches localities are taking.

Topping all this off was the creation of the Office of Broadband in

the Department of Housing and Community Development (DHCD). Navigating the complexities of telecommunications is no simple thing and the core mission of the Office of Broadband is assisting localities achieve universal broadband. The Office of Broadband and its nine full time staff are the one-stop-shop for localities looking for broadband grant funding and planning assistance.

2020: Responding to the connectivity crisis

Between funding, innovative policies, and local assistance, the Commonwealth was prepared to face the unique challenges the pandemic brought. But Governor Northam didn't stop there. He recently directed millions in federal money towards connectivity. In July of 2020, as school divisions were taking stock of what they needed to conduct a fully virtual fall semester, Governor Northam directed \$18.9 million in CARES Act funding to school divisions for remote learning devices and broadband connectivity. In August, when the General Assembly conducted a Special Session, Governor Northam successfully increased the VATI budget from \$35 million to \$50 million. In October, the Governor took the historic step to allocate \$30 million additional CARES Act dollars to broadband. Over the last two months of 2020, the entire \$30 million budget was awarded to 71 projects in 50 localities. These projects, ranging from traditional broadband expansions to middle mile improvements to new affordable networks for low-income Virginians, will connect 30,822 homes and businesses.

Looking ahead

Even after the pandemic is under control, challenges in broadband will remain. While telecommunications technology is advancing rapidly, it is still prohibitively expensive to expand in rural areas without public investment. Federal grant programs, like the Rural Digital Opportunity Fund, are structured in ways that can exacerbate the problem, underfunding projects and allowing nearly decade-long buildouts. And, as noted earlier, connectivity is only part of the problem. There remains a parallel digital divide amongst the hundreds of thousands of Virginians who are unserved because they cannot afford service. This aspect of the digital divide doesn't have an easy answer and will likely require the collective collaboration of all stakeholders – localities, state agencies, broadband providers, and private companies – to eventually solve.

If any good can be drawn from the pandemic, it is that there is no longer a question about the importance of universal broadband in Virginia. We can't take our foot off the gas. VATI must be fully funded and the Governor's FY22 budget includes another year of \$50 million. The utility middle mile pilot program must be made permanent, as SB1413 and HB2304, currently before the General Assembly seek to do. We must expand these partnerships and ensure that projects do not lag when the pilot ends next year. Ideas and business models aimed at broadband affordability must be piloted. We must continue convening stakeholders in forums like VLBN and the Commonwealth Connect Coalition to better facilitate collaboration and best practices.

The Commonwealth Connect team is looking forward to continuing to work with our colleagues in the telecom industry, the electric utilities and cooperatives, and our local government partners – we owe it to all Virginians, present and future, to redouble our efforts and get the job done. Together, we can get every Virginia home and business access to the reliable, fast, internet the 21st century requires.

About the authors: *Evan Feinman is the Chief Broadband Advisor and Kyle Rosner is the Deputy Broadband Advisor for the Office of Governor Ralph S. Northam.*

Broadband's unique challenges call for tailored solutions

WHILE MANY OF US who have worked for years to expand broadband internet access were familiar with the “digital divide” pre-pandemic, it is a safe bet that we have a lot more company now. From stories showing children going to a McDonald’s for Wi-Fi access for school to work Zoom calls with herky-jerky video and audio, our awareness of the disparate availability of broadband internet across regions and communities has never been greater.

For many, the phrase “digital divide” connotes an urban vs. rural distinction. However, as local leaders know, the divide is more nuanced and can be parsed down to the level of zip codes. And while urban and rural areas both experience the digital divide, they typically do so for different reasons. Limited access to broadband in rural areas is usually driven by both economic and logistical issues, whereas in urban areas the challenges are almost always based upon economics.

Given the complexities involved, the means used to bridge the digital divide will differ across localities, extending even to differences within rural areas and urban areas. So, while there is no one-size-fits-all solution (or even a one-size-fits-all-of-a certain-type solution), the unique obstacles in each region or community can suggest the unique opportunities that exist to overcome those obstacles.

Economics comes first

As mentioned above, whether urban or rural, it is often the economics of providing high-speed access that make it untenable. This is usually the first and most crucial barrier to overcome. The economic challenges can vary widely. They may range from logistical issues such as crossing a mountain in a rural area or crossing a railroad in an urban area, to simple supply and demand barriers such as low population density in a rural area or a preponderance of low-income households unable to afford even basic service in an urban area.

Federal, state, and local governments have pursued multiple strategies to address the economics of the digital divide. For example, smart city mandates that require that widespread access to wireless internet in urban localities are succeeding because they provide extra

incentives for localities to meet the goal of ubiquitous Wi-Fi in their communities.

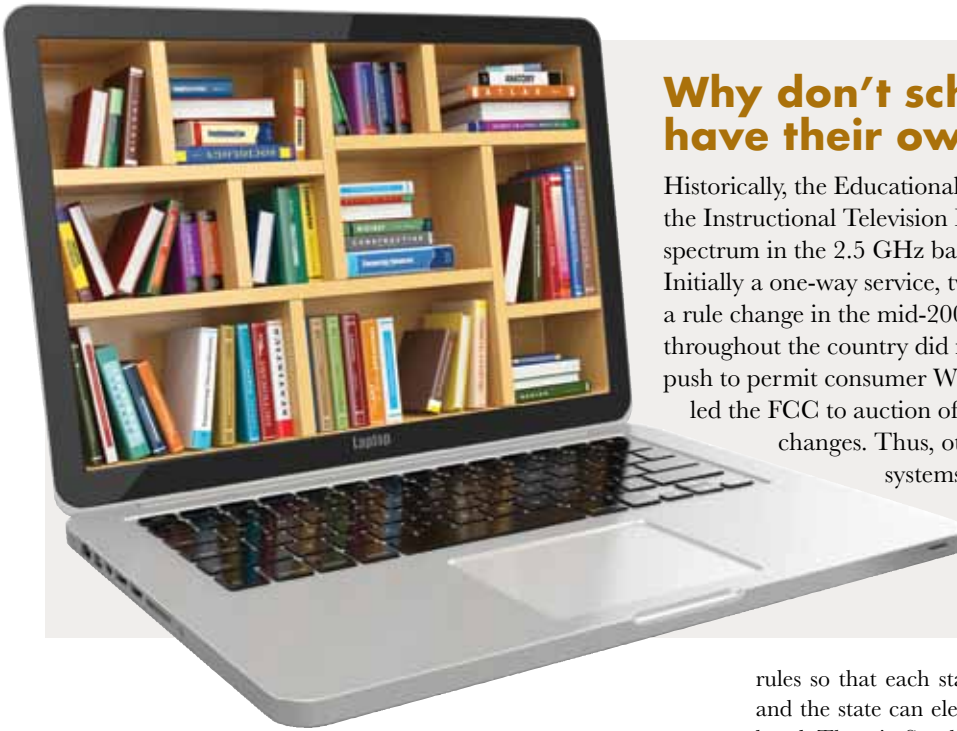
In rural areas, the Department of Agriculture’s Rural Broadband Access program and the Federal Communications Commission’s Rural Digital Opportunity Fund can improve the economics. But these programs don’t always draw interested parties. (I represented the Rural Broadband Coalition back in the early 2000s, so you can see how long the issue has been around!)



