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TOWN & CITY

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ARPA: Supporting neglected
areas of local well being
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Towns of Loudoun features
Purcellville
... and more



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ABOUT THE COVER

It's the time of year when we tell you about the winners of our annual Virginia You Love survey contest. This year we asked you tell us about your favorite things made right here in Virginia. Read all about some of the best things from the Commonwealth inside this issue.

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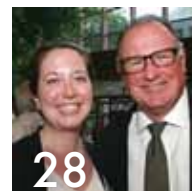
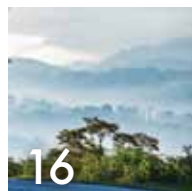
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Towns of Loudoun: Purcellville is the small town with big charm

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Plans in motion!

ON A RECENT MONDAY morning, several VML staff met at a Wawa gas station just north of Richmond. In the parking lot the morning sun glinted off a fleet of white service vehicles – plumbers, HVAC installers, carpenters, and the like – who had assembled for breakfast sandwiches and coffee. The VML staff, however, had not gathered for calories or caffeine. We were carpooling to Leesburg to walk through the Lansdowne Resort, where our conference will be held in October, as well as to meet with local government staff helping to coordinate the event. The ever-present traffic around Fredericksburg notwithstanding, our journey was smooth, and it was a great to ride and talk to each other in person rather than on Zoom or in the office. It was the first time that we had travelled together in over a year!

At the Lansdowne Resort, we met an additional VML staff member and walked through the conference center, discussed options, and made plans with members of the resort staff. We were reminded that there is a lot of hard work between now and the first day of the conference on October 3rd, but we are so excited to make this a great year for the VML Annual Conference. Lansdowne will be a wonderful place for us all to gather.

We departed Lansdowne close to noon and made the short trip to downtown Leesburg where we stopped briefly at the Leesburg Diner which serves some of the biggest hamburgers I have ever seen! From there, it was a

quick walk to the municipal building to meet with the Town of Leesburg and County of Loudoun Towns staff to work through more conference details. We departed Leesburg confident that all the wheels in motion heading toward October were on the right path.

That was Monday. Then came Tuesday...and a call with our partners for a broadband event to be held in Richmond. VML has been working with the Broadband Association of Virginia and the Virginia Association of Counties on this multiple day event for September BUT the call Tuesday was to say that this would now be a virtual event because of the unknown status of COVID.

UGH! Just when we thought we were moving forward. Still, this broadband event is going to be successful and perhaps it is appropriate to hold it virtually since our increased use of virtual meeting and conference platforms like Zoom and Webex have created an even greater sense of urgency for universal broadband internet for all Virginians. The September event will

include members of the Virginia Broadband Advisory Council, the broadband providers, and localities. Stay tuned to our website and *eNews* for more details.

For those concerned about our in-person Annual Conference in October, rest assured that VML is committed to providing a safe event in Leesburg with a lot of hand sanitizer and masks (if needed) to make everyone feel comfortable as we learn, socialize, and take care of some business together.



Lansdowne Resort, located in Leesburg, is the site of the 2021 VML Annual Conference.

And to prepare for some of that conference business, VML's six policy committees met virtually over the course of three days in late July. I want to thank everyone who participated in those meetings where there was great conversation and a lot of learning. Please be on the lookout for the 2022 proposed policy statements and let us know if you have any comments. I'm also pleased to report that our call for nominations to the Executive Board have gone out. If you are interested in serving on the Executive Board, please contact Joni Terry at jterry@vml.org for information.

As I write this, just prior to the start of the 2021 General Assembly Special Session II, I am reminded how important the legislative proposals and policy statements crafted by VML's committees and board are to our work. These documents articulate VML's policy positions to General Assembly members and guide our staff as they navigate General Assembly sessions. The legislative proposals and policy statements currently being crafted will be voted on at the Annual Business Meeting during the Annual Conference in Leesburg.

So, with all this in mind, I'm signing off now to begin the Special Session II in which we hope to learn how the state will spend its American Rescue Plan dollars. VML has asked the state to work with us to make sure each state and local dollar is used in the most efficient way possible. Fingers crossed that by the time you read this, the mutually beneficial path forward for the Commonwealth and her localities is assured!





Sept. 10, 2021

Legislative Committee Meeting

A virtual Zoom event. Details at www.vml.org.

Oct. 3 - 5, 2021

Virginia Municipal League Annual Conference

Lansdowne Resort, 44050 Woodridge Pkwy, Leesburg, VA 20176
Register now at www.vml.org.

PEOPLE

Bulova joins Virginia Municipal League staff

In July, the Virginia Municipal League was pleased to welcome longtime intern Josette Bulova as the newest member of our staff. Bulova will serve as the league’s policy communications coordinator. In this role she will work closely with both the policy team and the communications team. A lifelong Virginia resident, Bulova is a graduate of Christopher Newport University where she studied communication, political science, and human rights and conflict resolution. Prior to that, Bulova worked closely with the General Assembly members as a 2013 General Assembly page.



for the City of Winchester. Konyar has served the past 14 years as the superintendent of recreation and the prior seven years as program supervisor both with Frederick County Parks and Recreation. He has also been a Certified Parks and Recreation Professional since 2006 and is currently a Recognized Clinician with the American Sports Education Program.

Christopher began his service with the City of Winchester in early July.

Roberts named City of Norfolk’s deputy city manager



Patrick Roberts has accepted the position of deputy city manager for the City of Norfolk. He began work with the city in late July.

Roberts has more than 20 years of experience in local government,

including serving as the city manager in Suffolk from 2015 to 2020. He also served as a deputy city manager in Suffolk and, prior to that position, was the senior assistant to the chief administrative officers in Richmond, in the office of then Mayor, L. Douglas Wilder.

Roberts started his public service career in Richmond in the Departments of Public Works, Community Development, City Manager’s Office, Office the Mayor/CAO and City Auditor. He has been a long-time member of the Virginia Building Code Officials Association and the International City/County Managers Association (ICMA).

Roberts is a graduate of the Virginia Military Institute and received a master of public administration degree from the Virginia Commonwealth University.

Nelson named economic development director



Marc B. Nelson has been named Director of the Economic Development Department for the City of Roanoke, effective July 13, 2021.

Prior to working for Roanoke, Nelson worked for six and a half years with the City of Savannah serving in the Development Services Department as development services liaison and public/private development coordinator. He also served as budget analyst for the Justice and Public Safety Section of the State of North Carolina Office of Budget and Management for two years.

Nelson holds a master of public administration degree from the University of North Carolina and a bachelor’s degree in history, also from UNC. In addition, he is a graduate of the Roanoke College Management Institute. He has been a manager of the Department of Economic Development and served as special projects coordinator in the same department from 2011 to 2019.

Winchester appointments announced



Winchester City Manager Dan Hoffman has appointed Winchester Fire and Rescue Assistant Chief **Jon Henschel** as the city’s new chief. Henschel has 30 years of experience with volunteer and career agencies, spending the previous 23 years with the Winchester Fire and Rescue Department. He began his service as chief in May.



Henschel is certified as a Fire Officer IV, Hazmat Technician, and Nationally Registered Paramedic. He currently serves as the president of the Lord Fairfax EMS Council and administrative coordinator on the Virginia Governor’s EMS Advisory Board.

Christopher Konyar has been appointed the director of parks and recreation

PEOPLE

Pulaski Police Chief Roche retires; Neice appointed as interim chief



Pulaski Police Chief **Gary Roche** retired from the Pulaski Police Department on June 1st, after more than 40 years in law enforcement.

Roche has served as police chief in Pulaski since 2001. Prior to that he worked for the Roanoke County Police Department and the Roanoke County Sheriff's Office. Roche began his law enforcement career in 1976 as a police officer for the Harrisonburg Police Department.

Roche has a bachelor of science degree in administration of justice and public safety from Virginia Commonwealth University and a master of science degree in administration of justice at Radford University.



Patrol Lieutenant **Jill Neice** has been selected to serve as the department's interim police chief.

Neice has more than 23 years serving in various roles with the Pulaski Police Department. She started out as a patrol officer before accepting a role in the Investigations division. After serving for some time in Investigations, she became a detective sergeant and then patrol lieutenant.

Neice graduated from New River Community College with an associate of applied science degree in administration of justice and a bachelor of science degree in criminal justice from Radford University.

Spaulding appointed Blacksburg town clerk



Lorraine Spaulding has accepted the position of clerk for the Town of Blacksburg. She began her duties on August 1, following the retirement of long-time town clerk, Donna Boone-Caldwell.

- Spaulding - Spaulding has a diverse professional background in customer service and banking and has served as paralegal for the Town of Blacksburg since 2018. In this capacity she was a liaison for the town attorney and town clerk on agenda related items for the town council and responsible for the preparation of

resolutions, ordinances, and other legal documents during her tenure.

In a press release, Mayor Leslie Hager-Smith said that "Lorraine has been a delight to work with. As she steps into this new role, I look forward to the contributions she is sure to make."

In the same press release, Spaulding observed: "I am fortunate to have spent the past three years working for such a wonderful organization and honored to accept the position of town clerk."

