

THE MAGAZINE OF THE
VIRGINIA MUNICIPAL LEAGUE

Small towns, big achievements

Inside:

Strategic planning
for ARPA funds

Supreme Court
Review for Local
Governments

Member Spotlight
on Roanoke
... and more





VRSA

Virginia Risk Sharing Association



Cybersecurity

Bad actors continue to target public entities, exploit victims, and cause disruption through cybersecurity attacks.

We understand that this is not your organization's top challenge or concern - and it shouldn't be. With in-place controls, your organization can reduce the likelihood and/or impact of a cybersecurity incident.

VRSA offers cybersecurity resources and services to help you identify and implement controls. Our financial strength allows us to offer comprehensive cybersecurity protections with stable pricing to ease our members worries. VRSA's cyber protections include:

- Privacy liability
- Network liability
- Data breach expenses
- Social engineering

VRSA recommends the following minimum standards:

- Cyber awareness training
- Password complexity
- Firewalls
- Backups for key systems and databases
- Patch management
- Encryption while data is stored and in transit
- Endpoint Detection & Response (EDR) solution
- Multi-Factor Authentication (MFA) for remote access, laptops and privileged access
- Secure Remote Desktop Protocol (RDP)
- Incident response plan
- Active directory/service accounts
- E-mail filtering

VRSA Coverage Highlights

- Cyber coverage available since 2012.
- Social engineering protections added in 2018.
- Cyber defense attorney manages each incident to ensure VRSA's commitment to service is met.
- Robust training, services, and resources including free, unlimited cybersecurity courses included through VRSA's Online University.
- Access to a free cybersecurity application with security healthcheck and sample incident response plans.
- VRSA cyber resources include cyber prevention measures, incident response, and cyber inventory register - available on the VRSA website.



www.vrsa.us | 800-963-6800



EXECUTIVE DIRECTOR
Michelle Gowdy

EDITOR & ADVERTISING MANAGER
Rob Bullington

CONTRIBUTING EDITOR & GRAPHIC DESIGN
Manuel Timbreza

CIRCULATION MANAGER
Joni Terry

EXECUTIVE BOARD

- Jon Stehle (President), Fairfax
- Jill Carson (President-Elect), Pennington Gap
- Chuckie Reid (Vice President), Farmville
- Willie Greene (Past President), Galax
- Kelly Burk, Leesburg
- Phil Miskovic, Crewe
- Stephanie Moon Reynolds, Roanoke
- Robert C. Ike, Jr., Chesapeake
- Bill Rush, Marion
- Derrick Wood, Dumfries
- Randy C. Eads, Bristol
- Steven Trivett, Ashland
- Katie Cristol, Arlington

Virginia Town & City (ISSN0042-6784) is the official magazine of the Virginia Municipal League. Published 10 times a year at 13 E. Franklin St., P.O. Box 12164, Richmond, VA 23241; 804/649-8471. E-mail: e-mail@vml.org. Reproduction or use of contents requires prior approval of the Virginia Municipal League and if granted must be accompanied by credit to *Virginia Town & City* and the Virginia Municipal League. Periodicals Postage paid at Richmond, VA. (USPS 661040) Subscription rates: members - \$16 per year, non-members - \$32 per year. Single copies - \$4 each.

Postmaster: Send address changes to *Virginia Town & City*, P.O. Box 12164, Richmond, VA 23241-0164.



BETTER COMMUNITIES THROUGH SOUND GOVERNMENT

VISIT WWW.VML.ORG



ABOUT THE COVER

Terms like “big” and “small” lose their meaning when you consider scope. A drop of water in the ocean seems small. But that same drop in a thimble is a big deal. So, it is with local government achievements. Too often, we focus on the big things happening in big places. But we can’t overlook the relatively big things happening in small towns because, well, they’re “big” deals too. In this issue of *VTC* we begin to make amends.

DEPARTMENTS

DIRECTOR’S MESSAGE 2

PEOPLE 3

NEWS & NOTES 6

COMMUNITY BUSINESS MEMBERS 32

FEATURES

How do you measure a “big” accomplishment?
By *VTC* editor Rob Bullington 8

Boone’s Mill: Working together for our town’s future
By Town Manager B.T. Fitzpatrick, III 9

Damascus: This small town is becoming a big outdoor recreation destination
By Recreation Program Director Julie Kroll 12

Ivor: A small town mayor helps her community rediscover itself
By retired Town Clerk Merle Monahan 16

Irvington: A small town trots its way to a big annual event
By Michelle Lybarger, member of the Irvington Village Improvement Association 19

Independence: A small southwest county seat goes big on improvements
By Councilmember Jeff Miller 21

ALSO IN THIS ISSUE

How small communities can leverage strategic planning for ARPA funds
By Stephanie Dean Davis, Ph.D., collegiate assistant professor, and program director for the Graduate Certificate in Local Government Management at Virginia Tech 24

Supreme Court Review for Local Governments
By Lisa Soronen, executive director of the State and Local Legal Center 26

Member Spotlight: City of Roanoke
By Aisha Johnson, economic development specialist with the City of Roanoke’s Office of Economic Development 30



Visit www.vml.org for complete rules and entry form.

Please, No!

AS WE ALL PATIENTLY AWAIT a new state budget, it's important to keep in mind how sometimes this process can really drag on and on. Recently, one of my staff was kind enough to remind me that back in 2004 the General Assembly and Governor Warner deliberated over taxes and the budget until June 25, or six days before the start of the fiscal year! Let's hope that we get a 2023-2024 budget far before then. Passing local government budgets based only on educated guesses is never comforting (or good fiscal practice). That said, we have deadlines to meet!

Let me recap a few items in the budget that affect local governments – *none of which have more potential ramifications or are scarier than the grocery tax changes!* So, let's start there.

Groceries are about 20 percent of taxable sales in the Commonwealth representing about \$700 million in annual state and local revenue. The percentages are broken out like this:

- **State:** 1.5 percent of which 1 percent is for K-12 education and 0.5 percent is for transportation funding.*
- **Local:** 1 percent which is used for core services such as local law enforcement, human services, parks and recreation, and fully staffing various departments.

**The portion of the state sales tax that goes for transportation funding would be lost if the state share of the tax or the entire grocery tax is eliminated; any discussion on replacing this revenue has been delayed until 2023.*

Below is a summary of where both chambers stand on the grocery tax issue along with VML's thoughts. Keep in mind that both chambers and the Governor have committed to make local governments whole (except for transportation) despite their respective plans for the grocery tax.

Grocery Tax: In the Senate

The Senate plan would exempt groceries from the 1.5 percent state sales tax **ONLY**, leaving intact the 1 percent local tax. The local revenue loss would total about \$280 million annually dedicated to schools. The Senate, like the House, has delayed discussions regarding the roughly \$140 million annual transportation funding revenue loss until next year.

Grocery Tax: In the House (and endorsed by the Governor)

The House plan would *eliminate both the state and local tax* by exempting groceries from both the 1.5 percent state sales tax and the 1 percent local tax. The revenue loss would total about \$280 million in general fund revenue to local governments and \$280 million dedicated to K-12 education schools. The House, like the Senate, has delayed discussions regarding the roughly \$140 million annual transportation funding revenue loss until next year.



VML's thoughts on the Grocery Tax

VML thanks the General Assembly for pledging to keep localities whole and urges the Assembly to ensure long-term confidence in a replacement revenue stream by codifying any language addressing revenue replacement. In addition, it is important that the state commit to annually reviewing and publicly tracking the replacement of local revenue to ensure that it keeps localities whole in the long term.

Beyond the Grocery Tax

Here are a few other issues that VML is tracking in the competing budgets:

Local Law Enforcement (599) – This funding is received by 175 localities. In a welcome and long overdue move, the Senate proposed increasing the funding by about \$50 million. In lieu of an increase to 599 funding (i.e., maintaining the introduced budget's funding levels), the House proposed spending up to \$80 million in federal ARPA money for one-time grants for training and equipment for *all* local law enforcement (including sheriff's departments and police departments) and keeping the level of 599 funding from the introduced budget. VML welcomes the House's investment in tandem with the Senate's proposal.

Teacher Salaries – Gov. Northam's outgoing budget included a five percent salary increase each year of the biennium for instructional and SOQ-state recognized positions. Localities would be required to increase salaries by at least 2.5 percent to qualify for state funding. The Senate maintained the 5 percent salary increase in each year and added a \$1,000 bonus using ARPA funds. The House reduced the salary increase to four percent each year of the biennium and added a 1 percent bonus in each year.

Other budget items getting a lot of attention include the issues of **state income tax relief** and a temporary suspension of the state's **taxes on diesel and gasoline**.

Where does all this go? And when does it go there? Who knows?

If you haven't already, please sign up for our electronic newsletter *eNews* to get the latest updates...and let's hope the budget comes sooner rather than later!

Sign up at www.vml.org/publications/enews.

Fredericksburg has a new director of Parks, Recreation and Events



- Brown -

In October 2021 **Todd Brown** joined the City of Fredericksburg as the city's new director of Parks, Recreation and Events. Brown has more than 30-years of experience within the parks and recreation profession most recently as director of the City

of Charlottesville's department. His career began with the Gold Medal Award-winning, accredited Fairfax County Park Authority. Over his 28 years with the agency, he had multiple leadership positions including manager of Frying Pan Farm Park, operations branch manager of the Resource Management Division, and concluded his career with Fairfax County as the park operations division director. In this capacity, Brown was responsible for the management of 420 parks that included athletic fields, trails, courts, open space, playgrounds, shelters,

recreational facilities, and capital equipment.

Brown is a Certified Parks and Parks Professional and a graduate of Strayer University where he received a degree in business administration. He is also very active member and serves on multiple committees of the Virginia Recreation and Park Society.

Blacksburg Police Chief Wilson to retire

After 25 years with the Blacksburg Police Department, Chief **Anthony Wilson** will



- Wilson -

retire this summer. Wilson, a Blacksburg native, Marine, and Virginia Tech graduate, began his career as a Blacksburg police officer in 1997. Over the years he advanced through the department's ranks which culminated in his becoming its chief in 2014.

Throughout his tenure with the department, Wilson he has served as a patrol field training officer, criminal investigator, investigative unit supervisor, tactical team operator/commander, patrol unit commander, and division commander. These assignments found him working some of the town's most difficult situations and created a resume filled with accomplishments.

During his tenure, the department emphasized community engagement and launched safety programs that introduced officers to their constituents and taught them to solve safety issues collaboratively. Wilson also created strong relationships with the Virginia Tech administration, athletics, and student body including a critical alliance with University Relations to coordinate crisis messaging that became critical during serious events.

A huge proponent of officer training, Wilson created the "Training Triangle" that became the cornerstone of department training throughout his tenure. The Triangle includes increased training in tactical ability, advanced communications and de-escalation skills training, and the spiritual connection to service and psychological wellness.

As a member of the Law Enforcement Issue Group, Wilson worked to address the disparity in the numbers of African American police officers. Wilson was also heavily involved in the Montgomery County "Dialogue on Race" initiative.

Working with New River Community College, Wilson helped create the "Books to Badges" program which offered two-year scholarships to those interested in law enforcement careers and grew to become the

Weighing your options?

- Bank loans
- Municipal bonds
- Equipment leasing
- Commercial paper
- Gov't loan programs



Since 2003, VML/VACo Finance has assisted localities in issuing over a billion dollars in municipal bonds, loans, and leases. We can help you select, plan, and execute the right financing for your locality.



valocalfinance.org
MSRB-registered Municipal Advisor

PEOPLE

larger ACCE program (Access Community College Education), which allows all students the opportunity to attend community college for two years. He also served as the volunteer service coordinator for the program from its inception to the present.

Wilson co-chairs the New River Valley Public Health Task Force which became the driving force in the region's pandemic response. The Task Force also dealt with collateral issues involving food instability, increased domestic violence and sheltering needs, communication isolation, and mental health concerns.

A recruitment process for the next chief of police position is underway.

Newport News' Zysk named Virginia "Firefighter of the Year"

In early March, Lieutenant **Andrew Zysk** of the Newport News Fire Department (NNFD) was named the 2021 Virginia "Firefighter of the Year" as part of the Governor's Awards for Fire Service Excellence. Presented during the annual Virginia Fire Rescue Conference, the Governor's Fire Service Awards were established in 2002 to recognize and honor excellence in Virginia's fire services.



- Zysk -

"Lt. Zysk is an outstanding firefighter and trainer and is most deserving of this recognition," said Newport News Fire Chief Jeff Johnson in a press release. "He is a true leader, and we are fortunate to have him as part of the team that trains our newest firefighters."

Lt. Zysk has been a member of NNFD since 2011 and currently serves as a training officer.

New chief of Albemarle County Police Department sworn in

On March 2nd, Albemarle County Police Department (ACPD) Colonel **Sean Reeves**



- Reeves -

was sworn in as the sixth Chief of ACPD. Colonel Reeves was the first ACPD chief to have begun his local law enforcement career with the department, as well as the first in its history to be both a veteran and a member of the Latin American community.