Similarly, the FCC’s “E-Rate Funding” makes high-speed access more affordable for schools and libraries by providing discounts for telecommunications, internet access, and internal connections. There are also funding programs for rural telehealth, which has amped up considerably during the pandemic. On the consumer side, the FCC’s Lifeline program, much derided during the Obama Administration (but available decades before that), provides funding for affordable access.

Schools: Taking a new look at spectrums

Despite all the available funding, some localities still struggle to provide their citizens, particularly their students, with access. In some cases, their efforts, while well-intentioned, amount to putting the cart before the horse. For example, most people are aware of school systems that have provided free laptops to students. However, free laptops are not terribly useful for home schooling if affordable internet access



Why don't schools have their own spectrum?

Historically, the Educational Broadband Service (EBS) (originally the Instructional Television Fixed Service, or ITFS) consisted of spectrum in the 2.5 GHz band and was available for use by schools. Initially a one-way service, two-way operations were permitted by a rule change in the mid-2000s. Unfortunately, educational entities throughout the country did not extensively use this band and the push to permit consumer Wi-Fi on as much spectrum as possible, led the FCC to auction off this spectrum pursuant to 2019 rule changes. Thus, other than some incumbent school systems that retain 2.5 GHz licenses, school systems that want to use this band now must utilize the services of an auction winner in the area.

isn't available. Fortunately, in some areas, internet service providers have stepped up to the plate to assist these students.

But relying on the private market to solve the problem isn't a feasible approach when it comes to guaranteeing internet access for students or residents in general. Indeed, in 2018 private providers such as Verizon and AT&T pushed back on the FCC's characterization of a small cell deployment in San Jose as a "model" for other localities. At the time Verizon's Will Johnson wrote: "The costs associated with some of these arrangements also are high, far exceeding the costs incurred by cities, and it would be a mistake to assume that they would be economical in many other locations."

As a result, some school systems have explored providing their own system-side Wi-Fi access. Putting wireless access systems on the top of school buildings and parking Wi-Fi enabled buses around a locality have worked in some areas. Of course, sharing unlicensed spectrum between schools and workplaces can put a significant strain on how much data can pass through the system in a specific period-of-time (also known as "throughput"). Thus, some schools have looked at the potential of using licensed spectrums, which can handle greater throughput, to provide service to their students.

More spectrum flexibility (hopefully) coming soon

Recently, the FCC has created another potential avenue for localities seeking to provide high-speed wireless broadband access. For more than twenty years, the 4.9 GHz band has been available for public safety entities for a variety of related uses. For example, the Los Angeles County Sheriff Department uses the 4.9 GHz spectrum to provide a communications downlink between air support units and dispatch. The Los Angeles County Fire Department uses the spectrum to create a mesh communications link between lifeguard tower units and dispatchers. The Los Angeles County Internal Services Department uses the 4.9 GHz spectrum to create a WiMAX mesh data communications link to provide critical data links during wired infrastructure outages.

However, in some geographic areas public safety entities have not made extensive use of the band. So, in 2020, the FCC changed the

rules so that each state will be issued a license for the entire band, and the state can elect how the spectrum should be used within the band. Thus, in Southern California, the state could decide to restrict the band to public safety only, but perhaps in Inyo County it could be used by the City of Independence to deliver community Wi-Fi. If the FCC's decision is not changed pursuant to multiple Petitions for Reconsideration, the FCC's new rules would permit sharing between these services, as well as commercial services, thereby providing the state with flexibility to meet wireless needs on a very local basis.



What about 5G?

In some quarters, it is believed that 5G cellular access will resolve the "throughput" problem. However, 5G access will not be available in economically disadvantaged neighborhoods or rural areas for a long time. Plus, if your area doesn't already have 4G access, you'll be at the end of the line for 5G.

About the author: Alan Tilles is an attorney with Shulman Rogers. With over 30 years of wireless experience, Mr. Tilles is viewed as one of the "go-to" attorneys in the industry regarding spectrum utilization and has been at the forefront of conceiving and proposing rules at the FCC to address problems faced by the wireless industry.

Railroad crossing ahead! Broadband deployment considerations for localities



By Tim Bentley

Norfolk Southern and Virginia

NORFOLK SOUTHERN TRACES its corporate roots to the 1830's and has been building and maintaining track and related infrastructure across its 22-state network ever since, allowing whole industries, and even towns and cities, to spring up and flourish. Virginia's push westward into the coal fields of the southwestern part of the Commonwealth in the 19th century could not have been achieved without rail service. Similarly, Virginia's port competitiveness in the 21st century relies on rail. Rail transportation is the best and most efficient way to move large amounts of cargo and bulk commodities over land with minimal disruption to the public. It remains an environmentally friendly way to transport the goods and raw materials Virginians rely on every day.

DURING THE COVID-19 PANDEMIC, the need for broadband internet service has been keenly felt. Distance learning, remote working, telemedicine, and virtual legislative sessions all have one essential requirement: access to broadband internet. The ability to effectively stream audio and video via broadband has allowed most of us to stay connected and productive while highlighting that there are still areas of Virginia without broadband service. As such, Virginia's broadband providers and state and local governments have been begun focusing their energies on pushing broadband service to underserved communities and the farthest corners of the Commonwealth. This is important work, but challenges abound, including installation of infrastructure across public and private property, including railroad tracks.

The "why" and "what" of railroad tracks

Crossing an active railroad track is a very different proposition from crossing other types of property. Among the first things to understand when planning infrastructure across an active railroad line are why it is there and what its purpose is.

The Virginia Department of Rail and Public Transportation notes there are approximately 3,037 miles of railroad track in Virginia, operated by eleven railroads. Approximately 1,990 of those miles are operated by the company I work for, Norfolk Southern. While this article focuses on Norfolk Southern's process for evaluating and approving crossing projects, many of the issues are similar across the industry.