Spaulding holds a B.S. in paralegal stud-

ies from Liberty University and is a registered Notary Public in Virginia. Additionally, she is a director of the Local Government Paralegals Association, and a member of NALS – an association for legal professionals.

City of Manassas bids farewell to Via-Grossman; names Arcieri as planning and development director

Manassas Assistant City Manager **Elizabeth Via-Grossman** who has served the city for nearly 20 years left at the end of July.



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- Via-Gossman -

During her time with the city, Via-Grossman worked across multiple city government departments, and served as the city's community development director. According to a press release, Via-Gossman was a staple at a series of public meetings two years ago, that gauged public input on the city's 2040 comprehensive plan. She also served as president of the Manassas City

Public Schools Education Foundation from 2017 to 2019.

Manassas City Manager W. Patrick Pate has selected **Matthew Arcieri** as the planning and development director. Arcieri will oversee planning, development, zoning, code enforcement, permitting, and parks, culture and recreation.



- Arcieri -

First joining the City of Manassas in 2013 as

the planning and zoning manager, Arcieri and has extensive experience in local government, primarily in community planning and transportation planning. The Manassas 2040 Comprehensive Plan he authored (adopted in 2020) was named the Commonwealth Plan of the Year in 2020 by the Virginia Chapter of the American Planning Association.

Arcieri holds an M.S. in public administration from Virginia Commonwealth University and is a certified planner through the American Planning Association. He graduated from the Metropolitan Council of Governments (MCOG) Institute for Regional Excellence with a certified public manager's designation.

Coggsdale to be Strasburg's new town manager

Effective August 16 **Waverly Coggsdale** will fill the seat left vacant by Wyatt Pearson's departure in May



- Coggsdale -

to become Frederick County's planning and development director. Public Works Director Jay McKinley has served as interim town manager. Coggsdale comes from the Town of Alta Vista, where he has served as town manager the last 16 years. Prior to that he served as Southampton County's assistant county administrator for 13 years and was also an administrative assistant/transit manager in Bluefield, WV.

In a press release Coggsdale said that he is "honored and humbled" to be appointed to the position, adding that Strasburg is "a special place" with "welcoming people."

Coggsdale earned a bachelor of science in business management from Bluefield College and a graduate certificate in local government management from Virginia Tech.

Dane leaving City of Hopewell government



- Dane -

The City of Hopewell's Assistant City Manager/Director of Economic Development **Charlie Dane** is leaving local government after 40 years of service. Dane began work in the city's Department of Public Works as a member of a traffic signal crew in 1977 and served in various roles, including assistant director, until 1992. Following that

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stint, Dane served as the City of Petersburg's public works superintendent before leaving public sector work and then returning to work in general services for Chesterfield County. He has held his current position with the City of Hopewell for the past seven years.

Dane attended St. Leo University at the Fort Lee Education Center and holds a bachelor of science from Liberty University.

Wytheville Town Manager Moore retires; Freeman appointed



- Moore -

Following thirty years of service to the Town of Wytheville, Town Manager **Steve Moore** retired at the end of May.

Moore began as assistant town manager/director of planning and served in this role until he was appointed as town manager in July of 2020. Moore's extensive background as a registered architect and certified planning commissioner was instrumental in numerous Town of Wytheville projects including the Recreation/Meeting Center, Heritage Walk, Downtown Wytheville Revitalization, and the Wall of Honor in Withers Park, to name a few.

In a press release, Wytheville Mayor Beth A. Taylor thanked Moore for his "progressive planning, creative vision, and architectural expertise" that has made the community "look modern, yet historically preserved," and "has contributed to the successful building and design of many beautiful recreation areas and Town facilities that citizens and visitors will enjoy for years to come."

Replacing Mr. Moore is **T. Brian Freeman** who was appointed as Wytheville town manager on June 1.



- Freeman -

Freeman has been with the town since 2008 and has held the positions of GIS/911 coordinator, assistant director of planning & development, and director of operations before most recently becoming the assistant town manager and director of planning.

Freeman holds a bachelor of arts degree and a graduate certificate in local government management from Virginia Tech. He is also a Certified Planning Commissioner.

Moor is Suffolk's new city manager



- Moor -

On July 14, **Albert Moor** took part in the Oath of Office and Investiture Ceremony to become Suffolk's new city manager. He had been appointed by unanimous agreement of the city council in May.

Moor brings nearly four decades of work in local government to his new role. He previously served as interim city manager, following the resignation of Patrick Roberts, who held the post since 2015. Moor has also served as interim deputy city manager and director of public utilities for Suffolk.

Moor holds a bachelor's degree in engineering technology from Old Dominion University.

Hayes named Alexandria's acting chief of police



- Hayes -

Assistant Chief **Don Hayes** has begun service as acting chief of police for the City of Alexandria following the retirement of Chief Michael L. Brown.

Hayes joined the Alexandria Police Department in 1981 and achieved the rank of sergeant in 1996, overseeing the community-oriented policing and internal investigations sections. In 1999, Hayes was promoted to lieutenant and led the special operations, information services, and public services divisions. He was promoted to captain in 2013 and served as patrol commander, in addition to heading

the parking enforcement, traffic, special events, and community relations divisions. He was promoted to assistant chief in 2019.

A member of many community organizations, Hayes also serves the community through youth empowerment, diversion, and offender's aid programs and as lead pastor of Oakland Baptist Church. He holds a master's degree in organizational leadership from Johns Hopkins University, a master's degree in divinity from Liberty University Baptist Theological Seminary, and a bachelor's degree in business administration from Bowie State University.

Hayes, a graduate of the FBI National Academy, has earned numerous certifications, and is an active member of the National Organization of Black Law Enforcement Executives; the International Association of Chiefs of Police; and the FBI National Academy Associates.

Gaylen named Dumfries police chief



- Gaylen -

Former Interim Police Chief **Vernon Gaylen Jr.** is the new police chief for the Town of Dumfries. Having served in the interim role since September following former Police Chief McCarthy retirement in July 2020. Gaylen has been part of the town's police department since 2017.

In a press release, Town Manager Keith Rogers Jr. said "Chief Gaylen has demonstrated a strong commitment to community policing and the Department has already seen improvements in several areas. I am confident in his leadership moving forward."

In Memoriam: Former Lexington City Manager, John Doane

John Vernon Doane died Thursday, June 24, in Lexington. He served as city manager in Lexington, Falls Church and Covington. In addition, he worked closely with senior officials from local governments and ministries in Central and Eastern Europe, the Caucasus, the Middle East and the Caribbean and on local government projects in Poland, Hungary, Romania, Croatia, Armenia, Bosnia, Kosovo, Iraq, Suriname, Jamaica, Jordan, and Asia.

Doane earned a bachelor's degree in economics from Lynchburg College and a master's degree in public administration from the University of Virginia.

In lieu of flowers, contributions may be given to the City of Lexington Treasurer's Office, Woods Creek Park, given in memory of John V. Doane. Additional information is available at <https://bit.ly/3eM93lk>.



- Doane -

VML staff member Menkes retires



JUNE 30 WAS A SAD DAY for VML as longtime Director of Fiscal Policy Neal Menkes zeroed the beads on his abacus, carefully packed his crystal ball, dried his tea leaves, and placed his parking pass on his desk before closing the door of the league's offices at 13 E. Franklin Street behind him for the last time.

Menkes served the league with sage fiscal policy analysis from September 2007 until his retirement. He was the lead lobbyist on revenue and taxation issues and staffed VML's Finance Policy Committee. Further, his wealth of knowledge was instrumental in helping VML staff and local liaisons understand the nuances of the state budget and how best to approach budgetary issues on behalf of Virginia's local governments.

VML staff and members knew Menkes not only as a source of extensive knowledge, but also as the wielder of an unparalleled sense of humor with the ability to coin a phrase and craft missives that both informed and entertained.

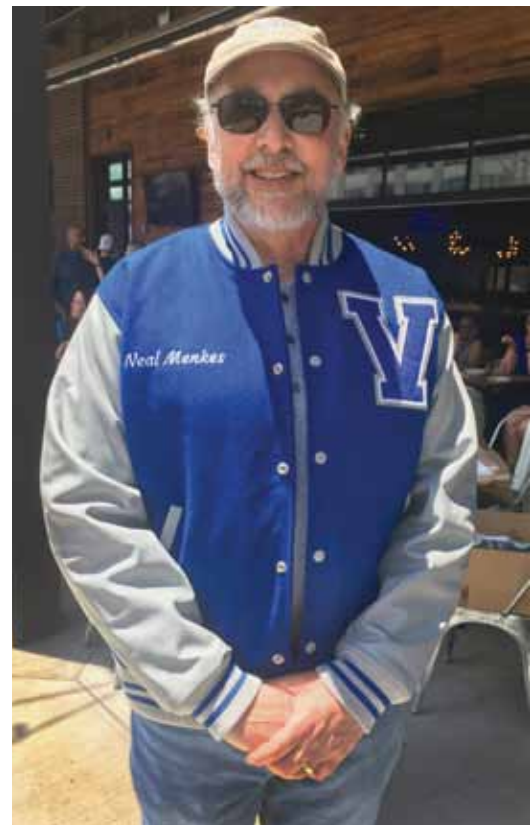
Menkes indeed earned his varsity jacket from VML (his idea). His advice and analysis will be missed by his colleagues and by local officials across the Commonwealth.