Colonel Reeves briefly served ACPD in 2001 before he was called back to active duty with the United States Army, where he served prior to his recruitment. Colonel Reeves returned to ACPD in 2003, and since that time, has served the Albemarle community as a patrol officer, detective, SWAT team operator, Honor Guard member, internal affairs investigator, in several supervisory roles, and as a community liaison with the local Latinx population. Most recently, Colonel Reeves served as deputy chief of police overseeing the Operations Bureau.

Roanoke County announces personnel changes

In early February, Roanoke County Administrator Richard L. Caywood, P.E. announced that **Rebecca E. Owens** had been appointed as deputy county administrator and **Doug M. Blount** was the new assistant county administrator.

In her new role, Owens will have overall responsibility for the county's financial operations. Her management responsibilities will include Police; Fire & Rescue; Social Services; Finance & Management Services;



altumint
AUTONOMOUS VISUAL INTELLIGENCE

Optotrafic is now part of Altumint Inc. the leading provider of Artificial Intelligence driven visual solutions to state and local agencies for automated traffic law enforcement, traffic monitoring, and forensic investigations. Our Pro ATE (Automated Traffic Enforcement) systems automatically capture and process speed, red-light and stop arm violations in all weather conditions, with IR illumination when needed. Full back-office support e.g., printing & mailing of citations, payment processing, customer service and court scheduling are included in a turnkey package. These solutions deliver the optimum balance between increasing public safety while decreasing negative law enforcement interactions with the motoring public.

Virginia Code § 46.2 – 882.1 Authorizes Photo Speed Enforcement in School Crossing Zones

Key Provisions

- \$100 civil penalty
- 10+ mph over posted speed
- Signs within 1000 feet
- No points, no insurance impacts
- Penalties collected paid to locality
- Unpaid citations eligible for collections

To Learn More

Contact Mike Phelan
michael.phelan@altumint.com
(301) 520 6405



- Owens -

Communications & Information Technology; Real Estate Valuation; and Internal Audit. Additionally, she will serve as the liaison to the Commissioner of the Revenue, Treasurer, Sheriff, Commonwealth's Attorney, and Clerk of the Circuit Court.

Owens was appointed assistant county administrator in 2019. She previously served as Roanoke County's director of finance since 2003. She holds a bachelor of business administration degree from Roanoke

College and a master of business administration degree from Averett University. She is professionally active as a member of the Government Finance Officers' Association, Virginia Government Finance Officers' Association, Virginia Local Government Management Association, and International City/County Management Association.



- Blount -

Blount began his service with Roanoke County in 2011. He has served as the county's director of Parks, Rec-

reation & Tourism and General Services departments. In his new role, Blount will have overall responsibility for the county's capital program delivery. His management responsibilities will include Economic Development, Parks, Recreation & Tourism, General Services, Development Services; Libraries, and Planning. Additionally, he will serve as the liaison for the Elections Office.

Prior to joining Roanoke County, Blount worked for 15 years at the Prince William County Park Authority in various leadership roles. Blount holds a bachelor of business administration degree from East Tennessee State University.

Johnston named next president and CEO of Virginia Community Action Partnership (VACAP)



- Johnston -

Virginia Community Action Partnership Board of Directors has named **Erik Johnston** as the next president and chief executive officer of the non-profit association.

Johnston previously served as director of the Virginia Department of Housing and Community Development (DHCD). He grew DHCD's budget from \$150 million annually to \$350 million annually and secured an additional \$2 billion in pandemic relief programs. Johnston advocated for and secured effective delivery of programs in housing, workforce training, eviction prevention, access to capital, economic development, community development, broadband deployment, building codes, and service to vulnerable populations and people experiencing homelessness. He also served as chief deputy of DHCD and as deputy policy director in the Office of the Governor during his more than six years of appointed public service to the Commonwealth of Virginia.

In addition to the above, Johnston served as director of government affairs for the Virginia Association of Counties, and as associate legislative director with the National Association of Counties. In those roles, he worked with county leaders on the delivery of grant programs and advocacy at the federal and state level.

Johnston will begin leadership at VACAP on April 15 following the retirement of its current president and chief operating officer, Jim Schuyler.

Congratulations to the 2022 Excellence in Virginia Government Award recipients



Innovation in Government Award
Danville Police Chief Scott Booth

Public-Private Partnership Award
Grayson County with Appalachian Power and GigaBeam Networks

Lifetime Achievement Award
Florence Neal Cooper Smith

Community Enhancement Award
Sacred Heart Center

Grace E. Harris Leadership Award
All Saints Catholic School of Richmond

Hill-Robinson Expansion of Freedom Award
Moton Museum of Farmville

Unsung Heroes Award
Betty Mattice, Virginia Department of Motor Vehicles

Learn more and register for the in-person reception on Tuesday, Apr. 26 at 12 p.m.



bit.ly/EVGA22



VCU L. Douglas Wilder School of Government and Public Affairs

ARPA success story – Town of Shenandoah food programs

THE SHENANDOAH TOWN Council recently approved two food programs which will fill needs and provide a set weekly income to assist the town's five restaurants. \$50,000 of the town's allocated American Rescue Plan Act (ARPA) funding went to "Food for Friends" which provides meals for 60 elderly or people in need each week. Each week, "Food for Friends" chooses a different restaurant in town to prepare the meals they deliver. The Shenandoah Town Council also approved \$11,700 of the Town's allocated ARPA funds to Page One to provide a supplemental food program for needy families in which gift cards will be purchased from a local restaurant.



Mayor Clinton Lucas, Jr. hands a check to Page One's Director Phyllis Robertson.

City of Fairfax participating in "Bike to Work Day"

ON FRIDAY, MAY 20 RESIDENTS the City of Fairfax are encouraged to ride their bike to work. Those that work from home are invited to take a break and go for a ride. The city will

set up a pit stop at Old Town Square between 6-9 a.m. where participating bike commuters can pick up a free t-shirt, snacks, and a chance to win prizes!



From the city's press release: "Even a short ride into Old Town will get your blood pumping – and get you out of the house! Feel the wind on your face, soak up some sunshine, and enjoy spring's fragrant aromas wafting on the breeze. Don't forget to protect your head and wear a helmet at every age!"

For more information, contact Multimodal Transportation Planner Chloe Ritter at chloe.ritter@fairfaxva.gov or 703-273-5652.

City of Winchester Parks and Recreation Department offering free youth athletic programs

CITY OF WINCHESTER RESIDENTS can access free athletic programs for their children through a special partnership between Winchester Parks and Recreation and Shenandoah University (SU). This agreement, which spans five years, waives the \$50-\$61 registration fee for city residents to play basketball, volleyball, flag football, and cheer during the 2021-2022 season.

As part of a 2020 management deal between SU and the City of Winchester, SU agreed to fund a youth sports program for children from economically disadvantaged families in Winchester. When new Parks & Recreation Director Chris Konyar assumed his role in July 2021, he immediately put the funding to good use.

Parks and Rec plans to add free swim classes to the program over the summer, and other organizations are offering free registration as well. Winchester Baseball, for example, had free registration for kids ages 4-10 this spring.

Find out more by visiting www.winchesterva.gov/parks.



United WE's Appointments Project announces expansion to City of Richmond

RECENTLY, THE OFFICE OF CITY OF RICHMOND Mayor Levar Stoney and the National League of Cities, in collaboration with Leadership Metro Richmond (LMR), announced their partnership to increase the number of women on local boards and commissions through United WE's Appointments Project. Starting in 2014, the Appointments Project has resulted in more than 150 women being placed on boards and commissions.

United WE's Appointments Project serves as a talent bank, advisor, and advocate for women seeking opportunities to lead their communities and works to attract diverse applicants for appointed positions on boards and commissions. The award-winning approach guides women through applying for these positions and suggests applicants for appointment.

"I've seen first-hand the need to address racial and gender disparities in civic leadership to ensure that we are drawing on the talents and diverse perspectives of our residents," Myra Goodman Smith, LMR's President and CEO, said. "Our partnership with the City of Richmond and United WE's Appointments Project will strengthen the city by increasing the number of women and women of color who are at the decision-making table of their communities."

Based on a growing number of success stories, the pipeline of women leaders is growing rapidly across the country. The Appointments Project fills a critical need in creating a pathway to



work with elected officials and better community representation that leads to better lives for all.

About Leadership Metro Richmond

Leadership Metro Richmond or LMR is a community leadership development and engagement organization. Since 1980, LMR has connected diverse community leaders, broadened their knowledge and perspectives on regional issues, and provided tools to increase their abilities to create impact through leadership. For more information, visit www.lmronline.org.



Life Saving Award K9 Officer Frost and partner Tina.

City of Danville holds police department awards ceremony

ON FEBRUARY 24, the Danville Police Department recognized 55 agency personnel, seven community or law enforcement partners, and two agency K9's with awards for outstanding actions and performance in 2021 at the annual awards ceremony held at the River Oak Church of God. According to the press release:

"The Department had great success in 2021 through the efforts of every man and woman wearing a uniform, along with civilian support staff that keep the agency going. The Danville Police Department saw amazing community support and partnerships continue to grow through 2021 and wish to continue to thank every member of the community as the support is truly felt by the agency."



Unit Awards to Services.



Unit Award to the Southeast Sector.



How do you measure a “big” accomplishment?

By Rob Bullington

ON JUNE 6, 1944, THE TOWN of Bedford, VA had a population of 3,600. On that day, in Normandy, France, 19 young men from Bedford were killed in the D-Day invasion. According to many historians, this sacrifice represents the highest per capita loss of any American community on that fateful day of the war. And, of course, that is why 57 years later President George W. Bush was in Bedford – not New York, Los Angeles, Washington D.C. or some other American metropolis – to dedicate the national D-Day Memorial.

It is fitting that the nation’s memorial to one of its most painful, yet proudest days should reside in a small, rural community. The drive to fulfill one’s civic duty, to do big things for one’s country, is not exclusive to big cities. Quite often, the biggest things are done by people from the smallest communities. It is also fitting that a big national memorial to one of its most consequential achievements should be situated in a community where per capita the sacrifices of that day were felt the hardest. Which is to say, accomplishments should not be measured just by their magnitude but also in consideration of the

people and resources available to achieve them.

To put it all in a more prosaic frame: A city of hundreds of thousands of people might be expected to have a downtown revitalization plan, or a Fourth of July fireworks display, or an annual marathon, or any number of big civic initiatives. However, for a town of a few thousand or even a few hundred souls to accomplish a similar feat is more than noteworthy...it’s a big deal! So, in this issue of VTC we are pleased to feature the “big” deals going down in some of Virginia’s small towns.

Finally, it’s worth noting that as this issue goes to print, events in Europe remind us that the circumstances that made it necessary for so many small-town residents – like those young men from Bedford – to get swept up in big events are still all too relevant today. Thankfully, here at home the opportunities for small towns to accomplish “big” things remain for the most part healthy, local, and positive. Here’s hoping that the small-town achievements outlined herein remain the types of “big” things we continue to hear about and are pleased to feature.



The Town of Boones Mill

Working together for our town's future

THE TOWN OF BOONES Mill, a “Virginia’s Blue Ridge Community,” is located in Franklin County. It developed around a mill along Maggodee Creek built by the Boon family in 1786. In 1927, the town was incorporated and became “Boones Mill” encompassing approximately 525 acres. The Town of Boones Mill is one of only two municipalities located in Franklin County.

Boones Mill is one of the smallest towns in Virginia with a current population of 259 people (2020 U.S. Census), up from 239 (2010 U.S. Census). It uses the Council-Manager form of local government. Seven members of council, including a mayor, are elected in November to four-year staggered terms. The council appoints a town manager who leads the implementation of policy and a town clerk/treasurer who manages records and finances.

The Boones Mill town council, staff, residents, and business owners are proud of the accomplishments our little community has made in recent years. We are pleased to have this opportunity to share them with you.

Water and sewer system reimagined

The town’s water and sewer system consists of 205 active water customers served by a water treatment and distribution system that includes a spring and associated distribution piping. The treatment plant was renovated less than 10 years ago and is in good condition. The wastewater system includes a treatment pond permitted for 30,000 gpd and the associated collection system. There are 63 active sewer accounts.

Over the years, the town’s water and sewer system fell into disrepair. This was ironic given that Franklin County had become a member of the Western Virginia Water Authority (WVWA) with a water main passing through Boones Mill that did not connect to the town’s water system.

In July 2018, town council entered into a three-year management and operations contract with the WVWA because the town



no longer had the trained personnel and equipment necessary to efficiently operate its own water system. Between July 2018 and November 2021, the WVWA made great strides in returning the town’s water and sewer system to its designed operating capacity. Since then, council and staff have received numerous compliments from residents on the improved quality and dependability of the water system.

Water system interconnect installed

In September 2019, the WVWA, working closely with the town, installed a water system interconnect which provided the town access to abundant water sources at Carvins Cove Reservoir, Crystal Spring, and Spring Hollow Reservoir in Roanoke. Aside from ensuring a constant source of water for residents, this was a major win for public safety as the town’s old 250,000 gallon tank emptied very quickly during firefighting operations. The interconnect has lowered fire insurance rates for local businesses and residents and is a major benefit for companies looking to locate to Boones Mill.