The Port of Virginia, Amtrak, VRE, and customers large and small rely on rail networks to move people and goods. Just like interstate highways, airport runways, and waterways, rail track is a key component of interstate commerce in the United States. And just like

other interstate commerce infrastructure, railroad tracks must be crossed with care, planning, and forethought.

Railroad property is private property – owned or exclusively controlled by the railroad(s) and accessing it requires permission just like any other property. However, it's not property rights but safety that drives many of the processes railroads have in place for pipe and wire installations, including broadband, across the system.

Norfolk Southern and the other railroads in Virginia have common carrier obligations to transport hazardous materials and other commodities that can be hauled more safely by rail on a sealed corridor than they can be by truck in a shared corridor with other motorists. We also host passenger trains and commuter trains every day.

Norfolk Southern owns and maintains its own infrastructure across the Commonwealth, including rails and ties, bridges, signal and communications systems, tunnels, and drainage facilities. Much of this maintenance is governed by federal regulation to ensure that the rail network functions seamlessly. Of paramount importance is that the rail network must operate safely, both for our employees and for our customers and communities.

We have worked with utility providers, municipal water and sewerage authorities, cities, and towns for decades to ensure safe and reliable crossings of railroad property through contractual agreements. Over the years we have crafted procedures that allow proposed installations to be evaluated consistently, quickly, and with an eye toward safety and a lack of railroad service disruption.

A new way to meet crossing requests

NORFOLK SOUTHERN'S COMMITMENT to good corporate citizenship means that we treat our railroad crossings applicants the same as we treat our commercial clients. To make our rail crossing application process better all around, Norfolk Southern recently transitioned to a new third-party contractor RailPros. Working with RailPros, we have improved and modernized our pipe and wire application and review process with a completely online portal that offers real-time application tracking capabilities and transparency into our application fee structure.

How crossing requests are evaluated

When evaluating a crossing request, we must ensure that our roadbed, signals, drainage, and clearance requirements are protected both during and after installation occurs. Our engineering and real estate teams evaluate each crossing application to make sure the design is consistent with our operating requirements. No two applications are alike, and each installation must be individually reviewed and evaluated. As you can imagine, after more than a century of operating along many of our corridors, other facilities have been installed – both railroad-owned and non-railroad owned. Our team must ensure that a new installation will not affect another occupant's installations in the right-of-way, especially fiber optic cable which is often found on railroad property through licensing agreements going back decades.

Overhead installations are also commonplace across railroad rights-of-way. Norfolk Southern maintains clearance diagrams and has minimum standards to allow clearance for double-stack container trains and special loads for a variety of strategic purposes. Railroads are partners with a variety of shippers to move bulky and oversized loads around the country, and our corridors must be preserved to allow those moves to occur.

It's more than a crossing, it's a relationship!

Protecting rail shipments, railroad employees, and construction personnel is a critical component of each railroad crossing project. To that end, Norfolk Southern requires that applicants sign an agreement creating a contractual relationship. This ensures that everyone understands the rights and responsibilities of the other parties on a go-forward basis before construction starts. Reducing ambiguity and uncertainty down the road (or "down the track" in this case) helps everybody.

Liability insurance and flagging protection are other ways that we clarify the relationship and protect everybody involved in the project. Norfolk Southern requires any contractors working on the right-of-way to have commercial general liability insurance. This requirement is the same for all work on railroad property – not just broadband projects. In addition, entities working in proximity to the track also must have railroad protective liability coverage which includes incidents that occur near an active railroad track. Norfolk Southern can provide this coverage at a more competitive cost than if applicants had to purchase insurance in the marketplace.

Additionally, flagging protection ensures that a railroad representative in communication with the Norfolk Southern dispatcher is onsite to alert construction teams of approaching trains.

Mission complex, but not impossible!

As you can see, there is a lot that goes into crossing a railroad track. The good news is that railroad companies like Norfolk Southern are here to help even before the application gets filed. We're happy to work with applicants at every step of the process to answer questions and help pick advantageous and cost-effective routes.

As members of the Commonwealth Connect Coalition, Norfolk Southern supports broadband expansion across Virginia and throughout our network and recognize the benefits broadband brings to business and to communities. We are committed to a transparent and responsive application process and look forward to working with applicants to move this important initiative forward.

About the author: *Tim Bentley is Norfolk Southern Corporation's regional vice president for government relations. He can be reached at timothy.bentley@nscorp.com.*

Application to install broadband projects across a Norfolk Southern owned track:

www.nscorp.com/content/nscorp/en/real-estate/norfolk-southern-services/wire-pipeline-fiber-optic-projects.html



CYBER RISK 2021-2022

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What you need to know for FY 2021-22:

Cyber claims frequency has escalated:

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- Attacks against public entities have intensified (SolarWinds)
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Supreme Court Midterm for Local Governments 2020-21

By Lisa Soronen

State & Local Legal Center



THE VIRGINIA MUNICIPAL LEAGUE is pleased to reprint this helpful and insightful look on behalf of the Big Seven national organizations representing state and local governments. The original article was published by the State and Local Legal Center (SLLC) in January 2021.

**Indicates a case where the SLLC has filed or will file an amicus brief.*

Undecided Cases

The issue the Supreme Court will decide in *Caniglia v. Strom** is whether the Fourth Amendment “community caretaking” exception to the warrant requirement extends to the home. A police officer determined Edward Caniglia was “imminently dangerous to himself and others” after the previous evening he had thrown a gun on the dining room table and said something to his wife like “shoot me now and get it over with.” Officers convinced Caniglia to go to the hospital for a psychiatric evaluation after apparently telling him they wouldn’t confiscate his firearms. The officers went into his home and seized the guns regardless. Caniglia sued the officers for money damages claiming that he and his guns were unconstitutionally seized without a warrant in violation of the Fourth Amendment. The First Circuit held that the Fourth Amendment’s “community caretaker” exception to the warrant requirement applies in this case and that neither of the seizures violated the Fourth Amendment. The Supreme Court first applied the community caretaking exception in *Cady v. Dombrowski* (1973). In that case the Supreme Court held police officers could search without a warrant a disabled vehicle they reasonably believed contained a gun in the truck and was vulnerable to vandals. Police activity in furtherance of the community caretaker function is permissible as long as it is “executed in a reasonable manner pursuant to either ‘state law or sound police procedure.’” Importantly, the Supreme Court has never extended the community caretaking exception beyond the motor vehicle context. The First Circuit decided to do so in this case in light of the “special role” that police officers play in our society. The First Circuit reasoned: “[A] police officer — over and

above his weighty responsibilities for enforcing the criminal law — must act as a master of all emergencies, who is ‘expected to aid those in distress, combat actual hazards, prevent potential hazards from materializing, and provide an infinite variety of services to preserve and protect community safety.’”