Prior to joining VML, Menkes served as a legislative fiscal analyst for the Virginia Senate Finance Committee, where he was on the staff of the subcommittee on transportation and the subcommittee on economic development and natural resources. His involvement with Virginia government began in 1976 when he joined the Virginia Department of Planning and Budget where he held analyst and managerial positions eventually becoming deputy secretary for natural resources before leaving to serve as deputy secretary for natural resources under Governor Wilder.

Menkes holds an undergraduate degree from Emory University and a master's degree from Syracuse University.



Menkes with Jeff E. Schapiro of the Richmond Times Dispatch.



Menkes with VML's Director of Communications Rob Bullington.

Fredericksburg's "Itty Bitty City 2021" contest is underway

FREDERICKSBURG AREA RESIDENTS have a great reason to explore their city's downtown thanks to the 17th annual "Itty Bitty City 2021" scavenger hunt contest being run by *The Free Lance-Star* newspaper and sponsored by the Rappahannock Goodwill. Residents are encouraged to identify 39 items and their locations using close-up photographs available at Fredericksburg.com/ittybittycity.

With the photos depicting only the smallest details of an item, it's not as easy as it sounds! However, downtown businesses are helping with hints in their windows during the hunting period which lasts until 5 p.m. on September 8th.

Participants with all correct answers are eligible to win \$1,000 in downtown gift cards, with \$400 for first place, \$250 for second place, and \$50 each for seven third-place winners. Prizes are donated by the Fredericksburg Department of Economic Development. Participating downtown businesses are also contributing gift cards.

Good luck everyone!



Launch Place, Angel University plan two-day event in Danville

THE LAUNCH PLACE and the Angel Capital Association (ACA)'s Angel University are partnering to bring together angel investors and entrepreneurs to learn, share and network according to a news release from The Launch Place. Attendees will begin the two-day event with ACA Angel University and conclude with a fast-paced pitch competition where winners will be selected for a \$15,000 award to move their ventures forward.

The Big Launch Challenge competition will involve 10 leading startups competing for \$15,000 in prize money. Over the past 8 years of hosting this competition, The Launch Place has awarded \$159,000 to 14 companies.

The Launch Place provides new and early-stage business support services and pre-seed and seed investments for technology startups in Virginia and North Carolina. TLP helps companies to get started, or to expand their operations by providing business consulting services, office space, and investment funds.

The Angel Capital Association is the professional association of angel investors across North America and offers education, best practices, data, public policy advocacy, and resources to its membership of more than 14,000 accredited investors, who invest individually or through its 250+ angel groups, accredited platforms, and family offices.

The full news release is posted at <https://bit.ly/3hIypCN>.



ACA ANGEL UNIVERSITY

Roanoke selected for NLC Equitable Economic Mobility Initiative

THE CITY OF ROANOKE has been selected as partner in the Equitable Economic Mobility Initiative (EEMI), a 15-month technical assistance and grant project led by the National League of Cities (NLC). The purpose of the EEMI is to boost economic mobility for residents and address racial inequalities.

In a news release, Roanoke Mayor Sherman P. Leas, Sr. said that the project is a "welcomed addition to the City's Equity and Innovation Cluster, which focuses on financial stability and wealth building for all citizens through the Financial Empowerment Center Fund's 'Bank On' program. The United Way of Roanoke Valley has been a partner in those existing programs and will serve as a partner in this effort with NLC. The pandemic has placed a spotlight on already existing inequities, as well as the urgent need to address the inequities."

The City of Roanoke was selected because of its demonstrated commitment to racial equity and resident economic mobility, its strong existing partnerships and its capacity for data collection and analysis. In addition to Roanoke, seven other cities were selected for the initiative, including Akron, OH; Charleston, SC; Denver, CO; Fresno, CA; Orlando, FL; Sacramento, CA; and Tucson, AZ.

Additional information is available on the city's website at <https://bit.ly/3eg39bP> and on NLC's website at <https://bit.ly/3yRALyk>.





Hampton Roads mayors hold second forum on public safety

IN LATE JUNE, City of Hampton Mayor Donnie Tuck hosted Hampton Roads mayors for a second forum on public safety. Newport News Mayor McKinley Price, Chesapeake Mayor Rick West, Norfolk Mayor Kenny Alexander, Virginia Beach Mayor Bobby Dyer, Portsmouth Mayor Shannon Glover, and Suffolk Mayor Mike Duman participated in the first forum, which was held in April. All were invited to the June event.

Discussion at the April forum involved preventing violence by implementing programs and activities aimed at teens and young

adults, primarily Black males, who are disproportionately affected by violence. Since the April forum, the mayors have worked with Anthony Smith, executive director of Cities United, a national network focused on eliminating violence in American cities related to African American men and boys.

The forum was aired on the city's Facebook page as a live event and viewers could write questions and comments while they watched.

New life proposed for old mall in Alexandria

THE ALEXANDRIA CITY COUNCIL has unanimously approved a redevelopment agreement which will result in up to approximately four million square feet of new development for the site of the former Landmark Mall, which closed in 2017. The



project will be anchored by the relocation of Inova's new Alexandria Hospital bringing more than 2,000 health care workers to the medical campus. This project—led by developer Foulger-Pratt—was recently named by the Washington Business Journal as the 2020 Real Estate Deal of the Year.

According to the city's news release, the project will transform the unoccupied mall into a mixed-use, walkable urban village and will result in more than \$2 billion in investment in the community, including the new Inova hospital, medical office buildings, for-rent and for-sale multifamily residential units, retail, commercial, and entertainment offerings. The project also will include outdoor parks, a replacement for a fire station, affordable housing, and a transit hub. Construction could begin as soon as 2023.

This news release is available at www.alexandriava.gov.

Staunton selected for brownfields assessment funding

STAUNTON IS RECEIVING \$300,000 from the U.S. Environmental Protection Agency to help assess, clean up and revitalize former industrial and commercial sites, turning them from problem properties to productive community use, according to the city's website.

The community-wide grant funds will be used to develop multiple environmental site assessments and to support community engagement activities, including hosting four community meetings. Priority sites include the former Unifi Manufacturing site, the vacant Chestnut Hills Shopping center, the National Biscuit

Company (Nabisco) Warehouse, and the Rose Time Scrap and Metal Recycling facility.



Bristol initiates neighborhood improvement award program

BRISTOL HAS CREATED the "Bristol STAR" program to recognize and thank property owners who have invested in their homes through repairs, yard maintenance and clean-up, landscaping, and general appearance improvements, according to a city news release. The Neighborhood Pride Committee oversees the program.

Nominations for the award can be made through the city website and awards will be made on a quarterly basis throughout the year. A Bristol STAR sign will be temporarily placed at the residence to recognize the efforts of the household. The city also has partnered with Lowe's and Home Depot to offer gift cards to the award winners.

The committee is also looking at other programs to encourage clean-up and investment in neighborhoods, including an "Adopt-a-Spot" with neighborhood and community volunteers, and partnering with the Chamber of Commerce's "Keep Bristol Beautiful" program on community clean-up days.



Commission on Offshore Wind and Clean Energy to host European manufacturers

THE COMMISSION ON OFFSHORE Wind and Clean Energy, established by Virginia Beach Mayor Robert M. “Bobby” Dyer, will host some 40 European supply chain manufacturing companies in August to explore how they can be part of an ongoing renewable energy project. The commission is chaired by Virginia Beach Vice Mayor Jim Wood and includes a broad cross-section of stakeholders, including Dominion Energy, the U.S. Navy and U.S. Coast Guard, Hampton Roads Economic Development Alliance, Tidewater Community College, and other local and regional partners.

According to a city media release, two test turbines constructed by Dominion Energy 27 miles off the coast of Virginia Beach will become part of the nation’s largest renewable energy project.

The \$8 billion windfarm ultimately will have up to 180 turbines that will generate 2,640 megawatts of energy, enough to power up to 660,000 homes.

Virginia Beach is investing in offshore wind and clean energy in other ways as well, including the appropriation of over a million dollars to Tidewater Community College to purchase equipment to create a special lab for individuals in all southside cities to prepare for jobs in this and other skilled trades.



City of Emporia uses energy project to fund water meter replacements

THE CITY OF EMPORIA recently initiated an Energy Saving Performance Contract with ABM, a leading provider of facility solutions to help the city upgrade water meters city-wide with Advanced Metering Infrastructure (AMI), projected to save \$2.1 million in energy and operational savings over 20 years, while earning the city an additional projected \$5.1 million in benefits.

The project also upgrades interior and exterior lighting with efficient LED technology, including traffic signals and street-

lights. Five municipal buildings, including the Richardson Library and Police Department, will receive infrastructure upgrades to their HVAC, security, and building automation assets.

The AMI system is expected to help residents of the City of Emporia avoid excessive water waste by detecting possible leaks and sending alerts. “This project has sped up several important initiatives for our residents,” said William Johnson, City Manager in a press release.