Interconnect vault

Sewer pipe realignment completed

After damage caused by Tropical Storm Michael in October 2018, Boones Mill was included in a disaster declaration for Franklin County. The town applied for disaster funding from the Federal Emergency Management Agency (FEMA) and the Virginia Department of Emergency Management (VDEM) totaling \$94,000 which funded a sewer pipe realignment project along Maggodee Creek. Storm flooding had caused the creek bank to erode and exposed the town’s main sewer collector. The sewer pipe realignment project relocated the pipe out of the creek and restored the creek bank.



Damage and exposure of the town’s sewer collector from Tropical Storm Michael - Oct. 2018.



Completed sewer collector realignment and stream bank restoration - March 2020.

Boones Mill

Return to compliance achieved!

With WVWA managing its system, Boones Mill achieved full state wastewater regulation compliance after various wastewater-related violations in 2016 and 2017. This was made possible in part thanks to the repair of four major collapsed sewer line which reduced stormwater inflow to the system. This, in turn, reduced chemical treatment costs as well as electrical costs for pumps at the sewer plant.

The WVWA digitally mapped the town's water and sewer system which was made available online for the first time. The digital map ensures that system information will be available for years to come. Two-thirds of the Town's plans had been destroyed previously which makes the digital mapping even more important.

The town also applied for, and was awarded, funding from the Virginia Department of Health (VDH) to cover the cost of a new six-inch water main on Winding Way Road. This project, the last completed under town ownership, allowed the Virginia Department of Transportation (VDOT) to start work on sorely needed planned stormwater and road improvements. The project also included the installation of a much-needed fire hydrant.

Sale of the system

In May 2021, town council sold the town's water and sewer system to the WVWA as part of an agreement that included a cash payment and elimination of all debt on the system. The sale, which was effective November 1, 2021, allowed the town to eliminate some debt services and resulted in reduced rates for its former utility customers who saw their monthly water rates decrease an average of 40 percent and their sewer rates decrease by an average of 25 percent.

Debt reduction for financial stability

In the past two years, Boones Mill has eliminated just over a million dollars in debt service. This is especially remarkable given that the adopted FY 2021-2022 town budget is only \$602,910. Vice Mayor Dale Fisher has reported that the town is in the best financial position it has been during his thirty years on council.

Various projects contributed to the town's relatively quick and substantial debt reduction. These include:

1. In 2019, council approved sale of a building that had become a major liability for the town. The seven hundred-foot-long structure had been a mobile home manufacturing company but was now vacant. Proceeds from the sale allowed the town to pay off three loans thereby reducing a large amount of town debt. Private investment has returned the property to productivity and has created fifteen new jobs with more growth expected soon.
2. In 2020, council approved sale of a poorly located half-acre parcel and another one-acre parcel of property both of which lacked development potential. Proceeds from these sales were applied to the loan on the property.
3. In 2021, council approved sale of the water and sewer system to WVWA eliminating tremendous financial debt and liability.



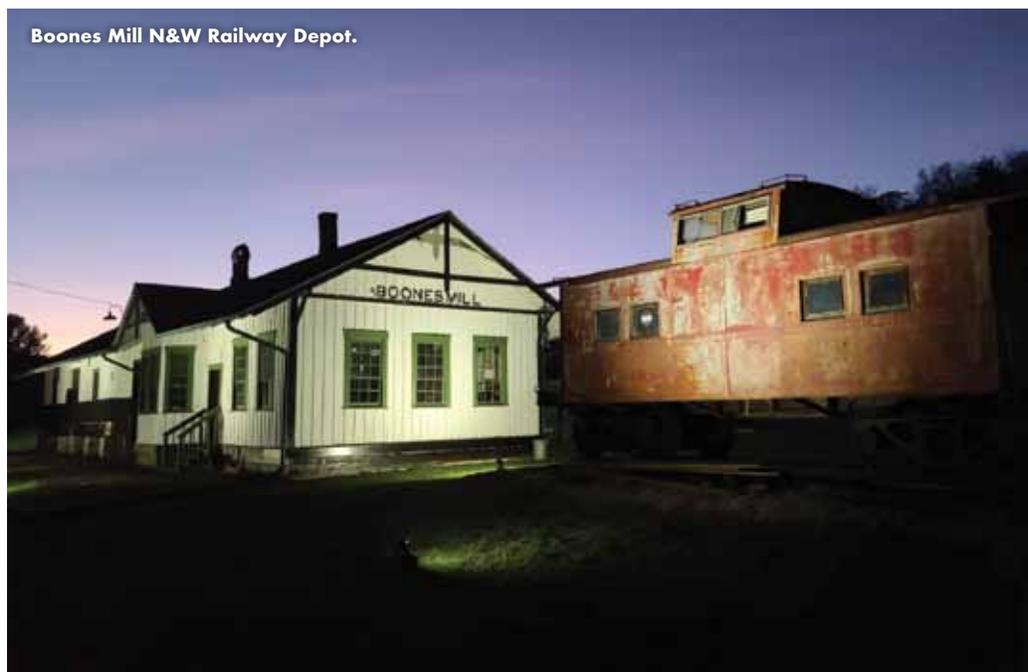
The new owner of the once vacant seven hundred-foot-long structure has put the property to productive use.

How will the Boones Mill continue to pay down its remaining debt? Options include the sale of additional town-owned land and structures. The town has sixty-five acres – approximately one-quarter the town's land area – available for future sale and development. As these properties do not produce any revenue for the town, developers are being encouraged to explore opportunities.

Improvement projects underway and completed

Boones Mill N&W Railway Depot

The Boones Mill N&W Railway Depot Restoration Project continues to move forward. In 2019, VDOT Transportation Alternatives Funding was used to stabilize the structure and address stormwater issues. Work has begun on outdoor decks to be used for entertainment and community events. Lowes Home Improvement recently donated materials for the project and various fundraising events continue to provide financial support. The Depot is listed on the National Register of Historic Places.



Boones Mill N&W Railway Depot.



LOVE sign

The Town of Boones Mill unveiled its LOVE sign just in time for the 43rd Annual Boones Mill Apple Festival in October 2021. Councilmember Sarah Eames designed the iconic sign with images that evoke local traditions and landmarks such as the annual Apple Festival and the Boones Mill N&W Railway Depot. Several local businesses and volunteers offered their support to make the LOVE sign project a success. Carter Bank and Trust provided the location for the sign which can be seen by anyone traveling along U.S. Highway 220. Titan Trains cut the aluminium letters; PostScript Art Studios created the graphics; and, Boone Dominion Process Company provided the structural components and helped install the sign. The Boones Mill Volunteer Fire Department also assisted in erecting the sign.

The LOVEWORKS program provided Boones Mill a wonderful opportunity to share its LOVE for our town with residents and visitors alike. The LOVE sign project was made possible through a grant from the Virginia Tourism Corporation.

Plans for success!

Downtown revitalization plans

In the fall of 2021, Boones Mill was awarded its first \$50,000 CDBG Planning Grant from the Virginia Department of Housing and Community Development (VDHCD). The town will use the grant to assemble the components of a successful downtown revitalization plan. This means achieving the following goals:

1. Create an Economic Restructuring Plan for smart growth and development strategies. This plan will address the national objective of Slum/Blight Elimination by creating a building and blight inventory. The Economic Restructuring plan will also evaluate community improvements that could spur business and entrepreneurial growth while supporting current business community needs. These improvements may include streetscape improvements, pedestrian pathways for enhanced public safety and connectivity to local businesses, and other similar enhancements.
2. Create a Preliminary Engineering Report for flood mitigation along Maggodee Creek including an environmentally-friendly parking lot along the creek to allow additional parking within the town. It is hoped that this report will be completed in tandem with a hazard mitigation plan utilizing VDEM funding. The town has completed the pre-approval application phase and has been invited to apply for funding.
3. Develop a Prioritized Improvement Plan to create façade guidelines and outline ways to build on the progress made during the planning grant phase.

To ensure that town council is able to adopt a downtown revitalization plan before the end of the year, town staff will be working with a consultant over the summer to gather additional public input and finalize the plan. After adoption, the town will use the plan to apply for additional funding through VDHCD in 2023 and, ultimately, implement the project.

For more information on this project visit: www.townofboonesmill.org/boones-mill-downtown-revitalization-project.

Updates to the Comprehensive Plan

Boones Mill is currently conducting a required update to its comprehensive plan. While it will adhere to the requirements of the state code, the updated plan will be written in a more straightforward manner and will include more visual elements. Work on the updated plan began in January 2022 and will be completed in July 2022 with adoption anticipated in late July or early August 2022.

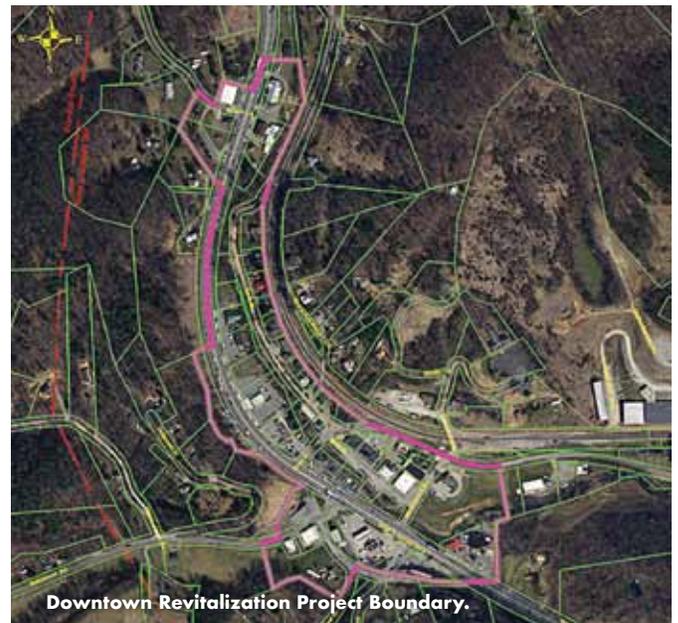
Town Code modernization

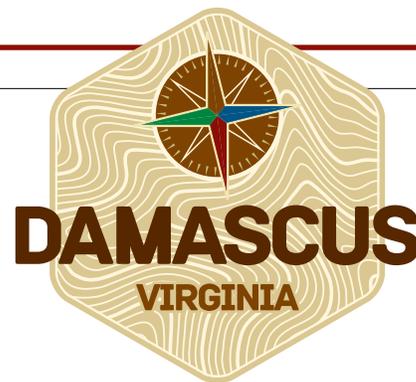
Boones Mill is in the process of drafting its first Town Code to collect and modernize existing town ordinances into one document. When completed, the code will serve as a foundation for future enforcement programs and make it easier for citizens to access and understand town laws.

Working together for our town's future

Boones Mill is moving forward in a very positive manner. As council and staff look to the future they see new opportunities to build on the great accomplishments of the past. In doing our work we always remember the most important thing is to make progress as a TEAM: Together Everyone Achieves More!

About the author: *B.T. Fitzpatrick, III has served as the town manager of Boones Mill since February 2018.*





Town of Damascus: This small town is becoming a big outdoor recreation destination

DAMASCUS IS A SMALL TOWN with a big claim to fame: Seven nationally known trails intersect *within the town limits* making Damascus “Trail Town USA”. In fact, the simple act of taking a stroll through downtown Damascus means interacting with at least one of our trail systems in some way or another. Thanks to the efforts of our local government, dedicated staff, scores of volunteer helpers, and engaged residents we’ve found ways to turn those trails – and our other outdoor recreation resources – into a source of local pride and community revitalization.

One town, seven trails

The **Appalachian Trail** runs through the town park and down the sidewalk of Main Street. The **Virginia Creeper Trail** stretches across the middle of town two blocks to the south. In the busy summer season, a variety of wheeled tourists pass through the town including cyclists on the **TransAmerican** and **TransVirginia** bike routes and motorists and motorcyclists traveling the **Virginia Bird and Wildlife Trail**, **Crooked Road**, and **Boone Trail Highway**. Additionally, the nearby Iron Mountain Trail attracts mountain bikers and equestrian enthusiasts.

The Creeper Trail: A Rail-Trail gem

In 1912 *National Lumber Magazine* reported that Washington County, in which Damascus is situated, produced more lumber than the entire state of Pennsylvania! At that time, a busy rail line carried



MATT HOLMAN

the lumber to mills for processing. The region’s lumber and rail boom lasted 25 years; a subsequent lull was short lived as World War II brought a resumption of rail traffic and industry to the region. Soon after the war, however, many of the industrial plants and lumber mills closed. The railroads sat mostly empty in the ensuing decades and in 1977 Norfolk and Western abandoned the line entirely. In 1989, the Virginia Creeper Trail officially opened for recreational use on the former rail corridor.