In *Cedar Point Nursery v. Hassid**, the Supreme Court will decide whether a temporary easement is a taking. The U.S. Constitution’s Fifth Amendment allows the government to “take” private property as long as it pays “just compensation.” In this case a number of agriculture employers argue California statutes “take” their property by allowing union organizers access to agricultural employees on the grower’s property. The access period may be during four 30-day periods each year for up to three hours each day. The union organizers must provide notice to the employers. The Ninth Circuit ruled against the employers. According to the Ninth Circuit, “[t]he Growers base their Fifth Amendment argument entirely on the theory that the access regulation constitutes a permanent physical invasion of their property and therefore is a per se taking.” The Ninth Circuit found no permanent physical invasion in this case. The lower court compared this case to *Nollan v. California Coastal Commission* (1987), where the California Coastal Commission offered to give a homeowner a permit to rebuild a house in exchange for an easement allowing the public to cross the property to access the beach. In *Nollan*, the Supreme Court required the Coastal Commission to provide just compensation for the easement. Here, according to the Ninth Circuit, “[t]he regulation significantly limits organizers’ access to the Growers’ property. Unlike in *Nollan*, it does not allow random members of the public to unpredictably traverse their property 24 hours a day, 365 days a year.”

The Supreme Court has held that excessive force violates the Fourth Amendment’s prohibition against “unreasonable searches and seizures.” The question in *Torres v. Madrid** is whether police have “seized” someone they have used force against who has gotten away. In this case, police officers approached Roxanne Torres thinking she may have been the person they intended to arrest. At the time Torres was “tripping” from using meth for several days. She got inside a car and started the engine. One of the officers repeatedly asked her to show her hands but could not see her clearly because the car had tint-

ed windows. When Torres “heard the flicker of the car door” handle, she started to drive thinking she was being carjacked. Torres drove at one of the officers who fired at Torres through the wind shield. The other officer shot at Torres as well to avoid being crushed between two cars, and to stop Torres from driving toward the other officer. Torres was shot twice. After she hit another car, she got out of the car she was driving and laid on the ground attempting to “surrender” to the “car-jackers.” She asked a bystander to call the police, but left the scene because she had an outstanding warrant. She then stole a different car, drove 75 miles, and checked into a hospital. The Tenth Circuit found no excessive force in this case because Torres wasn’t successfully “seized” under the Fourth Amendment. In a previous case the Tenth Circuit held that “a suspect’s continued flight after being shot by police negates a Fourth Amendment excessive-force claim.” This is because “a seizure requires restraint of one’s freedom of movement.” Therefore, an officer’s intentional shooting of a suspect isn’t a seizure unless the “gunshot . . . terminate[s] [the suspect’s] movement or otherwise cause[s] the government to have physical control over him.”

The question the Supreme Court will decide in *Uzuegbunam v. Preczewski** is whether the government changing a policy after a lawsuit has been filed renders the case moot if the plaintiff has only asked for nominal damages. Georgia Gwinnett College students Chike Uzuegbunam and Joseph Bradford sued the college over its Freedom of Expression policy, which only allowed students to engage in expressive activities in two designated areas after getting a permit. They sought an injunction preventing the college from enforcing its policy and nominal damages. The college then changed the policy. The district court concluded the students’ claims for injunctive relief were moot, Uzuegbunam’s because he graduated, and Bradford’s because the college changed its policy. Uzuegbunam and Bradford don’t challenge these conclusions. The Eleventh Circuit also agreed with the district court that the students’ claims for nominal damages don’t keep this case alive because nominal damages would not “have a practical effect on the parties’ rights or obligations.” According to the Eleventh Circuit, circuit precedent held that nominal damages have no practical effect absent “a well-pled request for compensatory damages.” Uzuegbunam and Bradford didn’t ask for compensatory damages.

The issue in *Lange v. California* is whether a police officer may enter a person’s house without a warrant when the officer has probable cause to believe he or she has committed a misdemeanor (rather than a felony). Right before Arthur Gregory Lange turned into his driveway and after following him for a while, Officer Weikert turned on his lights to pull him over for playing music loudly and unnecessarily beeping his horn. Lange didn’t pull over. He later claimed to not notice the officer’s lights. Officer Weikert followed Lange up his driveway. As Lange’s garage door began to close, Officer Weikert stuck his foot in front of it and went into the garage to speak to Lange. Lange was charged with driving under the influence. He sought to suppress the evidence claiming Officer Weikert’s warrantless entry into his home violated his Fourth Amendment rights. The California Court of Appeals held the warrantless entry didn’t violate Lange’s Fourth Amendment rights even though Officer Weikert only had probable cause to believe Lange had committed noise and flight-related misdemeanors. In *Payton v. New York* (1980), the U.S. Supreme Court held “a warrantless entry by the police into a residence to seize a person is presumptively unreasonable and unlawful in the absence of exigent circumstances.” Exigent circumstances include “hot pursuit” of a “fleeing suspect.” According to the California Court of Appeals “hot pursuit” isn’t limited to “true emergency situations” and includes investigation of minor offenses. Lange cited to the U.S. Supreme Court’s decision in *Welsh v. Wisconsin* (1984), holding that “a warrantless night entry of a person’s home in order to arrest him for a nonjailable traf-

fic offense” violated the Fourth Amendment. However, the California Court of Appeals distinguished *Welsh* from this case because *Welsh* did “not involve pursuit into a home after the initiation of a detention or arrest in a public place.”

In *Fulton v. City of Philadelphia** the Supreme Court will decide whether local governments may refuse to contract with foster care agencies who will not work with gay couples. The City of Philadelphia long contracted with Catholic Social Services (CSS) to place foster care children. The City stopped doing so when it discovered CSS wouldn’t work with same-sex couples. Philadelphia requires all foster care agencies to follow its “fair practices” ordinance, which prohibits sexual orientation discrimination in public accommodations. CSS claims the City violated the First Amendment by refusing to continue contracting with it because of its religious beliefs. The Third Circuit ruled in favor of the City. The Supreme Court has interpreted the First Amendment’s Free Exercise Clause to forbid “government acts specifically designed to suppress religiously motivated practices or conduct.” But, per the Court in *Employment Division v. Smith* (1990), individuals must comply with “valid and neutral law[s] of general applicability” regardless of their religious beliefs. CSS first argues that Philadelphia’s “fair practices” ordinance isn’t applied to it neutrally. According to the Third Circuit, the test for neutrality is whether the City treated CSS “worse than it would have treated another organization that did not work with same-sex couples as foster parents but had different religious beliefs,” which the City didn’t do. CSS has asked, and the Supreme Court has agreed, to reconsider the Court’s holding in *Employment Division v. Smith*. CSS also claims Philadelphia is requiring it to “adopt the City’s views about same-sex marriage and to affirm these views in its evaluations of prospective foster parents,” in violation of the First Amendment’s Free Speech Clause. The Third Circuit agreed that the City couldn’t condition contracting with CSS on it officially proclaiming support for same-sex marriage but it could condition contracting with CSS on refusing to work with same-sex couples.