More information on ABM’s Energy Savings Performance Contracts is available at www.abm.com.

James City County Police Department engages citizens in twice yearly academy

THE JAMES CITY COUNTY Police Department’s Citizens Police Academy has been offering members of the local community the opportunity to get an inside look at the operation and function of police procedures since 1994. The classes offer an overview of the Department’s philosophy, each division, and other areas of police work such as operation of RADAR, traffic stops, DUI enforcement, search and seizures, handgun safety, shooting range, internal affairs, crime scene investigations, buildings searches, and more. Students are also given the opportunity to participate in several practical exercises.

The Citizens Police Academy is offered in the spring and fall each year. The academy is offered to adults (18 years of age or older) who work or live in the county and is free of charge.

Those interested in participating should contact Master Police Officer Shenece Graham at shenece.graham@jamescitycountyva.gov.



James River Park trails named one of nation’s best

MEN’S JOURNAL magazine recently named several trails in Richmond’s James River Park one of the best in the country for runners. The trails, including the North Bank and Buttermilk trails, were ranked as 11th best. In all, the park has about 6.5 miles of trails.

The journal noted the trails’ views, mix of hills and steep climbs, creek and river crossing and access point on both sides of the James River.

Men’s Journal is a monthly men’s lifestyle magazine focused on outdoor recreation.





Norfolk earns recognition as one of the 'Best Places to Work in Local Government'

ENGAGING LOCAL GOVERNMENT LEADERS (ELGL) has named the City of Norfolk one of the best places to work in local government for 2021. Norfolk was the only city in Virginia to receive this recognition.

Inspired by the character Donna Meagle on the television show *Parks and Recreation*, the ELGL Best Local Government Workplaces Award recognizes the local governments that have developed, cultivated, and nurtured workplaces that encourage employee creativity, loyalty, and success. Norfolk was recognized for its outstanding work-life balance, benefits, and mental health support.

"This is a tremendous honor for Team Norfolk. Public service

takes special people, and the city employees that serve our citizens each day do it with their whole heart. When our city employees nominate their workplace, that makes this recognition even more special," said Dr. Chip Filer, city manager in a press release.

Norfolk's best practices will be featured in the ELGL content library for other local governments to review and implement.

The City of Norfolk joins Fort Collins, CO; Parkland, FL; Hopkins, MN; Pasco County, FL; and McHenry County, IL, in receiving this recognition.

More information about the program is available at www.elgl.org/meagle.



Manassas votes to become bee friendly

IN MAY, THE MANASSAS CITY Council voted unanimously to become a Bee City USA®, joining other cities and campuses across the country united in improving landscapes for pollinators. The council's action is the culmination of months of effort by the Beautification Committee to accomplish this affiliation.

To help raise awareness, the city's Beautification Committee hosted a Bee Festival on June 26 at Liberia House and gardens. The day included music, arts and crafts, food, mead and beer and was free to the public.

"The City of Manassas Beautification Committee is honored

to take part in saving this natural resource," said Committee Chair Mark Olsen in a press release. "Bees are very important to the ecosystem and keeping plants growing."

Bee City USA is an initiative of the Xerces Society for Invertebrate Conservation, a nonprofit organization based in Portland, Oregon. Bee City USA's mission is to galvanize communities to sustain pollinators by providing them with healthy habitat, rich in a variety of native plants and free of insecticides.

To maintain their affiliation, each affiliate is expected to report on their achievements and celebrate being a Bee City USA affiliate every year. Bee City USA especially encourages school gardens and educational programs for children.

For more information about Bee City USA, visit www.beecityusa.org.

Pearisburg Parks and Recreation revitalization project reaches fundraising milestone

THANKS TO THE DONATIONS and support its residents, combined with a contribution from the town, the Pearisburg Parks and Recreation Revitalization Project recently announced an overall balance of more than \$75,000!

In a letter to residents, the town thanked those who had contributed their money, time, and energy. The letter stated that "Improving and increasing access to the Town's recreation facilities is one of the primary strategic objectives of the Parks and Recreation Revitalization Project."

The funds will be used to begin grading and installing an underdrain system in the large field adjacent to the town's Community Center. The resulting improvements to the grading, field grass, and water drainage capacity will improve the playing surface and reduce time lost due to rain events. Reducing time lost due to water on the field will increase access for youth baseball and softball players.

Town staff anticipate completing this work in the coming Fall and Winter of 2021.

The project will also renovate and outfit an existing building to serve as the new concession stand that will be more accessible and better serve the community during public events. Both projects are financially feasible and achievable as part of the Parks and Recreation Revitalization Project.





By Josette Bulova

WHEN IT COMES TO EXPERIENCING all the world has to offer, it's no secret that we here at VML are big fans of keeping it local. So, for our 2021 "Virginia You Love" survey contest, we wanted to know more about the best things made right here in Virginia.

We asked our readers to tell us about their favorite people, places and things from the Commonwealth. Thanks to everyone who responded to our online survey. We are pleased to feature some of the standout submissions in the following pages. Enjoy!

EAT, DRINK, PRODUCE

Marion

A MARION CLASSIC since 1957 that simply cannot be beat is **Dip Dog!** When in Marion try one of these unique corn dogs and judge for yourself why the infamous Dip Dog is the talk of the town. Whether you are craving a dip dog, slaw dog, chili bun, milkshake, or more- Dip Dog is the place for you. “Dip Dog has a cult following ‘round the world.” – Ken Heath



Wise

IT IS WISE TO MAKE a trip to **MountainRose Vineyards** in Wise this summer for the perfect glass of locally made wine. Current Virginia State Fair Best in Show White Wine winner and award-winning family-owned winery, MountainRose Vineyards is the first vineyard to be planted on land once used for coalmining! Whether you enjoy a crisp white, a bold red, or a sweet rose, Mountain Rose Vineyards has something for everyone!

“[Pardee Red Wine] is the perfect sweet red wine created right here in our coalfields!” – Opie Craft

BEST COFFEE

Kilmarnock

ONE OF THE BEST WAYS to start a morning is with a cup of joe on the front porch – **Front Porch Coffee** in Kilmarnock that is. Front Porch Coffee is a coffee shop located in a converted house, so you feel comfortable and right at home. Enjoy the ambience of the house, artwork, sculptures in the yard, and the feeling of having a home away from home in the heart of the community.

“Super great community minded owners.” – Susan Cockrell



Norton

FROM HOME BREWING and delivering iced coffees in mason jars, to a truck that frequented local festivals, to opening a brick-and-mortar location during a global pandemic – **Lincoln Road Coffee** located in Norton has flourished. Against all odds, this thriving local coffee shop is now proudly giving back to the community that helped them be where they are today. Through hosting block parties and working with surrounding neighbors, Lincoln Road Coffee is spreading cheer and caffeine with every cup.

“Now a shining star in Virginia’s biggest little city.” – Nicole Brenay

SOUNDWAVES

Kilmarnock

WHETHER YOU ARE a country music fan or simply enjoy being kept in the loop then check out **WKWI/WIGO!** As a local station, WKWI/WIGO strives to keep the community and individuals connected to one another in a timely manner. If you are looking for more community events as well as fun things to do around the Lancaster and Middlesex areas, then visit Virginia’s River Realm for more updates!

“Dennis Burchill and his team at WKWI/WIGO Country are keeping our whole community in the loop.” – Susan Cockrell



SHOPPING

Chesapeake

BEING SUCH A UNIQUE CITY, Chesapeake has an abundance of things to see and do – especially outdoor activities. If you enjoy hunting, hiking, camping, fishing, or simply being outdoors; **Field and Streams** is the place to go! Whether you need new hiking poles or are simply an impulse buyer, Field and Streams is the must stop local shop for your next outdoor adventure!

“If you like the outdoors, hunting, hiking, or camping then Field & Streams is the place to go for all of your outdoor needs!” – David Westcott



South Hill

WHETHER YOU ARE LOOKING for the latest trends in clothing, searching for the perfect gift, or simply wanting to decorate and furnish a home – **Lundy Lane** in South Hill is the place for you. Opening a mere 12 months ago, Lundy Lane offers affordable options for everyone with a touch of local charm.

“Bria & Russ Lundy have affordable options for men and women with latest trends and short runs to ensure you don’t see yourself coming and going.” – Brentley Morris

DINING

South Hill

LOCATED IN SOUTH HILL is a unique local gem sure to fill any cravings for southern comfort food. **313 Franklin Kitchen & Cocktails** is in the cafeteria of a former school that had been renovated into a new complex. Being a converted cafeteria, the atmosphere of the restaurant exudes local southern charm. Enjoy lunch, brunch, or dinner and experience South Hills trendiest bar.

“The vibe is awesome as well as the food!” – Brentley Morris



Abingdon

LOCAL RESTAURANTS ARE CREATED every day with modern twists around each corner. However, in Abingdon that is not always the case. Founded in 1779, **The Tavern** is the oldest of Abingdon’s historic buildings as well as the site for first bar in Virginia. Originally used as a tavern and overnight inn, the building has been various other entities such as a cabinet shop, apothecary, and now back to a restaurant. Besides an abundance of rich history, The Tavern is a fine dining German restaurant with other tavern classic dishes!