The Virginia Creeper Trail now attracts an estimated 200,000 visitors each year. Inducted into the Rail-Trail Hall of Fame in 2014, the Creeper Trail is known as one of the country’s top rail trails. The trail is especially popular during the fall leaf season and is used for



JESSE KOKOUTEK



JULIE KROLL

On beyond trails

River deep...

Although Damascus gets a lot of attention for its trails, one of its best-kept secrets is its abundant waterfront access. Trout streams Whitetop Laurel, Tennessee Laurel, and Beaverdam Creek all converge in town, then join the South Fork of the Holston River just downstream of town limits. These creeks drain from the surrounding Jefferson and Cherokee National Forests, resulting in clear swimming holes, pristine water quality, local whitewater options, and unparalleled fishing access. Nearby, South Holston Lake is popular for motorized boating and flatwater paddling.

...Mountain high

Nearby Mount Rogers National Recreation Area is a backcountry paradise for hiking, backpacking, and horseback riding. At an elevation of 5,729 feet, Mount Rogers is the highest peak in the state. The most popular stops are Grayson Highlands State Park, known for its high elevation balds and wild ponies, and Whitetop Mountain, the second highest peak in the state and the best spot in Southwest Virginia to watch the sunset (in this author's humble opinion).

family-friendly biking, horseback riding, walking, trail running, fishing access, and more. The most traveled part of the 34-mile Virginia Creeper Trail is an 18-mile downhill section that begins on Whitetop Mountain and ends in Damascus. Several bike rental companies in town offer shuttle services to Whitetop. Throughout the year, the Creeper Trail is host to many 5K races, marathons, ultramarathons, and benefit bike rides as well.

The Appalachian Trail: A small town interlude for hikers

Known among thru-hikers as “The Friendliest Town on the Appalachian Trail,” Damascus is a popular stop about a quarter of the way into the northbound journey from the start of the trail in Springer Mountain, GA to its terminus at Mount Katahdin, ME. Many hikers opt to take a “zero day” (or two) in Damascus. As they follow the trail

through downtown Damascus, they can take their pick of restaurants, gear outfitters, and lodging.

Being “Trail Town USA” means stewardship

Although Damascus gains its identity from the abundance of its outdoor recreational assets, it relies on strong community support to be successful. Volunteer crews shoulder a great deal of the hard work needed to develop and maintain these assets. High-quality trail maintenance takes education, skill-building, specialized tools, and many hours of work. As recreational demand grows, the need for stewardship will continue to increase as well.

Appalachian Trail stewardship

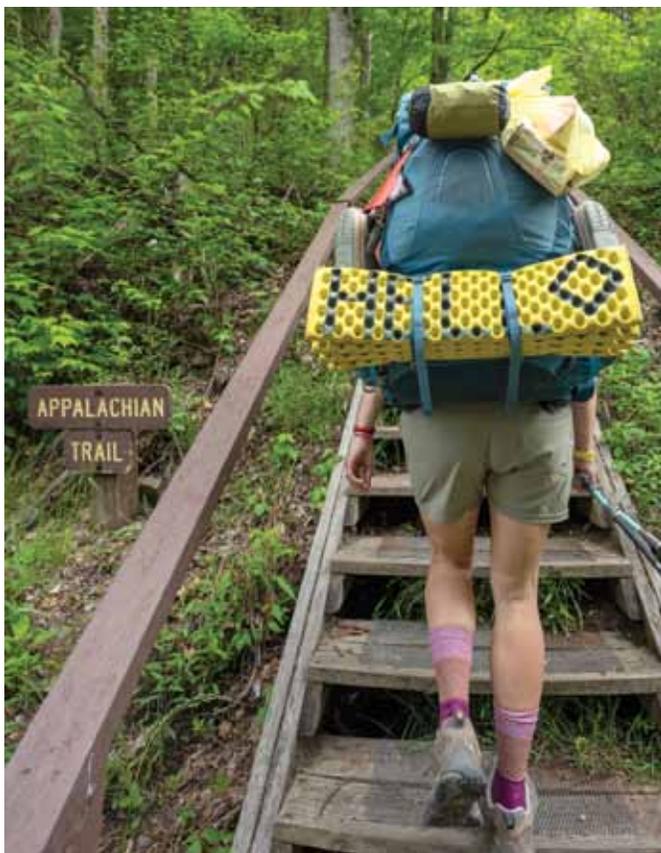
Damascus is part of a network of 50 Appalachian Trail (AT) communities that share resources and best practices for trail management. With another record year anticipated on the AT, the Mount Rogers Appalachian Trail Club (MRATC) is busy with several projects. In addition to their usual trail maintenance, they are planning over the next five years to replace three pit privies with composting privies, add a new footbridge, and replace two existing footbridges. Their long-term plans include possibly moving one of the local shelters and privies to a more suitable site. As trail traffic continues to grow, bear canister requirements and campfire bans are becoming more common in high-usage areas. A high priority continues to be protecting natural resources and sensitive species such as the Red Spruce, Gray's Lily, and Weller's Salamander.

For MRATC member Anne Maio stewardship means “appreciating the trails and their opportunities for enjoying nature, scenic beauty, and exercise, and taking the next step to preserve these natural experiences so they will continue to be here now and in the future.”

Virginia Creeper Trail stewardship

The Virginia Creeper Trail is managed by three entities – the Town of Damascus, the Town of Abingdon, and the United States Forest Service – who work in partnership with the conservancy to maintain the 34 miles of trail. As the trail's popularity continues to grow, the Virginia Creeper Trail Conservancy is undergoing extensive master planning to long-term guide trail management.

JESSE KOKOLTEK



Damascus

Outdoor resources create local growth

Visitors are drawn to Damascus' authentic small-town experience, abundance of recreational amenities, and variety of available lodging. In fact, local businesses in Damascus have experienced two record years of tourism during the pandemic as families across the region look to the outdoors for entertainment. Most recently, *Blue Ridge Outdoors Magazine* has recognized Damascus as its "Top Tiny Adventure Town" and the Virginia Creeper Trail as its "Best Biking Trail of the Blue Ridge." The Appalachian Trail won "Best Trail of the Blue Ridge" overall.

As the demand for outdoor recreation continues to grow, big things are in the works for our little town. Recreation and tourism are critical to the Damascus economy and will continue to be its primary drivers. As such, the Town of Damascus has reinvented its Recreation Department with two new full-time employees to focus on tourism marketing, event planning, project development, and networking with area businesses and nonprofits.



MATT HOLMAN



Damascus Trail Center

The Damascus Trail Center will become a vital resource in expanding local education, outreach, and volunteerism. The 2022 season starts big in April when the Trail Center hosts a gathering of 100 land management stakeholders from across the Southeast for the ATC's Southern Partnership Meeting. According to ATC Trail Center Supervisor Emily Mayo, "Both the town and the Appalachian Trail Conservancy recognize the need for stewardship in recreation and conservation. The Trail Center gets to play a major role. It's exciting to experience the partnership between the town and the Conservancy."

New Park: Laurel Creek Park and Greenway

Laurel Creek Park, a new green space in town, opened for use in summer 2021 to increase the capacity of the downtown business district. This year marks the first full season that the Saturday

Downtown: Revitalization takes off

From 2015 to 2021, the Damascus revitalization project contributed \$2.4M of additional investment in downtown. Funding came from several grant sources, including the Department of Housing and Community Development, Tobacco Region Revitalization Commission, and Appalachian Regional Commission. As a result, Damascus has connected existing assets throughout town, updated its branding, implemented a new wayfinding system, and improved business facades by 1:1 match.

The revitalization project has produced great returns in business development. This success is no coincidence according to Town Manager Gavin Blevins. "When we started investing more in the community, we noticed that the community started to reinvest as well," he observes.

Evidence of this growth is apparent throughout downtown. For example, what began as just two bike shops and a hiker hostel years ago has now grown into seven bike outfitters and 81 vacation rental units in town. Despite the economic stress of the pandemic, 2021 saw seven new storefronts and an estimated 47 percent growth in vacation rentals. New businesses include a boutique hotel, distillery, bed and breakfast, coffee and ice cream shop, and gift shop. All of this points to a strong sense of pride and resilience among the town's residents.

In the near future, the revitalization effort is expected to expand outward to address housing, with the help of a Community Development Block Grant.

New Place: Damascus Trail Center

Following five years of planning and development, the Damascus Trail Center is set to open for the thru-hiker season this spring, with a grand opening planned for later this year. The



Laurel Creek Park

DESTINATION BY DESIGN



Farmers' Market will be held in Laurel Creek Park which features waterfront and gathering space, as well as a pavilion and stage for outdoor concerts and events. The centerpiece of the park is a large, stained concrete compass rose highlighting the trails of Damascus. The accompanying Laurel Creek Greenway is ADA-accessible and enables downtown visitors and users of the Virginia Creeper Trail to access the new park. The dedication and grand opening of Laurel Creek Park is scheduled for June 18, 2022.

Small Town / Big Festival: Appalachian Trail Days

Each year in May, the town swells from 800 residents to 20,000 people who gather to celebrate the Appalachian Trail and thru-hiker culture. Hikers on the trail catch shuttles to Damascus from towns as far as two hours away. Former hikers come to town to reunite with friends from the trail. The town park fills with gear and craft vendors, nonprofit trail partners, and a packed schedule of lectures, workshops, and live music. Hiker favorites include the talent show, hiker parade, water fight, and drum circle. For many, a large campground in the woods at the edge of town known as "Tent City" is their home for the weekend.

During Trail Days, community support mobilizes in big ways. Churches and other nonprofits fill the weekend with offers to hikers for free meals, showers, laundry, basic healthcare, haircuts, and gear repair. The Thursday night hiker feed serves 700 hikers. Churches from all over the Southeast send volunteers and donations to lend a hand to the Trail Days ministry in Damascus. Ministry team leaders estimate their network has grown to about 175 churches. Sometimes, new groups join when thru-hikers return to Damascus with their home church so that they can give back to the Trail Days community. Kim Kuhn, Co-Director of the Trail Days Ministry team, credits their widespread support to "that Southern hospitality thing." As a newer resident of Damascus, Kim says, "I have never experienced churches working together like I do here. We are one big community and there's no separation. To me, that is amazing. We can accomplish so much more by working together."

A bright future beckons

As cities and towns across Virginia and beyond look to outdoor recreation as a source of growth, Damascus has the experience to model a resilient outdoor recreation economy. Ultimately, this small town credits its big successes to a strong community, abundant recreational assets, and extensive planning. Damascus looks forward to a bright future in outdoor recreation.

About the author: *Julie Kröll is the recreation program director for the Town of Damascus.*





Town of Ivor:

A small town mayor helps her community rediscover itself

WHEN TARA KEA BECAME MAYOR of the Town of Ivor in 2018, one of her objectives was to bring the community back together. Kea felt that in recent years the people in her town were going in all different directions. What was needed was a renewed sense of shared experience.

In fact, by 2018 there were very few shared community activities outside of the fundraising events held by the fire department and rescue squad. Some residents seemed to be losing interest in the operation of the town altogether. The tiny 110-year-old town, which at one time was a bustling hub of activity, seemed to be heading towards a standstill.

The apparent lack of community enthusiasm was also disheartening to many of the town's long-time residents who knew that their little town of just over 300 people had so much potential. Located on U.S. Route 460 at the southeastern end of Southampton County, Ivor's town limits measure just over one square mile. The town is somewhat secluded, yet close enough to Tidewater's larger cities for day trips. Although small, Ivor is home to several good-sized businesses, convenient to schools, churches, and health care, as well as being a great and safe place to live.

While finding ways to bring her town together was one of Mayor Kea's personal priorities, early in her first term she faced more pressing matters, including longstanding mismanagement in the finance department.

"It took several months, a couple personnel changes and quite a bit of struggle to replace the missing funds needed to get the office back on track, but we have made a complete turnaround" the mayor was pleased to report at the conclusion of the process.

However, it took somewhat longer to clear up several ordinance violations. Although the town prohibits overgrown yards, with accumulated junk and trash including inoperable vehicles and rundown structures, these rules had often been ignored. After numerous strong attempts by the town council to enforce the ordinances, homeowners have finally taken notice. Mayor Kea is pleased that several deteriorating older houses throughout town have new owners who have renovated, or are in the process of renovating, the buildings. While there is still work to be done, the progress so far has made a noticeable difference.