In *City of San Antonio, Texas v. Hotels.com, L.P.** the Supreme Court will decide whether a federal district court has discretion to waive appellate costs. The City of San Antonio won in federal district court a class action lawsuit against online travel companies (OTCs) requiring them to collect occupancy taxes on the “retail rate” for a hotel room – the amount they collect for the room rate plus the service fee. On appeal, the Fifth Circuit ruled against San Antonio because a state court ruled OTCs only have to collect tax on the room rate. Federal Rule of Appellate Procedure 39(e) lists the costs that are “taxable in the district court for the benefit of the party entitled” to them. After *Hotels.com* won its appeal, the district court ordered San Antonio to pay *Hotels.com* over \$2 million in costs per this rule. San Antonio argued that the district court was incorrect to conclude that it lacked the discretion to deny or reduce the award of costs pointing out that most other federal courts of appeals have held (or implied) they may do so. The Fifth Circuit disagreed. In a previous Fifth Circuit case from 1991, *In re Sioux Ltd., Sec. Litig.*, the Fifth Circuit held under Rule 39(e) district courts have no discretion “whether, when, to what extent, or to which party to award costs of the appeal.”

In *B.P. v. Mayor and City Council of Baltimore** the Supreme Court will decide whether a federal appellate court may review all the grounds upon which a defendant claims its case should not be sent back to state court when only one of the grounds the defendant alleges is specifically listed in federal statute as a basis for federal appellate court review. The mayor and City of Baltimore sued 26 oil and gas companies in Maryland state court claiming their role in climate change has violated Maryland law. Federal law allows defendants to “remove” a case brought in state court into federal court if the fed-

eral court has jurisdiction over the case. BP claims that the federal court has jurisdiction to hear this case on eight grounds, including the federal officer removal statute. This statute allows federal courts to hear cases involving a private defendant who can show that it “acted under” a federal officer, has a “colorable federal defense,” and that the “charged conduct was carried out for [or] in relation to the asserted official authority.” A federal district court rejected all eight grounds BP alleged supported removing this case to federal court. The federal district court remanded the case back to Maryland state court. 28 U.S.C. §1447(d) generally disallows federal courts of appeals to review federal district court orders remanding a case back to state court which was removed to federal court. The statute creates an exception for “an order remanding a case to the State court for which it was removed pursuant to” the federal officer removal statute or the civil-rights removal statute (not at issue in this case). BP asked the Fourth Circuit to review all eight of its grounds for removing the case to federal court because one of the grounds it alleged—federal officer removal—is an exception allowing federal appellate court review. The Fourth Circuit refused to review all eight grounds. It cited to a Fourth Circuit case decided in 1976, *Noel v. McCain*, holding that “when a case is removed on several grounds, appellate courts lack jurisdiction to review any ground other than the one specifically exempted from §1447(d)’s bar on review.” BP argued that a 1996 Supreme Court case and the Removal Clarification Act of 2011 “effectively abrogated” the 4th Circuit decision. The Fourth Circuit disagreed but acknowledged other courts have reached different conclusions.

In *California v. Texas* the Supreme Court will decide whether the Affordable Care Act’s (ACA) individual mandate is unconstitutional. More importantly, if the Court holds that it is, it will decide whether the individual mandate is severable from the ACA. It is possible the Court will conclude it isn’t and that the entire law is unconstitutional. If it is severable the rest of the ACA will remain good law. The ACA individual mandate required uninsured who didn’t purchase health insurance to pay a “shared-responsibility” payment. The Tax Cuts and Jobs Act of 2017 reduced the payment to \$0 as of January 1, 2019. Texas, and a number of other states argued, and the Fifth Circuit agreed, that the individual mandate is no longer constitutional as a result. According to the Fifth Circuit, in *NFIB v. Sebelius* (2012), five Supreme Court Justices agreed that the “individual mandate could be read in conjunction with the shared responsibility payment” as “a legitimate exercise of Congress’ taxing power for four reasons.” The Fifth Circuit reasoned that now the shared responsibility payment amount is zero “[t]he four central attributes that once saved the statute because it could be read as a tax no longer exist.” While the district court held that none of the ACA was severable from the individual mandate (meaning the entire Act is unconstitutional), the Fifth Circuit concluded the district court failed to take a “careful, granular approach” in its severability analysis. “The district court opinion does not explain with precision how particular portions of the ACA as it exists post-2017 rise or fall on the constitutionality of the individual mandate. California and a number of other states defending the ACA argue that the individual and state plaintiffs lack standing to bring this case. California argues the individual plaintiffs haven’t been harmed by the tax being reduced to zero because “[a] statutory provision that offers individuals a choice between purchasing insurance and doing nothing does not impose any legally cognizable harm.” California further claims that the states have failed to alleged harm because they have no proof that the shared-responsibility payment being zero will force individuals into the states’ Medicaid and CHIP programs or increase state costs for “printing and processing [certain] forms.”

In *Brnovich v. Democratic National Committee* the Supreme Court will decide whether Arizona’s refusal to count out-of-precinct votes

violates Section 2 of the Voting Rights Act (VRA) and whether Arizona’s limits on third-party ballot collection violate Section 2 of the VRA and the Fifteenth Amendment. Arizona wholly discards out-of-precinct votes instead of counting the votes for the races the voter was eligible to participate in (like U.S. President) no matter what ballot they completed. Arizona also criminalizes, with some exceptions, third-party collection of another person’s early ballot. Section 2 of the VRA prohibits intentional discrimination based on race or color in voting and election practices that result in the denial or abridgment of the right to vote based on race or color. If discrimination is intentional it also violates the U.S. Constitution’s Fifteenth Amendment. Over a number of dissenting judges, the en banc Ninth Circuit agreed with the Democratic National Committee that the out-of-precinct statute violates Section 2 of the VRA because it “adversely and disparately” affects Arizona’s minority voters. The court also held that the third-party collection statute violates Section 2 of the VRA and the Fifteenth Amendment because it was enacted with discriminatory intent. Specifically, regarding the results-based VRA claims, the Ninth Circuit concluded that both provisions resulted in a “disparate burden on members of the protected class” and that under the “totality of the circumstances” the burden is linked to “social and historical conditions” in Arizona. Regarding wholly discounting out-of-precinct votes, the court found results-based discrimination because minority voters in Arizona cast out-of-precinct votes at twice the rate of white voters. Regarding third-party ballot collection, the court found that prior to enacting the law “a large and disproportionate number of minority voters relied on third parties” to collect and deliver their early ballots. The Ninth Circuit also concluded that intentional discrimination motivated the Arizona legislature to criminalize third-party ballot collection. According to the court, the law would not have been enacted but for “unfounded and often farfetched allegation of ballot collection fraud” and a “racially tinged” video showing a man of apparent Hispanic heritage appearing to deliver early ballots narrated with “innuendo of illegality . . . [and] racially tinged and inaccurate commentary.”