“At The Tavern in Abingdon the atmosphere is top notch! I’ve never had a bad meal there.” – Mabelle Mullins

NEWSPAPER

Clarksville

The Mecklenburg Sun is an objective newspaper that covers local controversies, latest news inquiries, and current events from across the country each week. Lisa with the hat, AKA “Hat Lady”, is the backbone of the operation happily providing updates for over thirty years through advertisements, news, photographs, and social media. This local newspaper keeps the fun local and under the hat!

“Lisa with the hat/ AKA the Hat Lady always has you covered.” – Brentley Morris



Portsmouth

WHETHER YOU ARE in the mood for sports, news, current events, or simply want to know what is happening in your area then pick up your copy of the **Virginia Gazette** today! With a wide array of new and interesting stories, the *Virginia Gazette* is sure to have news for people of all ages.

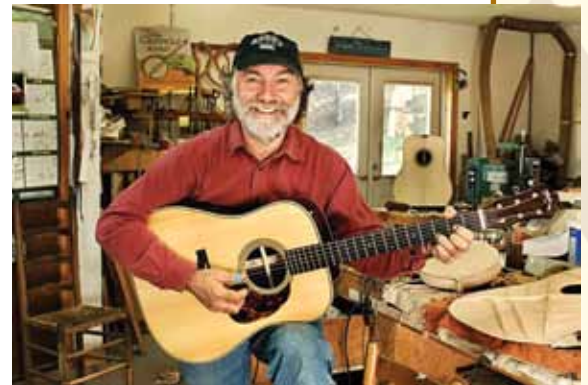
“As a native of York County and City of Poquoson I love reading the *Virginia Gazette* for all of my local news!” – David Westcott

ARTISTS

Marion

MARION VIRGINIA IS HOME to a multitude of interesting people, places, and things. One of these interesting people being **Wayne Henderson**. Often referred to as “the Godfather of Mountain Music,” this master luthier is a world renowned figure in Americana music from right here in Virginia! Specializing in superb acoustic guitars, Wayne Henderson is a musical icon and craftsman whose work is sought by accomplished players including famous artists such as Eric Clapton.

“Henderson is not only an excellent musician but an all-around great guy as well.” – Ken Heath



Richmond

RICHMOND BASED “**Soul Expressions Band**” is a traveling musical group that opens Music on the Half Shell Stage Concert Series in Kilmarnock each year along with many other venues. Sure to rock the house down and bring the crowd to their feet, Soul Expressions Band is the perfect summer concert.

“Wouldn’t be summer without Soul Expressions.” – Susan Cockrell

WanderLove in Virginia

WANDERLUST IS DEFINED as a strong desire to travel, but “Virginia is for Lovers” so for our latest marketing campaign Virginia Tourism Corporation (VTC) has renamed that feeling “WanderLove.” The goal of the WanderLove campaign is to shine a spotlight on low-risk travel experiences in Virginia, including road trips, scenic drives, getting outdoors, small towns and hidden gems.

As the effects of COVID-19 linger, road trips are a safe way for people to start traveling again. In fact, 63 percent of Americans planned to travel by car to see friends and family as their first trip in 2021. Now more than ever, an epic road trip is a great way to explore Virginia’s endless beauty, from its pristine beaches to the scenic curves of its storied mountains.

To promote the campaign, VTC is highlighting various road trip itineraries around Virginia and the many stops along the way. These itineraries suggest a wealth of diverse experiences to appeal to a variety of interests. Examples include outdoor adventures, waterfront escapes, and culinary-inspired tours. The imagery used for the WanderLove campaign is designed to inspire viewers to recall the adventures of past road trips and reconnect with their love of travel. VTC is using social media to promote the campaign and inspire travelers to easily plan their Virginia getaway.



Enjoy the journey

WanderLove emphasizes that the best part of a road trip isn’t the destination, it’s the adventures along the way! With more than 3,600 miles of scenic byways, Virginia provides the traveler with countless scenic vistas, hidden gems, and some of the best camping and hiking destinations around. The campaign’s road trip itineraries offer travelers opportunities to find new and exciting points of interest from one stop to the next. Traversing winding roads, discovering the charm of small towns, stumbling upon quirky roadside attractions, and scoring local eats at farm stands and diners are just a few surprises travelers can find along Virginia’s byways.

Step outside

After more than a year of working from home and meeting virtually, people are more than ready to travel, disconnect, and relax. WanderLove promotes Virginia’s unique outdoor offerings as a great way to go offline and get back to nature.

With beaches, mountains, and everything in between, the Commonwealth of Virginia is a moderate four-season destination with year-round outdoor activities to entice every kind of adventurer. Recreationists of all skill levels can enjoy Virginia. For example, cyclists can choose rides on multi-use recreation trails or adrenaline pumping mountain routes in Virginia’s Blue Ridge. Hikers have options from short but scenic trails to epic journeys along the awe-inspiring peaks in Shenandoah National Park. Campers may want one of our family-friendly campgrounds or they may set out for extended back-country backpacking trips. The list goes on and on.

Hidden gems await

This year, travelers are looking to skip the big crowds and take the road less traveled in search of the hidden gems throughout Virginia. Every town and region has its own hidden gems, whether it is lesser known food establishments, national forest landmarks, or quirky retail stores, there is always something new for a traveler to discover. This is a perfect time to promote some of the best-kept secret spots for a seasonal getaway that is both memorable and exciting.





Get to know the LOVEworks program

WITH A SLOGAN LIKE “Virginia is for Lovers,” it’s no secret that people travel to Virginia for a little love. Although the slogan has been used since 1969, the LOVEworks program – with signs that spell out “LOVE” and showcase local creativity and innovation – is a relatively new tradition.

Virginia Tourism Corporation established the LOVEwork Reimbursement program in 2013. The program was a success, with 16 LOVEworks created in the first year. A second LOVEwork Reimbursement fund was opened in 2014 and has remained open since. More than 275 LOVEworks have been built around the Commonwealth!



The LOVEworks have become special places, not only for local communities, but also for travelers. People are drawn to the LOVE letters and often choose them as backdrops for special occasions such as engagements, family photos, memorable road trips and more.

Examples include Waynesboro’s river-themed LOVEwork in a local park that strengthens the city’s brand as an ideal hub for outdoor recreation. Similarly, Harrisonburg’s LOVEwork provides an interactive representation of the community’s strengths: diverse ethnic background, rich agriculture, outdoor recreation and cycling, and a vibrant arts scene.

The LOVEworks program is a great way for local communities to leverage the brand strength of “Virginia is for Lovers” to promote their own messages and unique destinations.

Take a ride with us!

WanderLove promotes Virginia small towns as destinations for single to multi-day road trips and opportunities to explore parts of the state less frequently traveled. VTC works with localities and DMOs to create travel itineraries for their town and region that promote the unique experiences visitors can find in their area.

VTC invites Virginia’s localities to join the WanderLove campaign by positioning their community as a tourism destination, encouraging travelers to embrace their WanderLove and explore

Virginia through embarking on road trips, adventuring into the great outdoors, discovering hidden gems, exploring small towns, and visiting our LOVEworks.

For more information on the VTC WanderLove Campaign visit: www.vatc.org/marketing/advertising/brandinitiatives/campaign-wanderlove.

About the author: *Rita McClenny is the president and CEO of the Virginia Tourism Corporation.*





ARPA: An opportunity to support neglected areas of local well being

THE EFFECTS OF THE CORONAVIRUS on Virginia have been both economic and social. The changes to Virginia's economy and the U.S. economy are such that the National Bureau of Economic Research declared a recession beginning in February 2020. This unusual step for an organization that typically does not announce recessions until after they have ended is testimony to the immensity of the pandemic's effect upon the economy. During the height of the pandemic, employment, production, and retail sales plummeted, with Virginia reaching a peak unemployment rate of 11.2 percent. While Virginia had recovered about 55.8 percent of jobs lost by the end of 2020, there is still a way to go to reach a full recovery. The Virginia economy is currently being stimulated through Federal funds provided through the CARES Act and the American Rescue Plan Act (ARPA). While CARES Act funds have already been allocated, it is crucial to consider funding for minority and women-owned businesses, mental health initiatives, and education when allocating ARPA funds.

Minority and women owned businesses

In recent years, minority and women-owned business enterprises (MWBEs) have experienced significant growth compared to all businesses, particularly regarding employment. Total employment in women-owned businesses grew by 8 percent between 2019 and 2020,



while the total for all businesses was 2 percent. Aligning with this trend, minority-owned businesses accounted for more than 50 percent of the 2 million jobs new businesses started in the United States and created 4.7 million jobs over the last ten years. Despite these impressive numbers, MWBEs are at a disadvantage compared to non-MWBEs. Women and

minority-owned firms experience disparities in access to capital, contracting, and other entrepreneurial development opportunities.

The pandemic has intensified the disadvantages experienced by MWBEs. In fact, 42 percent of minority-owned small businesses responding to McKinsey's "U.S. Small Business Survey" reported that obtaining credit was becoming increasingly difficult, compared with 29 percent of all respondents. The scope of this disparity is seen nationwide. The Federal Reserve Bank of New York reported that 41 percent of Black small businesses nationwide had to shut down due to the pandemic, along with 32 percent of Latino-owned and 26 percent of Asian-owned businesses. Comparatively, there was only a 17 percent decrease in white-owned businesses.