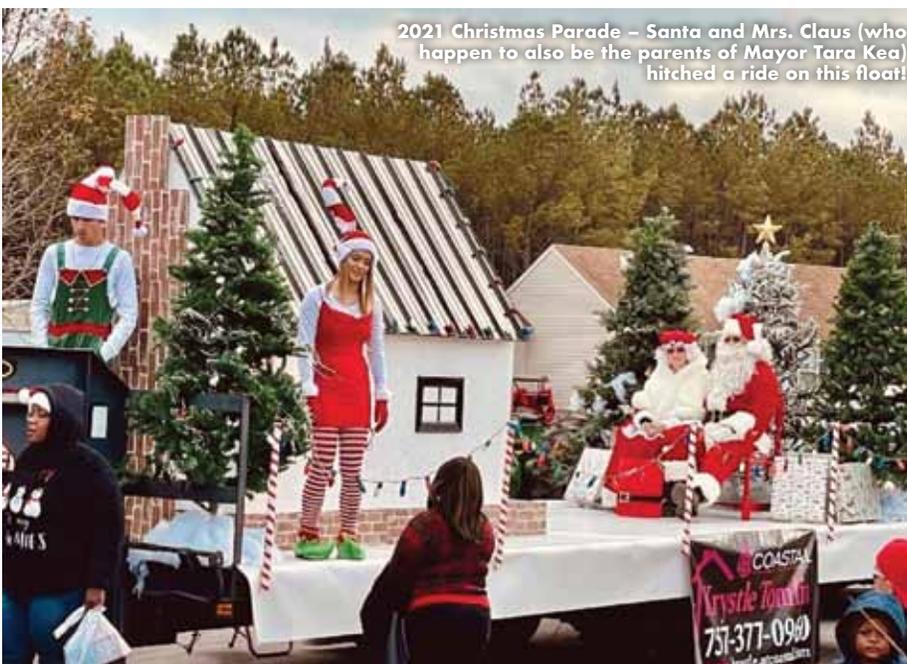
"It is such a joy to see the improvements," Kea observes. "We've even begun to get compliments from residents and people just passing

through." She notes that she intends to ask council to consider forming a beautification committee to keep up the momentum.

Residents weren't the only ones who needed to do some renovating. Soon after Kea's election, town council approved repairs to the municipal building. "We had to do this because this is one of our



Sept 2020 - a line forms outside of the Faded Cottage ahead of their fall open house.



2021 Christmas Parade – Santa and Mrs. Claus (who happen to also be the parents of Mayor Tara Kea) hitched a ride on this float!



Mayor Tara Kea being driven in the Christmas Parade by her "right hand woman," town clerk Jaime Power.



Fireworks July 4, 2021. The town hall is in the background.

oldest buildings and we wanted to preserve it," Kea says. She adds that the building was built as a school in 1920 and served as Ivor High School until 1955. It was later purchased by the town and converted to the town municipal building.

Not only was the town able to repair the structural damage to the building, but there were also enough reserves to have all the windows replaced and the interior painted. Kea notes that there still are things

Brunswick stew dinner served by the Ladies Auxiliary of the Rescue Squad in the municipal building. The evening closed with the lighting of the town's Cody Stallard Memorial Christmas tree.

Recently Mayor Kea has added to the parade festivities. Now the day starts earlier, and vendors and food trucks set up their booths around the municipal building grounds before the parade even starts. For 2021, the parade added a contest for "Best Float" that brought out some wonderful entries.

Mayor Kea believes that events such as this are invaluable in bringing town residents together. As such, town council has added two additional community days to the roster – a "Fall Festival Day" especially for vendors to sell their wares and the much-loved Fourth of July celebration.

"We go 'all-out' for July 4th!" Kea reveals with a grin.

During the 1980s and 1990s, the town celebrated the holiday but as attendance and volunteers began to drop off the municipal celebration was discontinued. However, in 2018 the town's Volunteer Rescue Squad was set to



The town's fireworks display was rained out one year, so they did a mini do-over on Labor Day Weekend with free tethered hot air balloon rides. The inspiration came from Kea's grandfather-in-law who was mayor from 1974-1994. A photo of one of the old balloon rides hangs in Mayor Kea's office (right).





July 4 2021 was in honor of law enforcement appreciation. We had officers from the tri-county area on stage as one of their own Sgt. Jason Brinkley sang the National Anthem.

celebrate its 50th Anniversary, so with their help and that of several area businesses, the town took a chance and brought the Fourth of July Celebration back to Ivor.

“We were astounded by the response,” notes Kea. “We estimate that at least 1,000 people attended the event.”

The town receives positive comments from residents all year long about the return of this annual event that shines such a positive light on the town. To ensure a successful event each year, the staff beginning planning early. “We usually begin planning for next year on July 5th!” quips Mayor Kea.

Thanks to the event staff’s diligence, the town has been able to secure well-known entertainment, including a band and other musical groups, popular games and entertainment for adults and children and several food vendors. To support the town’s small businesses, vendor booths are provided free of charge. The celebration, which lasts almost all day, closes with a big fireworks display. “This year will be our 4th year and we hope it will be our best yet,” says the mayor.

Mayor Kea is quick to mention that she could not have accomplished any of these things without some dedicated volunteers and the support of Town Clerk Jaime Power. Fortunately, the current town council also supports these events and recognizes the vital role they play in bringing the community together.

Enter the “dream team”

When Kea’s grandfather in-law, E. Peyton Kea, retired in 1994 after 20 years of being mayor, he expressed his wish for younger residents to start showing an interest in the running of the town. The current Mayor Kea hopes she’s made him proud by sparking some interest in the town’s younger residents.

Now mid-way through her second two-year term, Kea admits her first term was rocky, at best. “I took office when the town was in turmoil. There were financial difficulties in the office and the town council was at odds over many issues. I found myself breaking tie votes regularly. With the help of Town Clerk Power, who was also relatively new at the time, half the council, and some very dedicated residents, we survived those initial challenges.”

Mayor Kea’s second term, with a mostly new council, has gone much smoother. All the current councilmembers are life-long residents of Ivor who realize the need for a stable team of leaders. These dedicated, experienced councilmembers include one returning from the prior term, three that had previously served many years, one who

had previously served as mayor and another as the chairman of the Planning Commission.

“Our meetings are now conducted without incident,” reports Mayor Kea. “I appreciate their support, experience and genuine desire to serve the town so much that I’ve dubbed them ‘the dream team’.”

“Without a doubt, they’ve made a big difference in what we’ve been able to accomplish,” Kea concludes. “This is not to say we agree on everything, but we are all there for the same reason: the good of this town!”

Progress made, with more to come!

During the last year, with Covid relief funds provided by ARPA, the town has been able to replace its water meters and antiquated meter reading system, as well as improve other parts of its infrastructure. Future improvements are anticipated to include work on the town’s drainage and, hopefully, its outdoor recreation areas.

Although there is room for improvement, Mayor Kea is quick to emphasize that “we already have a great little town here!”

In terms of commerce, Ivor has several businesses that are each over 70 years old and two formerly vacant brick buildings on Main Street, built around 1930, were recently occupied by merchants selling antiques, clothing, and home decor. Another welcome addition is a new restaurant in town.

As for health and safety, Ivor boasts both an up-to-date, active volunteer fire department and a volunteer rescue squad, as well as a medical center and dental office. The town also has a veterinarian, a Dollar Store, a service station, and the Ivor Athletic Association, co-founded, appropriately, by Mayor Kea who is the mother of two teenage boys.

Mayor Kea reports that the town’s long-term goals include “attracting a few more quality businesses, completing the remaining infrastructure projects, upgrading our park and playground area, and continuing our efforts to make the town even more attractive and inviting for residents and visitors alike.”

The Town of Ivor is coming together again, and the transformation has been a pleasure to watch.

About the author: Merle Monahan served as the town clerk of Ivor for 27 years.



Town of Irvington: A small town trots its way to a big annual event

THE TOWN OF IRVINGTON, located in the historic Northern Neck and bordered by the Chesapeake Bay, has a population of less than 400 residents. It's known for its beautiful homes, dramatic setting on Carters Creek and serene lifestyle. But for the past 21 years, the quiet is briefly shattered on Thanksgiving morning by the sound of a race horn as hundreds of runners and walkers from across the Northern Neck and beyond take to the streets for Irvington's annual Turkey Trot.

The event is more than a race. It's a reflection of community spirit, committed volunteers and hard work. Furthermore, the event is a vivid demonstration of how even the smallest towns can make big things happen. Here's the story.

In 2000, I was approached by a member of the Irvington Village Improvement Association (VIA), a local civic group dedicated to enhancing the quality of life and cultural opportunities of the com-

munity. This VIA member had often seen me jogging in town and wanted to know if I would co-direct a "fun run" on Thanksgiving morning to be organized by the VIA. I was game.

We estimated that if we could attract 50 participants, we could consider the event a success. We wound up with about 125 people at our inaugural "Turkey Trot" which included a 100-yard "Tot Trot" for children up to seven-years-old, a two-mile "fun run" for casual participants, and a five-mile run for more serious runners.

An event becomes a tradition

After that first year, we watched participation grow exponentially each subsequent Thanksgiving as word of the event got around, aided by regular publicity in the area's newspaper, the Rappahannock Record. Participation eventually topped out at more than 500 partici-



Irvington

pants every year, well over the entire population of our town. Track teams from local school systems often participate in the race, giving it a competitive edge, but the two-mile event is largely a family-friendly event with many opting for a pleasant walk along the route. As the event continued to grow, we engaged a professional timing company, Colonial Sports in Williamsburg, to record the race times. In recent years, we've added an animal food drive and asked participants to bring a contribution of dog or cat food to donate to the local Animal Welfare League of the Northern Neck.

The Turkey Trot has become an annual "must do" for extended families in the Northern Neck with some having up to 18 family members participate. Given the demographics of the Northern Neck, Thanksgiving is often a holiday for children and grandchildren to visit their elder family members and this event gives the younger members something active and engaging to look forward to every Thanksgiving.

Bouncing back from the pandemic

In 2019 we celebrated the 20th anniversary of the Turkey Trot but were forced to cancel the 2020 event due to COVID. In 2021, the event came trotting back to life. We anticipated a lower turnout and ordered numbers and race shirts accordingly. The race shirts – also provided by Colonial Sports in recent years – have become something of a collector's item for many regular participants, so we try to have an adequate number on hand each year. In fact, some people register just to get one of the cool T-shirts. To our amazement, however, the 2021 Turkey Trot had a record 614 registrants with 518 finishers! Due to the unexpectedly high turnout, we had to re-order shirts twice and deliver them to some of the registrants after the race.

Time and money make it work

It takes close to 40 dedicated volunteers giving freely of their time to stage the race. There's plenty to do, starting with pre-race data entry, coordinating registration forms and T-shirts, and labeling race bibs. On the days around the event, volunteers set up and tear down the course, work the packet pick-up tables and finally clean up the Irvington Town Commons after the event has concluded.

Our sponsorship base continues to grow as new businesses move into the area and want to be involved in the event. For example, the 2021 Turkey Trot had 30 sponsorships from generous businesses and individuals. The names of our sponsors adorn the coveted race shirts.

Of course, we're more than just turkey (trots)

In addition to the Turkey Trot, our quaint little town hosts a number of other events throughout the year also organized by the Irvington VIA.

The VIA hosts seven Farmers Markets from May through No-



ember, attracting vendors of produce, baked goods, prepared foods, and local artisans. Each market is attended by around 400 people, many of whom are out of town visitors. The VIA also sponsors a series of outdoor concerts on the Town Commons, a Halloween event for children, a community-wide yard sale, called a Boot Sale, where area residents sell household items from the trunks of their cars and beds of their trucks. In recent years, the VIA has sponsored holiday band concerts performed by the U.S. Air Force Heritage of America Band and its jazz ensemble. Those concerts, generally on Memorial Day or July 4th weekends, have attracted as many as 600 people. In addition to organizing events, the VIA maintains plantings throughout the village.

While I love all these events, I admit that the Turkey Trot is closest to my heart. Having served as race director now for 21 years, I look forward to many more annual Irvington Turkey Trots.

About the author: *Michelle Lybarger is a physical therapist and director of the annual Irvington Turkey Trot.*



Town of Independence:

A small southwest county seat goes big on improvements

INDEPENDENCE IS A quaint little town, situated in the southwestern part of the state only five miles from the North Carolina border at the junction of Route 58 and US 21. While the town's population ticks in at just above 950 souls, we are proud to be the seat of Grayson County.

Agriculture has always been a large part of our economy and remains so today. For much of our history, the town's primary industry was textiles with the economy booming until it began to decline in the 1970s. However, in recent years we have seen an influx of businesses coming back to the area, providing new jobs, and helping to boost the local economy.

Independence may be small, and it may be off the beaten track, but that hasn't stopped the Independence town council in conjunction with Grayson County from putting together some fantastic projects to promote our town and the surrounding region.

Making "Grayson Glow"

In 2019, after many years without any formal downtown beautification initiatives, a group of local officials and residents felt it was high time that our sleepy little town woke up. It was decided that the upcoming Christmas season would be the perfect occasion to breathe some life into downtown Independence.

In March 2019, the "Making Grayson Glow" (MGG) initiative began with no money but with a group of dedicated individuals from the town and county who wanted to light up downtown Independence for the holiday season. The town agreed to match dollar for dollar up to \$10,000. The group planned fundraisers and solicited donations from businesses and the community. The organizers were pleasantly surprised by a strong response that allowed them to meet the match goal in just three months. The county, feeling that this effort would boost the area economy by promoting tourism, decided to get on the train with a match of \$5,000. At the end of 2019, MGG had raised over \$40,000!