In *United States v. Cooley* the Supreme Court will decide whether tribal police have the authority to temporarily detain and search a non-Indian on a public right-of-way within a reservation based on a potential violation of state or federal law. The Ninth Circuit held the tribal officer has no such authority unless a legal violation is “obvious” or “apparent.” If it isn’t, any evidence obtained in the search must not be used against the defendant. A tribal highway safety officer passed a truck stopped on a United States highway located on an Indian reservation. Thinking the driver needed assistance the officer knocked on the window. He noticed Joshua Cooley had “watery, bloodshot eyes.” Cooley told the officer he was in the area to buy a car from a man whose name he wasn’t sure of. One of the names he gave the officer was of a local drug dealer. Cooley initially wouldn’t give the officer his driver’s license. When the officer returned after trying to run Cooley’s license, Cooley had a loaded pistol near his right hand. The officer ordered Cooley out of his vehicle, searched it, and found methamphetamine. Though the officer never asked, Cooley is non-native. Cooley argued the officer was acting outside of the scope of his jurisdiction when he seized Cooley in violation of the Indian Civil Rights Act (ICRA) and the evidence obtained should be suppressed. The Ninth Circuit agreed. According to the court, while a tribal officer may stop someone suspected of violating tribal law on a public right-of-way, the officer’s initial inquiry must be limited to whether the person is an Indian. If during this limited interaction, “it is apparent that a state or federal law has been violated, the [tribal] officer may detain the non-Indian for a reasonable time in order to turn him or her over to state or federal authorities.” According to the Ninth Circuit, its precedent

made “clear that the power to detain non-Indians on public rights-of-way for ‘obvious’ or ‘apparent’ violations of state or federal law does not allow officers to search a known non-Indian for the purpose of finding evidence of a crime.” When the officer searched Cooley, it wasn’t “obvious” he had committed a crime. The Ninth Circuit held the evidence obtained in violation of the IRCA should be suppressed as is it under the Fourth Amendment. The Ninth Circuit reasoned the IRCAs prohibition against unreasonable searches and seizures is nearly identical to the Fourth Amendment.

Decided Cases

In an 8-0 decision in *City of Chicago v. Fulton*,* the U.S. Supreme Court held that the City of Chicago didn’t violate the Bankruptcy Code’s automatic stay provision by holding onto a vehicle impounded after a bankruptcy petition was filed. The City of Chicago impounds vehicles where debtors have three or more unpaid fines. Robbin Fulton’s vehicle was impounded for this reason. She filed for bankruptcy and asked the City to return her vehicle; it refused. The Seventh Circuit held the City violated the Bankruptcy Code’s automatic stay provision. The Supreme Court unanimously reversed. When a bankruptcy petition is filed, an “estate” is created which includes most of the debtor’s property. An automatic consequence of the bankruptcy petition is a “stay” which prevents creditors from trying to collect outside of the bankruptcy forum. The automatic stay prohibits “any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate.” The Bankruptcy Code also has a “turnover” provision which requires those in possession of property of the bankruptcy estate to “deliver to the trustee, and account for” that property. The Supreme Court held that “mere retention” of a debtor’s property after a bankruptcy petition is filed doesn’t violate the automatic stay. According to Justice Alito, “[t]aken together, the most natural reading of . . . ‘stay,’ ‘act,’ and ‘exercise control’—is that [the automatic stay provision] prohibits affirmative acts that would disturb the status quo of estate property as of the time when the bankruptcy petition was filed.” However, the Court, conceded it did not “maintain that these terms definitively rule out” an alternative interpretation. According to the Court, “[a]ny ambiguity in the text of [the automatic stay provision] is resolved decidedly in the City’s favor” by the turnover provision. First, reading “any act . . . to exercise control” in the automatic stay provision “to include merely retaining possession of a debtor’s property would make that section a blanket turnover provision,” rendering the turnover provision “largely superfluous.” Second, the turnover provision includes exceptions that the automatic stay provision doesn’t include. “Under respondents’ reading, in cases where those exceptions to turnover . . . would apply, [the automatic stay provision] would command turnover all the same.”

In a very brief, unauthored opinion the Supreme Court denied qualified immunity in *Taylor v. Riojas* to a number of correctional officers who confined Trent Taylor to a “pair of shockingly unsanitary cells” for six days. Trent Taylor claimed the first cell he was confined in was covered in feces “all over the floor, the ceiling, the window, the walls,” and even inside the water faucet. The second, frigidly cold cell, “was equipped with only a clogged drain in the floor to dispose of bodily wastes.” The Fifth Circuit held that Taylor’s confinement conditions violated the Eighth Amendment’s prohibition on cruel and unusual punishment. The Fifth Circuit granted the officers qualified immunity because “[t]he law wasn’t clearly established” that “prisoners couldn’t be housed in cells teeming with human waste” “for only six days.” The Supreme Court reversed the Fifth Circuit’s grant of qualified immunity because “no reasonable correctional officer could have concluded that, under the extreme circumstances of this case, it

was constitutionally permissible to house Taylor in such deplorably unsanitary conditions for such an extended period of time.”