Indeed, federal funding has been allocated to MWBEs in response to this disproportionate effect. Virginia Senator Mark Warner helped write the largest single investment into minority-owned and community-based lending institutions in the nation's history – the

Jobs and Neighborhood Investment Act – will provide \$12 billion to community development financial institutions (CDFIs) and minority depository institutions (MDIs) to provide capital to small businesses located in low-income and minority communities. Regarding the bill, Senator Warner said, "This is the first time in a long time the federal government is literally putting its money where its mouth is in terms of support for minority businesses, women-owned businesses, businesses that have not had a fair shake."

While federal funding is essential, it is equally important for state and local governments to support their minority and women-owned businesses due to their community impact.

In Virginia, the lack of local funding to MWBEs has been highlighted as a concern in recent years. In the City of Charlottesville, the budget for local vendors in 2017 was around \$53 million. Of that \$53 million, 0.04 percent were Black vendors. According to the U.S. Census Bureau, as of 2019, about 18.4 percent of Charlottesville city residents are Black. This disparity in funding, when paired with the disproportionate impact of COVID-19 on the Black community, makes it even more important to prioritize state and local budgetary allocations to MWBEs.

MWBEs support local communities in significant, measurable ways. According to a poll of over 1,000 small businesses by McKinsey & Company, "more than 40 percent of minority-owned have added new services to support their communities and employees, compared with 27% of all respondents." These services, added during the pandemic, include free delivery, adjusted hours for the elderly, and special communications with safety guidelines. While several states have allocated pandemic relief funding to small businesses in general, programs specific to aiding MWBEs are less common. One exception is Maryland which launched the Small, Minority and Women-Owned Business Account COVID-19 RELIEF Program with \$10 million in state Relief Act funding. This program provides loans to small, minority, and women-owned businesses in Maryland and aims to support areas that have not always benefited from economic growth.

On Monday, July 12th, 2021, Governor Northam outlined his plan for ARPA funds. As of the time of this writing, Virginia is receiving \$4.3 billion, and Northam plans for \$250 million to go towards the Rebuild VA economic recovery fund. This grant program gives money to small businesses and nonprofits impacted by the pandemic. However, while MWBEs are eligible to receive funding there is no aid allocated specifically to them. This makes it essential for local governments to step into the breach and support their local MWBEs with pandemic relief funding.

Mental health

The pandemic has brought increased stress and anxiety and, as a result, increased attention to the paucity of funding for mental health services and the limited access to those services. Indeed, the numerous negative mental health impacts of the pandemic have made funding for mental health and



psychosocial support (MHPSS) an essential part of pandemic relief. This support includes, but is not limited to, caring for frontline workers and vulnerable groups, promoting self-care strategies, normalizing messages about fear and anxiety during a pandemic, and providing clear and accurate information about COVID-19.

The Inter-Agency Standing Committee recommends that MHPSS be carried out within general health services and should be organized in “other pre-existing structures in the community, such as schools, community centers, and youth and senior centers.” These services and programs are generally community-based and would likely require state or local funding. According to Mental Health America, state funding for mental health services is typically given to localities, aligning with the IASC recommendation that these programs be implemented into established community structures. Of course, the degree of support and effectiveness of implementation can vary significantly.

One state that dedicated a significant amount of funding towards mental health was Montana. The Montana Department of Public Health and Human Services announced \$33 million in grant funding in response to the pandemic. It aimed to “retain existing programs and services, employees, or organizational viability for provision of future services and operations.” This funding program is an active example of how emergencies can lead to an influx of mental health resources, which creates an opportunity to strengthen long-term mental health and social welfare structures. As the recent suspension of admissions at five of the eight state-run mental health hospitals in Virginia shows, the Commonwealth’s localities are currently in need of this support. When state facilities are turning away those in need of assistance, the need for increased mental health funding at the community level becomes all too apparent. In fact, the decision to suspend admissions at the five hospitals was driven by staffing shortages that created an unsafe environment. The Virginia Association of Chiefs of Police responded to the suspensions, saying, “Virginia needs and deserves a mental health system that treats people in crisis and keeps them out of the criminal justice system...The mental health system is broken.”



Education

For many families and individuals, the stress placed upon the education system and the measures taken to adapt and accommodate learning during pandemic has been keenly felt. The ability of education systems to adapt to the constraints of the pandemic

has been complicated and made more difficult by the financial impacts of the pandemic including a decrease in state education funding. The Center on Budget and Policy Priorities has estimated a reduction of state budgets by 11 percent this fiscal year and 10 percent the following year. This decrease in financial support comes at a time when the cost to educate a student is increasing. The CDC estimated that “the cost of dealing with the virus in schools, including ‘materials and consumables, additional custodial staff members, and potential additional transportation,’ is \$442 per student, for a total national cost of \$22.5 billion.”

These budgetary declines and increased costs will disproportionately impact schools in low-income communities as not all school districts have had equal means available to adapt to the pandemic with measures such as online learning. The lesson is clear: Education funding is heavily reliant on state and local budgets, so it is essential

to take the needs of school districts and educational institutions into consideration when distributing state and local ARPA funds.

According to the Learning Policy Institute, there are three key areas that need to be addressed with proposed increased funding to local education agencies. The first is to meet the needs of students furthest from opportunity. These students include low-income families, students with disabilities, English learners, students of color, students experiencing homelessness, and students in foster care.

The second area of focus is to make up for instructional time lost due to the pandemic. According to the Learning Policy Institute’s *A Second Round of Federal Relief* publication, ways to ease the transition of virtual learning back to in-person instruction can include “using high-quality diagnostic assessments aligned with local curriculum to determine student need and providing evidence-based activities to accelerate student learning, such as evidence-based approaches to tutoring.” Furthermore, “This may also include providing after-school and summer programs or using other strategies to increase learning time.”

Lastly, ventilation systems must be improved for the health and safety of students. These improvements and precautions will protect students and staff with a heightened risk of COVID-19; this is especially true given that kids under 12 cannot receive the vaccine yet.

Michigan is an example of a state using its federal relief funds to further its educational system. In fact, the state allocated a significant amount of funds from their federal coronavirus relief, totaling over \$143 million, to education. Some of the funding categories included training and professional development for staff of the local educational agency on sanitation and minimizing the spread of the virus, purchasing supplies to sanitize and clean the facilities of a local educational agency, purchasing educational technology for students who are served by the local educational agency, and planning and implementing activities related to summer learning and supplemental after school programs. These programs include providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

Benefits now and beyond

ARPA funding is in the process of being allocated, and it is vital to consider minority and women-owned small businesses, mental health programs, and education agencies. In each of these areas, localities can provide much needed support that will be felt as a benefit far beyond the measure of investment. Regarding ARPA, Governor Northam said, “These federal dollars represent an unprecedented opportunity to meet local response needs while also making transformative investments to support broad-based, equitable growth in every corner of the Commonwealth. We encourage collaboration across localities to maximize these funds for the benefit of all Virginians.”

Localities that choose to allocate ARPA funds in the areas discussed above have good reason to expect continuing returns on their investment in the form of myriad, measurable, and sustainable benefits to their communities.



About the author: Ms. Banachoski was a Wallerstein Scholarship intern with the Virginia Municipal League during the summer of 2021. She is currently majoring in Economics and French with a minor in Women and Gender Studies at the University of Virginia.

Supreme Court Review for Local Governments 2020-21

By Lisa Soronen

State & Local Legal Center



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

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

Fourth Amendment

In a 5-3 decision in *Torres v. Madrid** the U.S. Supreme Court held that a person may be “seized” by a police officer per the Fourth Amendment even if the person gets away. In this case, police officers intended to execute a warrant in an apartment complex. Though they didn’t think she was the target of the warrant, they approached Roxanne Torres in the parking lot. Torres got in a car. According to Torres, she was experiencing methamphetamine withdrawal and didn’t notice the officers until one tried to open her car door. Though the officers wore tactical vests with police identification, Torres claimed she only saw the officers had guns. She thought she was being carjacked and drove away. She claimed the officers weren’t in the path of the vehicle, but they fired 13 shots, hitting her twice. Torres drove to a nearby parking lot, asked a bystander to report the attempted carjacking, stole another car, and drove 75 miles to a hospital. Torres sued the police officers claiming their use of force was excessive in violation of the Fourth Amendment’s prohibition against “unreasonable searches and seizures.” The officers argued, and the lower court agreed, that Torres couldn’t bring an excessive force claim because she was never “seized” per the Fourth Amendment since she got away. The rule the Supreme Court adopted in this case, as articulated by Chief Justice Roberts, is the “application of physical force to the body of a person with intent to restrain is a seizure, even if the force does not succeed in subduing the person.” Citing to an English case from 1828, the Court “independently” concluded that “the common law rule identified in [*California v. Hodari D. (1991)*] that the application of force gives rise to an arrest, even if the officer does not secure control over the arrestee – achieved recognition to such an extent that

English lawyers could confidently (and accurately) proclaim that “[a]ll the authorities, from the earliest time to the present, establish that a corporal touch is sufficient to constitute an arrest, even though the defendant do not submit.”