The organizers decided to start with a three-year project. However, MGG has been so successful that it is now entering its fourth year of fund raising. I've had the pleasure of leading the MGG group since its inception and I'll admit that with all the fundraising we've done I think some folks want to run when they see me coming! The MGG committee has done bingos (we call them "Binglos"), dinners, auctions, yard sales, and plenty of other things to raise funds. I'm pleased to say that it has worked! To date, we've raised over \$100,000 and continue to expand the collection of holiday decorations.

MGG has not only decked out the town with fabulous Christmas lights; we now have Halloween lights and red, white, and blue décor for our July 4th celebration (it is called "Independence" day after all).

This year the town will add Easter MGG



Grayson County Courthouse



Get that Independence glow!

We invite everyone in the state and surrounding areas to come see what a village can accomplish with a dream and wonderful folks.

- **Celebrate Independence Day** in Independence with a July 4th parade, and activities around the Historic 1908 Courthouse followed by wonderful fireworks display in the evening.
- **Have a Safe Halloween** with our annual October 31st event from 4pm-7pm around Courthouse Street.
- **Light up the Holidays** with Making Grayson Glow which will kick off the season with the Hometown Holiday Market, always held the first Friday in December, from 2:00pm – 7:00pm on the 1908 Square. Enjoy vendors, music, choral concerts, and the Christmas Tree Lighting ceremony.

decorations to the historic 1908 county building grounds. Three area churches: First Baptist, First Methodist, and Mountain View Baptist donated monies to MGG to add a 10' tall lighted cross to the MGG collection.

Along with the City of Galax and the Town of Sparta, NC, Independence how has something to really show off during the Hometown Holiday initiative during which people drive to visit each of these three localities to get that hometown holiday feel.

Music: Legends of Grayson Old-Time Weekend

For many people around the world, Grayson County and the Town of Independence are synonymous with old-time string band music. Indeed, our region is rich in this classic American art form with many of its most well-known practitioners such as Emmett W Lundy, Jont Blevins, and the Grayson County Boys (to name but a very few) hailing from our little corner of Appalachia.

One such leading light was fiddle player Thornton Spencer



Thornton Spencer



Helen White

(1935-2017) who along with his wife Emily founded the Whitetop Mountain Band and started an old-time music program at the Mt. Rogers School in Whitetop.

Another was Helen White (1950-2019), also a fiddle player, and founder of the Junior Appalachian Musicians, an old-time music educational program that, at the time of her passing, had branches in 40 towns in 4 states.

This year, the Spencer family and friends are honoring Thornton and White with the inaugural “Legends of Grayson Old Time Weekend” being held April 1-2 on the grounds of the 1908 Courthouse in Independence.

The event will benefit the Junior Appalachian Musicians and the Mt. Rogers School and features two days of music, history, storytelling, dance, workshops. Capped by two nights of concerts by The Whitetop Mountain Band and Friends (including The Blue Ridge Girls) and The Crooked Road Ramblers and Friends, plus master-led workshops and jams with lively roundtable storytelling by those who lived the experience.





Beautification in four parts: A mural, a garden, a sign, and a flagpole

In 2020, a group of volunteers and artists came together to discuss a mural for the building connected to Independence's town park, the site of a popular farmers' market staged every Friday, May through October.

Led by Kit Marshall, the owner of a local home design business, the mural group raised funds for the project with many folks from the area donating to the cause. After many weeks of fundraising, design, and preparation, the mural finally became a reality. The finished product depicts various landmarks and scenery from the town and county: the New River, barns, mountains, cows, barn quilts, and more all make an appearance. Best of all, the colorful mural is visible from all directions in the middle of town and really serves to brighten up the background for residents and visitors alike.

With the mural completed, Ms. Marshall set her sights another nearby piece of town-owned property. The town council planned to use this space for a Virginia Love initiative, but Marshall thought it would be perfect for a tractor garden. Of course, they were both right! So, in 2021 plans were made to merge the two ideas.

After the staging area was graded and railroad ties were placed to level the ground, numerous volunteers worked to install an old John Deere tractor donated for the project.

With the tractor in place, the group began exploring ideas to incorporate a Virginia Love sign into the tractor garden. Karen Reeves, a local barn quilt artist, came up with the idea of using images of vegetables to spell out L-O-V-E with the letters painted in barn quilt style. In the completed design, the L is formed using stalks of corn, the O is a bright red ripe tomato, the V is comprised of a shock of carrots, and the E is shaped by a quartet of asparagus. The sign will use the same timber frame style as the nearby farmers' market.

The group hopes to have the town's Virginia LOVE sign in place soon so folks from all over can come to Independence to see and feel the LOVE.

It's a common experience that if you make one spot clean, it makes the surrounding areas look dingy. So, it was with the group working to beautify downtown Independence who couldn't help but notice that with the new mural and tractor garden looking so spiffy, the town's flagpole now looked even older and rustier than before. When your town is named "Independence" the pole for your American flag needs to be outstanding. The local VFW and auxiliary, the Historic 1908 Courthouse Foundation and the area's businesses and citizens were more than happy to donate to this worthwhile cause. In November of 2021, a new 30' pole and flag were erected on the 1908 Courthouse property.

The bottom line: It takes a village, and many villagers, to make a town the best it can be and we're making big progress in Independence!

About the author: *Jeff Miller is a councilmember for the Town of Independence.*



How small communities can leverage strategic planning for ARPA funds

THE CORONAVIRUS AID, Relief and Economic Security Act (CARES) and the American Rescue Plan Act (ARPA) provide significant financial assistance to states and local governments to support continued response and recovery to the COVID-19 pandemic. Over \$350 billion in CARES funding and over \$1 trillion in ARPA funding is available to states and local governments. However, small communities (i.e., those with a population of 20,000 or below) have faced unique challenges during the pandemic. Due to their often limited staff who cover a broad range of responsibilities they have limited capacity to take on the administrative tasks required to make use of funds from these federal spending programs such as ARPA. In these cases, small communities can benefit from using an existing strategic plan or strategic planning process to prioritize community needs and take advantage of the financial opportunities afforded by CARES and ARPA.

Permitted uses of the funds

Before a locality spends and tracks their funds, it's important to understand their allowable uses. As categorized by the United States Department of Treasury, communities can use the Coronavirus State and Local Fiscal Recovery Funds created by ARPA for the following:

- **Support public health expenditures**, by, for example, funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff.
- **Address negative economic impacts caused by the public health emergency**, including economic harms to workers, households, small businesses, impacted industries, and the public sector.
- **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic.
- **Provide premium pay for essential workers**, offering additional support to those who have and will bear the greatest health risks because of their service in critical positions.
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband.

Example: ARPA / Strategic Plan spending alignment

ARPA Funding Category	Strategic Plan Goal	Strategy	Intended Expenditures	Project Start Date	Project End Date
Support Public Health Expenditures	Healthy Living and Well-being	Public Facility Upgrades	\$1.7 million	07/2021	07/22
Address negative economic impacts caused by the public health emergency	Robust Economy	Aid to Tourism, Travel, or Industry	\$8.4 million	07/2021	07/22
Replace lost Public Sector Revenue	Everyday Excellence	Provision of Government Services	\$22 million	07/22	07/23
Provide premium pay for essential workers	Safe and Secure Community	Public Sector Employees	\$330,000	07/21	07/21
Invest in water, sewer, and broadband infrastructure	Thriving Communities	Water and Infrastructure Improvements	\$5 million	07/23	07/24

Using your strategic plan for prioritization of federal funding

The ICMA ARPA Spending Priorities Survey identified major investment priorities from almost 600 town, city, and county managers. The survey found the following:

- 84 percent of respondents identified infrastructure projects as the top priority
- 54 percent of respondents anticipate replacing lost revenue
- Water and sewer infrastructure was prioritized by 75 percent of respondents
- Broadband infrastructure was considered a priority for 25 percent of small communities
- Most respondents identified projects in two of the five Treasury defined categories

It's important to note that of the small communities surveyed only about half had a fully realized strategic plan in place. Of those, 41 percent of small communities stated the strategic plan is helping to prioritize funding allocation through the ARPA. Approximately 50 percent of all respondents to the ICMA ARPA Spending Priorities survey stated they were utilizing their strategic plan to develop ARPA spending plans.

Of course, aligning your ARPA spending plan with your locality's strategic plan depends on whether your community has a strategic plan. As such, the guidance provided below is categorized by a community's existing level of strategic planning (have a strategic plan, have some components, or do not have a strategic plan).

If you have a strategic plan

Using the ARPA funding categories, identify your locality's strategic plan goals and strategies that are in alignment with the categories and use of funds. The most up-to-date guidance and frequently asked questions are available at www.treasury.gov. (see chart below)

If you have some components of a strategic plan

Many small communities have developed a prioritization process for projects and budget priorities in lieu of a strategic plan. The

prioritization document can be used to identify projects and budget priorities consistent with the goals and spending categories of ARPA.

If you do not have a strategic plan

Over 20 percent of small communities do not have a strategic plan. This despite 100 percent of small communities surveyed believing that a strategic plan may help prioritize resources during an economic crisis. Using the steps to develop a strategic plan outlined below, small communities can develop a new plan to address spending priorities within the categories of ARPA.

Steps to develop a strategic plan to support ARPA spending:

1. Develop leadership support: How will you engage with your elected officials on the process to develop the ARPA spending plan?
2. Establish a committee for the ARPA spending plan process: Who are the key stakeholders to provide input into the plan and implement the plan?
3. Develop key components for the spending plan:
 - a. Community Vision: What is your community trying to achieve?
 - b. ARPA Goals: What goals defined by the ARPA spending categories are you trying to achieve?
 - c. Strategies: What are the action items that your community will accomplish with the ARPA funds? Who will be responsible?
4. Adopt the ARPA spending plan: How and when will projects be initiated, funded, and completed?
5. Implement the plan: Report on progress and track reporting requirements.

Using other documents to develop an ARPA spending plan

Given that small communities may lack sufficient resources to develop a formal strategic plan and the relatively short period of time

permitted for the use of ARPA funds, small communities can look to existing plans to develop an ARPA spending plan. In fact, three out of four communities that responded to the ICMA spending priorities survey indicated they are using their existing capital improvement plan to determine the use of ARPA funds. Visioning and planning statements can also prove useful.

Example of other documents used to develop ARPA spending plan

Plan	Use	Possible ARPA Funding Category/ Goal
Capital Improvement Plan	Plan for Public Facility Needs	Support Public Health Expenditures, Invest in Water, Sewer, and Broadband Infrastructure
Annual Budget	Plan for Annual Spending	All categories
Parks and Recreation Plan	Plan for Parks and Recreation Needs	Address negative economic impacts
Economic Development Plan	Plan for Economic Development Goals	Address negative economic impact

About the Author: *Stephanie Dean Davis, Ph.D. is a collegiate assistant professor and program director for the graduate certificate in local government management at Virginia Tech.*

This article is a supplement to a forthcoming ICMA white paper: Strategic Planning for Small Communities. The article utilizes survey data and interviews from small communities nationally and internationally on strategic planning. The full report will contain examples and direct observations from the communities surveyed.

It takes a plan: Town of Marion

THE TOWN OF MARION (population approx. 6,000) does not have a formal Strategic Plan. However, it does have a Comprehensive Plan. Typically, strategic planning focuses aspirations and aligns the community to fulfill them whereas a comprehensive plan is the tool used to implement the elements of the strategic plan. In addition to its Comprehensive Plan, the Town of Marion also has an informal plan of current, short-term, and long-term initiatives for each of its department.

After the town received its ARPA funds, Town Manager Bill Rush solicited suggested uses of the ARPA funds from the town council and department directors, ranked them, and then presented those to council. Says Rush, “I specifically requested the ‘weight’ of the rankings to reflect generational investment, not short- or near-term expenditures. We have written in stone that all ARPA expenditures (project authorizations) must have a majority vote of the council. Each and every time.”

The town’s first ARPA project authorization was for a planned water park on the site of an existing pool. The town had already committed to build a portion of the waterpark because it needed

to refurbish the pool. With the untethering of the ARPA funds, the town was able to increase the rehabilitation budget and not borrow the money. Observes Rush, “This is a generational project, as it will be a centerpiece of recreation for Marion for the next 20 years.”

The town’s second ARPA authorization was to fund a housing redevelopment program being handled by the town’s economic development authority as part of its BAUD program (Blighted, Abandoned, Underutilized, and Dilapidated Properties).

Neither the pool refurbishment nor housing complex redevelopment were part of the town’s Comprehensive Plan which was last done in 2018. However, as part of the BAUD program, the town is completely revamping its Comprehensive Plan, and then rewriting its zoning codes to implement that plan. That process is underway now with completion expected by the end of the year. The new plan will detail near term and long-term projects much better than in the past.



By VTC Editor Rob Bullington

Supreme Court Midterm for Local Governments 2021-22

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 February 2022.