In *Carney v. Adams** the Supreme Court held unanimously that James Adams lacked standing to challenge a Delaware constitutional provision that requires that appointments to Delaware’s major courts reflect a partisan balance. Delaware’s Constitution states that no more than a bare majority of members of any of its five major courts may belong to any one political party. It also requires, with respect to three of those courts, that the remaining members belong to “the other major political party.” So, as a practical matter, to be on three of Delaware’s courts a person must belong to one of the two major political parties. James Adams, a Delaware lawyer and political independent, sued Governor Carney claiming Delaware’s major party requirement is unconstitutional. The Court, in an opinion written by Justice Breyer, concluded Adams lacks standing to bring this lawsuit. To have standing a litigant must “prove that he has suffered a concrete and particularized injury that is fairly traceable to the challenged conduct, and is likely to be redressed by a favorable judicial decision.” For Adams to prove he was harmed he had to “at least show that he is likely to apply to become a judge in the reasonably foreseeable future if Delaware did not bar him because of political affiliation.” According to Justice Breyer, “three considerations, taken together, convince us that the record evidence fails to show that, at the time he commenced the lawsuit, Adams was ‘able and ready’ to apply for a judgeship in the reasonably foreseeable future.”

In an unauthored opinion in *Trump v. New York*, the U.S. Supreme Court refused to decide whether President Trump could lawfully and constitutionally direct the Secretary of Commerce to provide information to him about the number of undocumented persons so he could exclude them from the census apportionment base. Federal law requires the Secretary of Commerce to “take a decennial census of population” and report to the President “[t]he tabulation of total population by States.” The President then transmits to Congress a “statement showing the whole number of persons in each State.” President Trump wants to exclude undocumented persons from this census number which is used to apportion U.S. House of Representatives seats to the states. He asked the Secretary of Commerce to provide him the information he needs to do so. States and local governments and others sued the President claiming he has violated federal statutes governing the census and the U.S. Constitution. The Court refused to decide this case now describing it as “riddled with contingencies and speculation that impede judicial review.” The Court noted that while the President “has made clear his desire to exclude aliens without lawful status from the apportionment base,” he has qualified the directive to gather the necessary information with language including “to the extent practicable” and “to the extent feasible.” According to the Court, “the record is silent on which (and how many) aliens have administrative records that would allow the Secretary to avoid impermissible estimation, and whether the Census Bureau can even match the records in its possession to census data in a timely manner.” President Biden has issued an executive order reversing President Trump’s policy of excluding to count undocumented persons from the census apportionment base.



About the author: *Lisa Soronen is the Executive Director of the State and Local Legal Center (Washington, D.C.). The SLIC files Supreme Court amicus curiae briefs on behalf of the Big Seven national organizations representing state and local governments and is a resource to states and local governments on the Supreme Court.*

CITY OF WAYNESBORO

By Terry R. Short, Jr.

Waynesboro tackles tactical urbanism

IN OCTOBER OF 2020, the city of Waynesboro brought together over twenty citizens and students to engage in a bit of tactical urbanism. Working together, the group created a large street mural and four bulb-outs to make crossing the street safer for Waynesboro High School students.

First, a bit of background. In the spring of 2018, Waynesboro High School purchased a building across the street from the school and turned it into their Career and Technical Education (CTE) center. However, to reach the CTE, students were crossing at multiple points along the block and motorists were often speeding in this area. Over the summer of 2020, a core team, working in conjunction with an extended team, participated in the Virginia Walkability Action Institute through the Virginia Department of Health. They were able to secure a modest grant to help make Waynesboro safer for pedestrians and bikers.

After considering various locations, the block between Waynesboro High School and the CTE building was selected for a large street mural and four bulb-outs on the corners. Bridget Roberts, one of the school's amazing art teachers, asked her intermediate art class to design a mural for this area. The public helped choose the final design through voting on Facebook.

On a Friday afternoon in October, Mrs. Roberts and her students drew a chalk outline of the design on the street. The next day, over twenty community volunteers, including current and former students, came out to paint the mural. Final touches were completed on Sunday morning. The design was large enough to ensure social distancing, and volunteers wore masks and kept their distance during the process.

The resulting bright and cheerful section of street causes motorists to slow down and notice their surroundings. The cost of the

paint and supplies was less than \$10,000, and the mural is projected to last about a year. Temporary bollards were also installed along all four corners of the intersection to help slow motorists down as they traverse this intersection. According to Kira Johnson, a city planner for Waynesboro who was on the core team, "Our hope with this project is first and foremost to make it safer for pedestrians by decreasing car speeds. The mural calls attention to this area, and the bulb-outs narrow excess road

width thus encouraging cars to slow down. Hopefully by including the high school students in this project, they will feel a sense of ownership and recognize they can help shape their city."

Susan Lendermon, the Waynesboro Safe Routes to School Coordinator and another member of the core team, added, "Community support for the project has been very strong. Waynesboro officials got behind the idea right away, and many members of the public have been impressed with the outcome."

Current Waynesboro councilmember and former mayor, Terry Short, Jr. adds, "We are so proud of this innovative approach at creating safe places for students, pedestrians, and our community. Work is already underway to grow our advocacy group, identify new locations to target, and to implement another successful project in 2021."

The Walkability Institute extended team has now morphed into Waynesboro Walk and Wheel, an advocacy group, which meets monthly.

About the author: *Terry R. Short, Jr. is the former mayor and a current councilmember for the City of Waynesboro.*

Photo credits: *Street Level - Randall Wolf; Drone Aerial Photos - Terry R Short Jr.*

What is "tactical urbanism?"

Tactical urbanism is a low-cost, temporary change to the built environment, usually in cities, intended to improve local neighborhoods and city gathering places.





Hamilton: Take a stroll with us

IF YOU'VE ALWAYS WONDERED what it feels like to wander onto the set of a movie about small town America, you absolutely must make your way to Hamilton.

The best part: This “movie” is real.

When it was incorporated in 1875, Hamilton was second only to Leesburg in Loudoun County town population. While the town’s formal boundaries today enclose around 650 residents, its 20158 ZIP code covers over 4,000 people in 1,500 homes. Hamiltonians take great pride in their community, and frequently mention neighbors’ connections to one another as the foundation of the quality of life in town. Recent investments in Colonial Highway, the main street through town, have only enhanced the common sight of residents taking a stroll for pleasure, or to visit one of the town’s charming small businesses. Stately Victorian era houses have been lovingly restored and maintained and continue to serve as homes to families. Local children still attend a small elementary school snugly embedded in town, yet have easy access to Washington, D.C, museums, monuments, and events before bedtime.

Sound too good to be true? Let’s take a “stroll” down Colonial Highway so I can show you what awaits visitors to our idyllic little town.

The Towns of Loudoun

Welcome to the first of *VTC*’s “Towns of Loudoun” series. In each of the next seven issues of *VTC* we will look forward to our 2021 Annual Conference in Leesburg (October 3-5) by visiting each of the communities that make Loudoun a great place to live, work, and play. We hope that you enjoy learning more about the towns of Loudoun County and as you make plans to join us in Leesburg this fall you can use these articles as a reference for things you might want to check out before, during and after the conference. See you soon!