In a four-page opinion the U.S. Supreme Court held unanimously in *Caniglia v. Strom** that police community caretaking duties don’t justify warrantless searches and seizures in the home. During an argument with his wife, Edward Caniglia put a handgun on their dining room table and asked his wife to “shoot [him] now and get it over with.” After spending the night at a hotel Caniglia’s wife couldn’t reach him by phone and asked police to do a welfare check. Caniglia agreed to go to the hospital for a psychiatric evaluation after officers allegedly promised not to confiscate his firearms. The officers went into his home and seized his guns regardless. Caniglia sued the officers for money damages claiming that he and his guns were unconstitutionally seized without a warrant in violation of the Fourth Amendment. In *Cady v. Dombrowski* (1973), the Court held that a warrantless search of an impounded vehicle for an unsecured firearm didn’t violate the Fourth Amendment. According to the Court in that case “police officers who patrol the ‘public highways’ are often called to discharge noncriminal ‘community caretaking functions,’ such as responding to disabled vehicles or investigating accidents.” The First Circuit ruled in favor of the police officers in *Caniglia* extending *Cady*’s “community caretaking exception” to the warrant requirement beyond the automobile and to the home. Justice Thomas, writing for the Court, rejected the First Circuit’s extension of *Cady*. Justice Thomas noted the *Cady* opinion repeatedly stressed the “constitutional difference” between an impounded vehicle and a home. “In fact, *Cady* expressly contrasted its treatment of a vehicle already under police control with a search of a car ‘parked adjacent to the dwelling place of the owner.’”

In *Lange v. California*, the U.S. Supreme Court held that pursuit of a fleeing misdemeanor suspect does not always justify entry into a home without a warrant. Rather, “[a]n officer must consider all the circumstances in a pursuit case to determine whether there is a law enforcement emergency.” All nine justices agreed with the result. Arthur Lange drove by a California highway patrol officer while playing loud music and honking his horn. The officer followed

Lange and put on his overhead lights, signaling Lange to pull over. Lange kept driving to his home which was about 100 feet away. The officer followed Lange into the garage and conducted field sobriety tests after observing signs of intoxication. A later blood test showed Lange's blood-alcohol content was three times the legal limit. Lange argued that the warrantless entry into his garage violated the Fourth Amendment. California argued that pursuing someone suspected of a misdemeanor, in this case failing to comply with a police signal, always qualifies as an exigent circumstance authorizing a warrantless home entry. The California Court of Appeals agreed. The Supreme Court, in an opinion written by Justice Kagan, rejected a categorical approach. Instead, in instances of a misdemeanants' flight, "[w]hen the totality of circumstances shows an emergency – such as imminent harm to others, a threat to the officer himself, destruction of evidence, or escape from the home – the police may act without waiting." The Court noted that "when it comes to the Fourth Amendment, the home is first among equals." In *United States v. Santana* (1976), the Court upheld a warrantless entry into a home of a fleeing felon but said nothing about fleeing misdemeanants. And misdemeanors vary widely and may be minor. In *Welsh v. Wisconsin* (1984), the "Court has held that when a minor offense alone is involved, police officers do not usually face the kind of emergency that can justify a warrantless home entry." Likewise, "[t]hose suspected of minor offenses may flee for innocuous reasons and in non-threatening ways." Finally, the Court pointed out that "[t]he common law did not recognize a categorical rule enabling such an entry in every case of misdemeanor pursuit."

In a *per curiam* (unauthored) opinion in *Lombardo v. City of St. Louis, Missouri* the U.S. Supreme Court ordered the Eighth Circuit to decide again whether police officers used excessive force when restraining Nicholas Gilbert on his stomach for 15 minutes and if so whether the officers should receive qualified immunity. Gilbert was arrested for trespassing in a condemned building and failing to appear in court for a traffic ticket. Officers tried to handcuff Gilbert after it appeared he was trying to hang himself in his cell. Gilbert was only 5'3" and 160 pounds but he struggled with multiple officers. Ultimately, they were able to handcuff Gilbert and put him in leg irons. They moved him face down on the floor and held his limbs down at the shoulders, biceps, and legs. At least one officer placed pressure on Gilbert's back and torso. Gilbert tried to raise his chest, saying, "It hurts. Stop." After 15 minutes of struggling in this position, Gilbert's breathing became abnormal and he stopped moving. The officers rolled Gilbert over and checked for a pulse. Finding none, they performed chest compressions and rescue breathing. Gilbert was pronounced dead at the hospital. Gilbert's parents sued the officers claiming they violated the Fourth Amendment by using excessive force. A federal district court ruled the officers were entitled to qualified immunity because they did not violate a constitutional right that was clearly established at the time. The Eighth Circuit ruled in favor of the officers, holding they did not apply unconstitutionally excessive force. According to the Supreme Court the Eighth Circuit cited the correct factors in determining whether the use of force was reasonable. However, it was "unclear whether the court thought the use of a prone restraint – no matter the kind, intensity, duration, or surrounding circumstances – is per se constitutional so long as an individual appears to resist officers' efforts to subdue him." The Eighth Circuit also described as "insignificant" the fact that Gilbert was handcuffed and leg shackled when officers kept him in the prone position for 15 minutes. According to the Supreme Court these details matter because "St. Louis instructs its officers that pressing down on the back of a prone subject can cause suffocation," "well-known police guidance recommend[s] that officers get a subject off his stomach as soon as he is handcuffed because of that risk," and that "guidance further indicates that the struggles of a

prone suspect may be due to oxygen deficiency, rather than a desire to disobey officers' commands." According to the Court: "Having either failed to analyze such evidence or characterized it as insignificant, the court's opinion could be read to treat Gilbert's 'ongoing resistance' as controlling as a matter of law. Such a per se rule would contravene the careful, context-specific analysis required by this Court's excessive force precedent."

First Amendment

The U.S. Supreme Court held unanimously in *Fulton v. Philadelphia** that the City of Philadelphia violated the First Amendment when it refused to contract with Catholic Social Service (CSS) to certify foster care families because CSS refuses to work with same-sex couples. When the city discovered that CSS wouldn't certify same-sex couples to become foster parents because of its religious beliefs the city refused to continue contracting with CSS. The city noted CSS violated the non-discrimination clause in its foster care contract. CSS sued the city claiming its refusal to work with CSS violated the Free Exercise and Free Speech Clauses of the First Amendment. Chief Justice Roberts, writing for the Court, concluded that the city violated CSS's free exercise of religion rights. He noted that in *Employment Division, Department of Human Resources of Oregon v. Smith* (1990), the Court held that "laws incidentally burdening religion are ordinarily not subject to strict scrutiny under the Free Exercise Clause so long as they are neutral and generally applicable." But, the Court held, *Smith* didn't apply in this case because the city's non-discrimination clause allowed for exceptions, meaning it wasn't generally applicable. Because *Smith* didn't apply, the city's refusal to contract with CSS had to be evaluated under strict scrutiny. The city cited three interests in ensuring non-discrimination when certifying foster families: maximizing the number of foster parents, protecting the city from liability, and ensuring equal treatment of prospective foster parents and foster children. According to the Court: "Maximizing the number of foster families and minimizing liability are important goals, but the City fails to show that granting CSS an exception will put those goals at risk. If anything, including CSS in the program seems likely to increase, not reduce, the number of available foster parents. As for liability, the City offers only speculation that it might be sued over CSS's certification practices." As for equal treatment of prospective foster parents and foster children, Chief Justice Roberts wrote: "We do not doubt that this interest is a weighty one, for '[o]ur society has come to the recognition that gay persons and gay couples cannot be treated as social outcasts or as inferior in dignity and worth.' On the facts of this case, however, this interest cannot justify denying CSS an exception for its religious exercise. The creation of a system of exceptions under the contract undermines the City's contention that its nondiscrimination policies can brook no departures. The City offers no compelling reason why it has a particular interest in denying an exception to CSS while making them available to others."

Fifth Amendment Takings

In *Cedar Point Nursery v. Hassid** the Supreme Court held 6-3 that a California regulation allowing union organizers access to agriculture employers' property to solicit support for unionization up to three hours a day, 120 days a year is a per se physical taking under the Fifth and Fourteenth Amendments. The Fifth Amendment Taking Clause, applicable to the states through the Fourteenth Amendment, states: "[N]or shall private property be taken for public use, without just compensation." In this case agriculture employers argued California's union access regulation "effected an unconstitutional per se physical taking . . . by appropriating without compensation an easement

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for union organizers to enter their property.” The Supreme Court agreed. According to Chief Justice Roberts, writing for the majority, “[w]hen the government physically acquires private property for a public use, the Takings Clause imposes a clear and categorical obligation to provide the owner with just compensation.” But when the government “instead imposes regulations that restrict an owner’s ability to use his own property” the restrictions don’t require “just compensation” unless they go “too far.” The Court held the access regulation “appropriates a right to invade the growers’ property” and therefore constitutes a per se physical taking rather than a regulatory taking. “Rather than restraining the growers’ use of their own property, the regulation appropriates for the enjoyment of third parties the owners’ right to exclude.” The Court noted that “[t]he right to exclude is ‘one of the most treasured’ rights of property ownership.” “Given the central importance to property ownership of the right to exclude, it comes as little surprise that the Court has long treated government-authorized physical invasions as takings requiring just compensation.”