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

In *New York State Rifle and Pistol Association v. Corlett** the U.S. Supreme Court will decide whether states may prevent persons from obtaining a concealed-carry license for self-defense if they lack “proper cause.” Per New York state law, in order to carry a concealed handgun for self-defense purposes a person must show “proper cause.” New York case law requires an applicant to “demonstrate a special need for self-protection distinguishable from that of the general community” to satisfy the proper cause standard. The challengers in this case want to carry a concealed handgun but lack proper cause. A federal district court ruled against the challengers based on Second Circuit precedent. In a very brief opinion, noting that same Second Circuit case, the Second Circuit affirmed. In *Kachalsky v. County of Westchester* (2012), the Second Circuit held that “New York’s handgun licensing scheme . . . requiring an applicant to demonstrate ‘proper cause’ to obtain a license to carry a concealed handgun in public” did not violate the Second Amendment. In *Kachalsky*, the Second Circuit applied intermediate scrutiny and upheld New York’s law stating: “New York has substantial, indeed compelling, governmental interests in public safety and crime prevention” and “the proper cause requirement is substantially related to these interests.” According to the challengers, *Kachalsky* was wrongly decided for the reasons the D.C. Circuit stated in *Wrenn v. District of Columbia* (2017). In that case the D.C. Circuit didn’t apply intermediate scrutiny to the District of Columbia’s similar “good reason” limit to obtain a concealed carry license. The D.C. Circuit held “the law-abiding citizen’s right to bear common arms must enable the typical citizen to carry a gun.” According to the Second Circuit, the “argument that *Kachalsky* was wrongly decided fails under this Court’s precedents.”

First Amendment cases

The City of Austin allows on-premises billboards to be digitized but not off-premises billboards. In *City of Austin, Texas v. Reagan National Advertising of Texas Inc.** two outdoor advertising companies claim that

this distinction is “content-based” under the First Amendment. The City of Austin disagrees. In *Reed v. Town of Gilbert* (2015), the Supreme Court held that content-based restrictions on speech are subject to strict scrutiny, meaning they are “presumptively unconstitutional” under the First Amendment. In *Reed* the Court defined “content-based” broadly to include distinctions based on “function or purpose.” Per Austin’s Sign Code, “off-premises” signs advertise “a business, person, activity, goods, products or services not located on the site where the sign is installed.” The City argued that the definition of off-premises is a time, place, or manner restriction based on the location of signs. The Fifth Circuit disagreed, stating: “*Reed* reasoned that a distinction can be facially content based if it defines regulated speech by its function or purpose. Here, the Sign Code defines ‘off-premises’ signs by their purpose: advertising or directing attention to a business, product, activity, institution, etc., not located at the same location as the sign.”

The issue the Supreme Court will decide in *Shurtleff v. City of Boston** is whether flying a flag on a flagpole owned by a government entity is government speech. If it is, the city may refuse to fly a Christian flag. Boston owns and manages three flagpoles in an area in front of City Hall. Boston flies the United States and the POW/MIA flag on one flagpole, the Commonwealth of Massachusetts flag on another flagpole, and its own flag on a third flagpole. Third parties may request to fly their flag instead of the city’s flag in connection with an event taking place within the immediate area of the flagpoles. Camp Constitution seeks “to enhance understanding of the country’s Judeo-Christian moral heritage.” It asked the City twice to fly its Christian flag while it held an event near the flag. The City refused its request to avoid government establishment of religion. The First Circuit held that flying a third-party flag on a City Hall flag pole is government speech meaning the City didn’t have to fly the Christian flag. According to the First Circuit, in two previous cases (*Pleasant Grove City v. Sumnum* (2009) and *Walker v. Texas Division, Sons of Confederate Veterans* (2015)) the Supreme Court has developed a three-part test for determining when speech is government speech. The Court looks at the history of governmental use, whether the message conveyed would be ascribed to the government, and whether the government “effectively controlled” the messages because it exercised “final approval authority over their selection.” Regarding the history of governments using flags, the First Circuit stated “that a government flies a flag as a ‘symbolic act’ and signal of a greater message to the public is indisputable.” The First Circuit also concluded that an observer would likely attribute the message of a third-party flag on the City’s third flagpole to the City. The First Circuit had no difficulty concluding the City

controlled the flags. “Interested persons and organizations must apply to the City for a permit before they can raise a flag on this flagpole.”

In *Kennedy v. Bremerton School District*,* the U.S. Supreme Court will decide whether the First Amendment protects a high school football coach who, joined by students, prayed after football games. According to Joseph Kennedy, his religious beliefs required him to pray at the end of each game. Students eventually joined him as he knelt and prayed for about 30 seconds at the 50-yard line. When the school district found out the superintendent directed Kennedy not to pray with students. After widely publicizing his plan, Kennedy announced he would pray after a particular game even if students joined him. He was ultimately put on administrative leave and didn’t apply to coach the next fall. The Ninth Circuit held that Kennedy had no First Amendment free speech right to pray because he was speaking as a “government employee” rather than as a “private citizen.” And even if he was speaking as a private citizen the Ninth Circuit held the district could prevent him from praying because of Establishment Clause concerns. The Ninth Circuit concluded Kennedy was speaking as a public employee when he prayed. Kennedy “was one of those especially respected persons chosen to teach on the field, in the locker room, and at the stadium. He was clothed with the mantle of one who imparts knowledge and wisdom. Like others in this position, expression was Kennedy’s stock in trade. Thus, his expression on the field – a location that he only had access to because of his employment – during a time when he was generally tasked with communicating with students, was speech as a government employee.” The Ninth Circuit also held that even if Kennedy’s speech was private, avoiding violating the Establishment Clause was an “adequate justification for treating Kennedy differently from other members of the general public.” Per the Ninth Circuit an objective observer would know “Kennedy actively sought support from the community in a manner that encouraged individuals to rush the field to join him and resulted in a conspicuous prayer circle that included students.” “Viewing this scene, an objective observer could reach *no other conclusion* than [the school district] endorsed Kennedy’s religious activity by not stopping the practice.”

In *Houston Community College System v. Wilson* the U.S. Supreme Court will decide whether the First Amendment restricts the authority of an elected body to issue a censure resolution in response to a member’s speech. David Wilson was an elected trustee of the Houston Community College System (HCC). In response to the board’s decision to fund a campus in Qatar, he arranged robocalls and was interviewed by a local radio station expressing his disagreement with the decision. He filed a lawsuit against HCC after it allowed a trustee to vote via videoconference, which he contended violated the bylaws. He sued the board again when it allegedly excluded him from an executive session. The board publicly censured him for acting in a manner “not consistent with the best interests of the College or the Board, and in violation of the Board Bylaws Code of Conduct.” Wilson sued HCC and the trustees, asserting that the censure violated his First Amendment right to free speech. HCC argued that “it had a right to censure Wilson as part of its internal governance as a legislative body and that Wilson’s First Amendment rights were not implicated.” However, the Fifth Circuit noted it has repeatedly held that “a reprimand against an elected official for speech addressing a matter of public concern is an actionable First Amendment claim.” In this case, Wilson was censured because of his speech.

Police cases

The question in *Vega v. Tekoh** is whether a police officer can be sued for money damages for failing to provide a *Miranda* warning. Terrance Tekoh was tried for unlawful sexual penetration. At trial he introduced evidence that his confession was coerced. A jury found him not guilty. Tekoh then sued the officer who questioned him, Deputy Carlos Vega, under 42 U.S.C. Section 1983 claiming Vega violated his Fifth Amendment right against self-incrimination by not advising him of his *Miranda*

rights. The Ninth Circuit held Tekoh could bring a Section 1983 case. According to the Ninth Circuit, following *Miranda* there was much debate over whether *Miranda* warnings were “constitutionally required.” In *Dickerson v. United States* (2000), the Supreme Court held that Congress could not overrule *Miranda* via a federal statute that provided confessions were admissible as long as they were voluntarily made, regardless of whether *Miranda* warnings had been provided. *Miranda*, the Supreme Court reasoned, was “a constitutional decision.” According to the Ninth Circuit, the Supreme Court has subsequently “muddied” the waters since *Dickerson*. But since *Dickerson* only less than five Justices have said money damages aren’t available for *Miranda* violations.

In *Thompson v. Clark** the Supreme Court will decide whether the rule that a plaintiff must await favorable termination before suing for unreasonable seizure pursuant to legal process requires the plaintiff to show that the criminal proceeding against him has “formally ended in a manner not inconsistent with his innocence” or that the proceeding “ended in a manner that affirmatively indicates his innocence.” Larry Thompson’s sister-in-law, Camille, who was living with him, reported to 911 that Thompson was sexually abusing his week-old daughter. Thompson wouldn’t let police into his apartment because they didn’t have a warrant, blocked their path to entry, and allegedly shoved an officer. It was soon determined that Camille’s report was false; she suffered from a mental illness which the officers “sensed” when they were in the apartment. Police arrested Thompson and he was charged with obstructing governmental administration and resisting arrest. The prosecutor dropped charges against him “in the interests of justice.” The Second Circuit held that Thompson couldn’t bring a malicious prosecution claim because he failed to prove that the prosecution against him terminated favorably. In a 2018 case, *Lanning v. City of Glens Falls*, the Second Circuit held that malicious prosecution claims require “affirmative indications of innocence to establish favorable termination.” In this case Thompson’s innocence wasn’t established because the only reason the prosecutor gave for dismissing charges against him was “the interests of justice.”

In *Rivas-Villegas v. Cortesluna* the Court reversed the Ninth Circuit’s denial of qualified immunity to Officer Rivas-Villegas. A girl told 911 she, her sister, and her mother had shut themselves into a room because their mother’s boyfriend, Ramon Cortesluna, was trying to hurt them and had a chainsaw. Officers ordered Cortesluna to leave the house. They noticed he had a knife sticking out from the front left pocket of his pants. Officers told Cortesluna to put his hands up. When he put his hands down, they shot him twice with a beanbag shotgun. Cortesluna then raised his hands and got down as instructed. Officer Rivas-Villegas placed his left knee on the left side of Cortesluna’s back, near where Cortesluna had the knife in his pocket, and raised both of Cortesluna’s arms up behind his back. Another officer removed the knife and handcuffed Cortesluna. Rivas-Villegas had his knee on Cortesluna’s back for no more than eight seconds. The Ninth Circuit concluded that circuit precedent, *LaLonde v. County of Riverside*, indicated that leaning with a knee on a suspect who is lying face-down on the ground and isn’t resisting is excessive force. The Supreme Court disagreed that *LaLonde* clearly established that Officer Rivas-Villegas couldn’t briefly place his knee on the left side of Cortesluna’s back. The Supreme Court reasoned *LaLonde* is “materially distinguishable and thus does not govern the facts of this case.” “In *LaLonde*, officers were responding to a mere noise complaint, whereas here they were responding to a serious alleged incident of domestic violence possibly involving a chainsaw. In addition, *LaLonde* was unarmed. Cortesluna, in contrast, had a knife protruding from his left pocket for which he had just previously appeared to reach. Further, in this case, video evidence shows, and Cortesluna does not dispute, that Rivas-Villegas placed his knee on Cortesluna for no more than eight seconds and only on the side of his back near the knife that officers were in the process of retrieving. *LaLonde*, in contrast, testified that the

Supreme Court Midterm

officer deliberately dug his knee into his back when he had no weapon and had made no threat when approached by police.”

In *City of Tahlequah v. Bond*, the Supreme Court held that two officers who shot Dominic Rollice after he raised a hammer “higher back behind his head and took a stance as if he was about to throw the hammer or charge at the officers” were entitled to qualified immunity. Dominic Rollice’s ex-wife told 911 that Rollice was in her garage, intoxicated, and would not leave. While the officers were talking to Rollice he grabbed a hammer and faced them. He grasped the handle of the hammer with both hands, as if preparing to swing a baseball bat, and pulled it up to shoulder level. The officers yelled to him to drop it. Instead, he came out from behind a piece of furniture so that he had an unobstructed path to one of the officers. He then raised the hammer higher back behind his head and took a stance as if he was about to throw it or charge at the officers. Two officers fired their weapons and killed him. The Tenth Circuit concluded that a few circuit court cases – *Allen v. Muskogee* in particular – clearly established that the officers’ use of force was excessive. The Supreme Court disagreed. “[T]he facts of *Allen* are dramatically different from the facts here. The officers in *Allen* responded to a potential suicide call by sprinting toward a parked car, screaming at the suspect, and attempting to physically wrest a gun from his hands. Officers Girdner and Vick, by contrast, engaged in a conversation with Rollice, followed him into a garage at a distance of 6 to 10 feet, and did not yell until after he picked up a hammer.”