Visit
LOUDOUN

Refresh and Refine

Across the street from Lowry’s, is one of Hamilton’s newest retail shops, Refresh and Refine. Specializing in home furnishing, this boutique gem offers vintage decor, furniture, garden art, and jewelry. Clients trend toward words like “adorable,” “personal,” and “friendly” when describing this charming small-scale shopping experience. As one person said, “If you too are over that Home Goods ‘brand feel,’ this is your find!”



A stroll down Colonial Highway

Lowry’s Crab Shack

Situated at the west end of Colonial Highway is one of Loudoun’s favorite spots for blue crab and other seafood feasts, Lowry’s Crab Shack.

The Lowry family delivers the feeling of the shore with their tiny wooden restaurant with spacious outdoor seating and a Tiki hut vibe. Locals are huge year-round fans, but people are known to drive for miles to escape the crowd for seasonal Chesapeake Bay blue crab, soft shell crab, and oysters. Platters, family meals, low country boils, clams, crab legs, and beer – even fried chicken and soft serve ice cream – all make you feel like you’re at the beach when you’re in Hamilton.





Serendipity Nail Spa and Halloween House

Walking a few feet further west and crossing Colonial Highway again, brings us to Serendipity Nail Spa, an in-home business run by Hamilton resident Melissa Frank. Working by appointment only, Melissa is committed to pampering her clients and exceeding their expectations. Serendipity offers a basic, collagen, gel polish, enhanced gel polish, or nail recovery manicure, as well as nail enhancements and pedicures. The autumnal Pumpkin Spice Deep Moisture pedicure is a local favorite.

As a bonus, every Halloween season the Franks' home transforms into Hamilton's very own haunted house! Drive or walk by, if you dare, for creepy clowns, ghouls in the trees, vampires, headstones, trees that moan and groan, and more!

Miss Tina's Amish Country Market

As you continue to stroll east down Colonial Highway, you'll come to a little yellow house that is home to a whole lot of Pennsylvania Dutch goods. "Miss Tina's" as Hamiltonians call it, carries products from Lancaster, PA and thrives on its relationships with Amish and Mennonite vendors. The shop also functions as a specialty grocery, featuring breads, cookies, pies, and meats, as well as noodles, spices, and vegetables. Hamilton's children are known to favor the "Whoopie Pies" in Miss Tina's cooler that run the gambit of flavors including pumpkin, red velvet, oatmeal, and chocolate. Your sweet tooth will not be disappointed!



Hamilton Community Park

Not far from Miss Tina's market is Hamilton's park and playground, built in 1986 by a group of individuals and organizations for the town's children. Since its opening, the park has become the heartbeat of Hamilton, a place where the community can gather to play and relax all year. Open dawn to dusk, the park has many places to sit and plenty of shaded areas, as well as an open field to kick a ball or stretch your legs. Updated equipment and a variety of play options keeps kids – from toddlers to teens – engaged and entertained. A picnic pavilion offers a place to dine outdoors with friends. There is even a Free Little Library at the park entrance, often full of books for all ages, as well as a handwashing station. Everything is free of charge (except for group reservations for the pavilion).

Sharp Edges 2

Just down from the park and across the street is Sharp Edges 2, a brilliant combination of old-school barbershop with modern trends grooming salon. The shop's elite barbers are highly trained and adept at any hairstyle, but locals rave about the hot towel straight razor shaves, elegant beard trims, and precise tapers and fades. The team at Sharp Edges takes walk-in clients as well as appointments, and the custom hair treatments they offer are sure to leave you feeling refreshed and confident. Customers are encouraged to spend time in



one of the shop's red leather chairs where they can watch the world go by through its plate glass windows or simply close their eyes and relax. These skilled barbers have got you covered! See their prices and menu of services online, and plan to shape up your look during a day trip to Hamilton's favorite barbershop.



The Hamilton Mercantile

In 1972, Hamilton became home to Northern Virginia’s first health food store. Originally known as The Natural Mercantile, and now The Hamilton Mercantile or just “The Merc,” the beloved small business has been nurturing Hamilton and surrounding communities for decades. The building that houses The Merc appears in historic black and white photographs that are well over 100 years old but walk inside and you’ll discover a bountiful blend of 2021’s top brands in health and wellness. The Merc’s new local owners are partnering with Leesburg’s King Street Coffee to add a walk-up window for quick, outdoor coffee pickup, and plan to offer new types of beverages including coffee mixed with supplements like collagen powder or herbal teas. Inside the store, you can buy many different wellness products such as CBD gummies, beeswax candles, goat milk soap, essential oils, and organic skin care. Come treat yourself to all the goodness and pick up some gifts for friends, too!

Hamilton Station Gastropub

Where East Colonial Highway meets Hamilton Station Road, you can’t miss one of Hamilton’s best-known hangouts, the Hamilton Station Gastropub. For years it was called “The Beautiful South” so you might still hear someone say, “Meet me at The Beautiful South,” when what they mean is, “Let’s grab a beer at The Hamilton Station Gastropub.” Though the name has changed, the HSG represents the same 25 years of family tradition and dedication to offering a sampling of international dishes, including classic American fare and specialty pizzas. The Gastropub offers a relaxed and family-friendly dining atmosphere with a full bar and 16 local and regional beers on draught as well as a comprehensive wine list. Outdoor tables with shade-brellas on the patio are a great option on a nice day.



The Barns at Hamilton Station Vineyards

Your last stop on your tour of Hamilton is just outside of town, but still inside 20158. From the Gastropub, turn onto Hamilton Station Road (also known as 704), and drive just over a mile to The Barns at Hamilton Station Vineyards – a family-owned and operated winery housed on a refurbished dairy farm, and a favorite local place to enjoy premium wines. Beginning with carefully selected Virginia grapes, winemaker Michael Shaps (Owner of Virginia Wine Works) creates wines inspired by the Bordeaux French style but uniquely expressive of Virginia. Eleven breathtaking acres surround a beautifully restored hundred and seven-year-old stone and wood bank barn, which has been transformed into a unique tasting room. Sit outside on a terrace, the ground floor patio, or grab an Adirondack chair and claim your spot with a gorgeous, classic Western Loudoun view.



See you in October
(or anytime)!

Whether you stop off for a short spell or decide to make a day of everything Hamilton has to offer, we hope you’ll swing by in October. Or, if life brings you our way sooner, we’d love to see you.



About the author: Elizabeth Goucher is a councilmember for the Town of Hamilton. She is also an essayist, editor, and short fiction writer. More information about her work and her editing company, Longridge Editors, LLC, can be found at www.elizabethgoucher.com.



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