Miscellaneous

In *West Virginia v. EPA* the U.S. Supreme Court will decide whether the Environmental Protection Agency (EPA) had the authority to issue the Clean Power Plan (CPP) Rule. The Clean Air Act directs EPA to regulate powerplants that cause or contribute significantly to air pollution. In 2015 EPA adopted the CPP which regulates greenhouse gas emissions from existing fossil-fuel-fired powerplants. A key “building block” of CPP was “generation shifting” where emissions reductions occur because “the source of power generation shifts from higher-emission power plants to less-polluting sources of energy.” In 2019 EPA repealed the CPP and replaced it with the Affordable Clean Energy (ACE) Rule. EPA concluded it had to repeal the CPP because “generation shifting” operates off site of power plants and “the plain meaning” of the Clean Air Act “unambiguously” limits emission reduction measures to only those “that can be put into operation at a building, structure, facility, or installation.” A number of states, local governments, and others challenged the ACE Rule’s conclusion that emission reduction measures must be implemented at and applied to power plants. West Virginia and others challenged the ACE Rule on other grounds. The D.C. Circuit held that the EPA didn’t act lawfully in adopting the ACE Rule because repealing the CPP “hinged on a fundamental misconstruction” of the Clean Air Act, that generation shifting is not allowed. According to West Virginia, among other problems, the D.C. Circuit “gave short shrift to the clear-statement canons.” West Virginia points to Judge Walker’s dissent in this case where he opined that the lack of a clear statement from Congress allowing generation-shifting is fatal to the CPP: “Hardly any party in this case makes a serious and sustained argument that [the Clean Air Act] includes a clear statement unambiguously authorizing the EPA to consider off-site solutions like generation shifting. And because the rule implicates ‘decisions of vast economic and political significance,’ Congress’s failure to clearly authorize the rule means the EPA lacked the authority to promulgate it.”

In *Cummings v. Premier Rehab Keller** the Supreme Court will decide whether people who are discriminated against in violation of Title VI, Title IX, Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, or the Affordable Care Act may sue for emotional distress damages. All these statutes expressly incorporate the private right of action available to victims of discrimination under

Title VI. Jane Cummings has been deaf since birth and is legally blind. She communicates mostly through American Sign Language (ASL). She contacted Premier, which offers physical therapy services, to treat her chronic back pain. She repeatedly requested that Premier provide an ASL interpreter, but it refused. She sued Premier under the Rehabilitation Act and the ACA for disability discrimination and sought emotional distress damages. The Fifth Circuit held that emotional distress damages aren’t available under these statutes. The Rehabilitation Act and the ACA are Spending Clause legislation. According to the Fifth Circuit, the Supreme Court has “repeatedly” likened Spending Clause legislation to contract law – “in return for federal funds, the [recipients] agree to comply with federally imposed conditions.” In *Barnes v. Gorman* (2002), the Supreme Court explained compensatory damages are available under Spending Clause legislation because federal-funding recipients are “on notice” that accepting such funds exposes them to liability for monetary damages under general contract law. In *Barnes*, the Supreme Court also held that punitive damages aren’t available under Spending Clause legislation because they aren’t generally available for breach of contract. So, federal funding recipients aren’t “on notice” that they could be liable for punitive damages. According to the Fifth Circuit, emotional distress damages, like punitive damages are “traditionally unavailable in breach-of-contract actions.” So, the court held, federal-funding recipients aren’t on notice of them and can’t be held liable for them.

In *Oklahoma v. Castro-Huerta* the U.S. Supreme Court will decide whether a state has authority to prosecute non-Indians who commit crimes against Indians in Indian country. Per the Major Crimes Act the federal government has exclusive authority to prosecute certain felonies committed by Indians in Indian country. The General Crimes Act provides the federal government with authority to prosecute general federal criminal law violations where either the defendant or the victim was an Indian and the other party was not. In *McGirt v. Oklahoma* (2019) the Court held that historical Creek territory in Oklahoma constituted Indian country for purposes of the Major Crimes Act, meaning the state has no authority to prosecute such crimes committed by Indians in Indian country. After *McGirt*, in *Bosse v. State* the Oklahoma Court of Criminal Appeals held that the “clear language” of the General Crimes Act preempts state prosecutions for crimes committed by non-Indians against Indians in Indian country. In *Oklahoma v. Castro-Huerta* Victor Castro-Huerta, who is non-Indian, was convicted in state court of child neglect occurring in Indian country (per *McGirt*) against his step-daughter, who is Indian. Relying on *Bosse*, the Oklahoma Court of Criminal Appeals concluded Oklahoma lacked jurisdiction to prosecute this case. The General Crimes Act states that, “[e]xcept as otherwise expressly provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States . . . shall extend to the Indian country.” Oklahoma argues that “[n]othing in that text acts to relieve a State of its prosecutorial authority over non-Indians in Indian country. As the Court has explained, the phrase ‘sole and exclusive jurisdiction’ is used to ‘describe the laws of the United States’ that extend to Indian country; it does not concern the discrete question of who has prosecutorial authority within Indian country.”



About the author: Lisa Soronen is the executive director of the State and Local Legal Center (Washington, D.C.). The SLLC 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.

2022

VIRGINIA MUNICIPAL LEAGUE INNOVATION AWARDS

Complete rules and entry form are at www.vml.org



RECOGNIZING EXCELLENCE IN VIRGINIA LOCAL GOVERNMENT

CITY OF ROANOKE

By Aisha Johnson

National and local partners help families gain financial stability and address inequities

Two stories: Tom and Shirley

The following stories are true. Names have been changed to respect the subjects' anonymity.

Like many, COVID-19 negatively impacted Tom financially. He is a divorced, single parent with custody of his son. To increase his income and better support his son, Tom was studying as a plumber's apprentice when the pandemic shut down in-person learning for his son. With his son schooling from home and needing supervision, Tom lost hours at work. He quickly found himself falling behind financially and was unable to pay his rent for many months. Tom was worried he and his young son would become homeless.

Shirley is a child of the 1950s but is not ready for retirement. At one time, Shirley worked as a Certified Nursing Assistant and had hopes of returning to her former career. To accomplish that goal, she needed to learn new guidelines and pass the state boards. Reaching that goal, however, seemed daunting because Shirley is not strong in standardized testing and many years had passed since she was a student.

Not knowing what to do, Tom and Shirley both reached out to the United Way of Roanoke Valley (UWRV) for help.

A clearly defined need for help

The predicaments wfaced by Tom and Shirley are not uncommon. A 2018 study conducted by UWRV showed that 44 percent of all households in the Roanoke Valley were struggling to pay for necessities. This included households below the Federal Poverty Level and households identified as Asset Limited, Income Constrained, Employed (ALICE). These are households where individuals are employed and do not qualify for many human support services but are unable to pay for all basic needs to include housing, childcare, food, transportation, health care, and technology.

In an additional study conducted by UWRV in February 2021, households identified additional stressors. These included (but were not limited to) mental health issues, childcare, debts, medical issues, housing expenses, reduced work hours/wages, and food insecurity. Survey respondents identified options being used to meet their needs such as selling belongings for cash and borrowing money from family and/or friends. Additionally, the respondents identified a need for access to government-assisted human services, personal loans, and credit cards.



“We’re honored to be selected by the National League of Cities to participate in this grant project...the pandemic has placed a spotlight on already existing inequities, as well as the urgent need to address the inequities, and the city is committed to this effort.”

**- Sherman P. Lea, Sr.,
Mayor of Roanoke**

“We are excited and ready to work with the City and other community partners on collaborative approaches to ensure that we serve the most vulnerable and marginalized and create clear and transformational pathways to long-term financial stability.”

**- Abby Hamilton, President & CEO of
United Way of Roanoke Valley**

A grant made for economic mobility

The City of Roanoke and UWRV have partnered to meet the needs of the area’s residents like Tom and Shirley experiencing economic difficulties due to the pandemic. Additional partners may be added as the project progresses. To aid their work, Roanoke’s Innovation and Equity Cluster, housed in the city’s Department of Economic Development, recently received a planning grant through the National League of Cities’ Equitable Economic Mobility Initiative (EEMI). The EEMI, as defined by the NLC, “...helps cities place the economic mobility of families at the forefront as their local economies and their residents recover and rebuild after the devastating and inequitable economic impacts of the pandemic.”

Roanoke is one of eight cohort cities across the country awarded a \$25,000 planning grant and a subsequent \$80,000 implementation grant to help families in historically underserved areas recover from the pandemic through advancement in the workforce. The grant, supported by the Bill and Melinda Gates Foundation, is part of the NLC’s efforts under its Institute for Youth Education and Families to financially strengthen families. This includes assisting families in building savings for expenses related to emergencies, pursuing higher education, creating generational wealth through homeownership, and addressing other expenses.

“From Train City to Brain City”

In recent years, Roanoke’s economy has transformed from one supported largely by jobs in the railroad industry to one that includes a growing biotechnology hub centered on the Innovation Corridor – a collaborative community of entrepreneurs, businesses, government agencies, and higher education professionals working to create opportunity and success in research, healthcare, and technology.

The expansion of Carilion Clinic and addition of the Fralin Biomedical Research Institute at VTC will result in a multi-million-dollar investment into the community, including the addition of a significant amount of jobs to the workforce. The NLC planning grant is funding a workforce study and assessment of the Innovation Corridor to create a plan to ready a segment of the population

that is untrained or undertrained for jobs in the Corridor. The implementation grant will fund a pilot program to provide the support needed to participants to ensure success as they transition to more secure, higher-wage employment.

Tom and Shirley: Help on the path to success

Thanks to funding from the United Way of Roanoke Valley, Tom was able to pay outstanding rent to his landlord and has enrolled in a new job training program. Free from the stress of owing several months of back rent, Tom is working to create a financially stable household by taking professional skills classes.

The United Way of Roanoke Valley also helped Shirley who has re-entered the workforce. She was able to pass her certification exam and is working as a Certified Nursing Assistant at a nursing home.

Resources such as those provided by the National League of Cities Equitable Economic Mobility Initiative mean that Roanoke, the United Way of Roanoke Valley, and future partners will be able to help families and individuals like Tom and Shirley rebound and find their way to stability.

About the author: *Aisha Johnson is an economic development specialist with the City of Roanoke’s Office of Economic Development.*

Innovation Corridor participants

- **City of Roanoke**
- **Carilion Clinic**
- **Fralin Biomedical Research Institute at Virginia Tech Carilion**
- **Virginia Tech**
- **Virginia Tech Carilion School of Medicine**
- **Radford University**
- **Radford University Carilion**
- **Regional Accelerator and Mentoring Program**
- **Roanoke Regional Partnership**
- **Roanoke Blacksburg Technology Council**
- **Private investors in housing and hospitality**



**United Way
of Roanoke Valley**

2022 COMMUNITY BUSINESS MEMBERS

Join VML

Set your organization apart in the local government marketplace of product, services, and ideas by joining the VML Community Business Membership (CBM) program. For more information contact Rob Bullington at rbullington@vml.org or check under the "Corporate Engagement" tab at www.vml.org.



DIAMOND MEMBERS



Dominion Energy[®]

www.dominionenergy.com/virginia



www.virginiahousing.com

GOLD MEMBERS



www.bluelinesolutions.org

MITRE

www.mitre.org

ICMA-RC is now

MissionSquare
RETIREMENT

www.icmarc.org



www.timmons.com



www.aws.amazon.com

SILVER MEMBERS



www.apus.edu



www.carilionclinic.org



www.carterschool.gmu.edu



www.cunninghamrec.com



www.customtreecare.com



www.ddallc.com

SILVER MEMBERS



FRANCIS
ENERGY
www.francisenergy.com



Mattern & Craig
ENGINEERS • SURVEYORS
www.matternandcraig.com



McGUIRE WOODS
CONSULTING
Public Affairs Solutions
www.mwcllc.com



municode
POWERED BY CIVICPLUS
www.municode.com



PRECISION
SAFE SIDEWALKS
Trip Hazard Removal Specialists
A Precision Concrete Cutting Affiliate
www.precision safesidewalks.com



Sparks@Play
www.sparksatplay.com



Spring CityTM
www.springcity.com



tyler
technologies
www.tylertech.com



VACORP
www.vacorp.org



VIRGINIA
AMERICAN WATER
www.amwater.com/vaaw



Virginia
Institute of
Government
www.vig.coopercenter.org



VRA VIRGINIA
RESOURCES
AUTHORITY
www.virginiareources.gov



VOLKERT
www.volkert.com

BRONZE MEMBERS



aetna[®]
www.aetna.com



AIA Virginia
www.aiava.org



altumint
AUTONOMOUS VISUAL INTELLIGENCE
www.altumint.ai



CareFirst BlueCross BlueShield
www.individual.carefirst.com



JJM
ASSOCIATES
www.jjmassociates.com



MOSELEY ARCHITECTS
www.moseleyarchitects.com

ANN HARRITY SHAWVER
CPA, PLLC
ann.shawver@gmail.com



Sun Tribe
SOLAR
www.suntribesolar.com



VAOA
VIRGINIA ASSOCIATION OF ASSESSORS OF FIDELITY
ORGANIZED 1949
UNIFORM ASSESSMENT
www.vaao.org



VIRGINIA TECH.
www.vt.edu



**You've got vision.
We've got resources.
Let's solve this.**

Virginia Housing offers a variety of grant and loan programs to help local governments, nonprofits and developers revitalize neighborhoods and solve workforce housing needs.

To learn more about partnering with us, contact us at Resources@VirginiaHousing.com.