The U.S. Supreme Court filed a unanimous per curiam (unauthored) opinion overturning the Ninth Circuit decision in *Pakdel v. City of San Francisco*. The lower court concluded the City of San Francisco didn’t make a “final” decision regarding plaintiffs’ takings case because plaintiffs failed to comply with the city’s administrative procedures, meaning plaintiffs couldn’t yet bring their takings case in federal court. According to the Supreme Court, this ruling contradicted its recent decision in *Knick v. Township of Scott* (2019). San Francisco agreed to allow plaintiffs to convert their tenancy-in-common to condominiums as long as they offered their renters a lifetime lease. A few months after agreeing to do so, plaintiffs asked the city to either excuse them from the lifetime lease or compensate them, and the city refused. They sued the city in federal court claiming the lifetime-lease requirement was an unconstitutional regulatory taking. In *Knick* the Supreme Court overturned *Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City* (1985) and held that exhausting administrative remedies is not a prerequisite to bringing a takings case in federal court. The Ninth Circuit noted that *Knick* didn’t disturb *Williamson County*’s alternative holding that plaintiffs may challenge only “final” government decisions in federal court. According to the Ninth Circuit, although the city had twice denied plaintiffs’ requests for an exemption, its decision “was not truly ‘final’ because [plaintiffs] had made a belated request for an exemption at the end of the administrative process instead of timely seeking one ‘through the prescribed procedures.’” “In other words, a conclusive decision is not really ‘final’ if the plaintiff did not give the agency the opportunity to exercise its ‘flexibility or discretion’ in reaching the decision.” The Supreme Court concluded the Ninth Circuit’s “view of finality is incorrect. The finality requirement is relatively modest.” Plaintiffs must merely show “there [is] no question . . . about how the ‘regulations at issue apply to the particular land in question.’” In this case the city was clear. Plaintiffs had to “execute the lifetime lease” or face an “enforcement action.”

Procedural

In *Uzuegbunam v. Preczewski** the Supreme Court held 8-1 that to have a “redressable injury” required to bring a lawsuit, a plaintiff need only ask for nominal damages (\$1). Chike Uzuegbunam was threatened with disciplinary action for speaking about his religion in the “free speech expression areas” at Georgia Gwinnett College, a public college where he was enrolled. He and Joseph Bradford, another student, who decided not to speak about his religion because of what happened to Uzuegbunam, sued the college claiming its campus speech policies violated the First Amendment. They asked for nominal damages and an injunction requiring the college to change

its speech policies. The college got rid of the challenged policies and argued the case was now moot. To establish standing, among other requirements, a plaintiff must ask for a remedy that is redressable, meaning likely to address his or her past injuries. In an opinion written by Justice Thomas the Court held that Uzuegbunam’s claim for nominal damages is intended to redress a past injury. According to the Court the prevailing rule, “well established” at common law, was “that a party whose rights are invaded can always recover nominal damages without furnishing any evidence of actual damage.” The Court stated a request for nominal damages doesn’t “guarantee[] entry to court” as it only addressed whether nominal damages satisfy the redressability element of standing. The Court also didn’t decide whether Bradford could pursue a nominal damages claim, noting nominal damages “are unavailable where a plaintiff has failed to establish a past, completed injury.”

In *B.P. v. Mayor and City Council of Baltimore** the U.S. Supreme Court ruled 7-1 that a federal court of appeals may review any grounds the district court considered for removing a case to federal court if one of the grounds was federal officer or civil rights removal. The mayor and City of Baltimore sued various energy companies in Maryland state court “for promoting fossil fuels while allegedly concealing their environmental impacts.” Defendants may “remove” a case brought in state court to federal court if the federal court has jurisdiction over it. In federal district court, BP argued for federal court jurisdiction on numerous grounds, including the federal officer removal statute. As Justice Gorsuch explains, this statute “promises a federal forum for any action against” a private defendant acting at the “federal government’s behest.” The federal district court rejected all the grounds BP alleged supported removing the case to federal court. It remanded the case back to Maryland state court, and B.P. appealed. Federal appellate courts generally lack the power to review a district court order remanding a case to state court. However, 28 U.S.C. §1447(d) includes two exceptions: “an order remanding a case to the State court from which it was removed pursuant to [the federal officer removal statute or the civil-rights removal statute] shall be reviewable by appeal.” The Fourth Circuit only reviewed the part of the district court’s order discussing federal officer removal. The Supreme Court concluded that if a defendant relies on the federal officer removal statute (or the civil rights removal statute) when trying to remove a case to federal court, the appellate court “may review the merits of all theories for removal that a district court has rejected.” The Court looked to the statute’s use of the term “order.” An “order” is a “written direction or command delivered by . . . a court or judge.” The district court order in this case “rejected all of the defendants’ grounds for removal,” so “the statute allows courts of appeals to examine the whole of a district court’s ‘order,’ not just some of its parts or pieces.”

In an unauthored opinion in *Trump v. New York*, the U.S. Supreme Court refused to decide whether President Trump could lawfully and constitutionally direct the Secretary of Commerce to provide information to him about the number of undocumented persons so he could exclude them from the census apportionment base. Federal law requires the Secretary of Commerce to “take a decennial census of population” and report to the President “[t]he tabulation of total population by States.” The President then transmits to Congress a “statement showing the whole number of persons in each State.” President Trump wanted to exclude undocumented persons from this census number which is used to apportion U.S. House of Representatives seats to the states. He asked the Secretary of Commerce to provide him the information he needed to do so. States and local governments and others sued the President claiming he violated federal statutes governing the census and the U.S. Constitution. The Court refused to decide this case describing it as “riddled with contingencies

and speculation that impede judicial review.” The Court noted that while the President “has made clear his desire to exclude aliens without lawful status from the apportionment base,” he has qualified the directive to gather the necessary information with language including “to the extent practicable” and “to the extent feasible.” According to the Court, “the record is silent on which (and how many) aliens have administrative records that would allow the Secretary to avoid impermissible estimation, and whether the Census Bureau can even match the records in its possession to census data in a timely manner.” Subsequent to this decision President Biden issued an executive order reversing President Trump’s policy of excluding undocumented persons from the census apportionment base.

In *City of San Antonio, Texas v. Hotels.com** the U.S. Supreme Court held unanimously that federal district courts may not alter a court of appeals’ allocation of appellate costs. The City of San Antonio won in federal district court a class action lawsuit against online travel companies (OTCs) after they collected hotel occupancy taxes on the wholesale rate rather than the retail rate consumers paid. The OTCs were ordered to pay \$55 million. To avoid paying the judgment while they appealed, the OTCs purchased a bond. On appeal, the Fifth Circuit ruled against San Antonio. Federal Rule of Appellate Procedure 39(a) states that unless the “court orders otherwise” the party losing on appeal pays appellate costs, including bond premium costs. When describing its judgment against San Antonio, the Fifth Circuit didn’t “depart[] from the default allocation” of costs. Before the district court, San Antonio argued the court had discretion to not require San Antonio to pay some or all of the appellate costs. The district court and the Fifth Circuit disagreed. Before the Supreme Court, San Antonio argued the appellate court may say “who can receive costs (party A, party B, or neither)” but lacks “authority to divide up costs,” instead the district court has this discretion. The OTCs argued that the appellate court has the discretion to divide up appellate costs “as it deems appropriate and that a district court cannot alter that allocation.” The Supreme Court, in an opinion written by Justice Alito, agreed with the OTCs, focusing on the “orde[r] otherwise” language in the federal rules. According to the Court: “This broad language does not limit the ways in which the court of appeals can depart from the default rules, and it certainly does not suggest that the court of appeals may not divide up costs.” Understanding that courts of appeals may allocate appellate costs, “it is easy to see why district courts cannot exercise a second layer of discretion. Suppose that a court of appeals, in a case in which the district court’s judgment is affirmed, awards the prevailing appellee 70% of its costs. If the district court, in an exercise of its own discretion, later reduced those costs by half, the appellee would receive only 35% of its costs – in direct violation of the court of appeals’ directions.”

In *Carney v. Adams** the Supreme Court held unanimously that James Adams lacked standing to challenge a Delaware constitutional provision requiring that appointments to Delaware’s major courts reflect a partisan balance. Delaware’s Constitution states that no more than a bare majority of members of any of its five major courts may belong to any one political party. It also requires, with respect to three of those courts, that the remaining members belong to “the other major political party.” So, as a practical matter, to be on three of Delaware’s courts a person must belong to one of the two major political parties. James Adams, a Delaware lawyer and political independent, sued Governor Carney claiming Delaware’s major party requirement is unconstitutional. The Court, in an opinion written by Justice Breyer, concluded Adams lacks standing to bring this lawsuit. To have standing a litigant must “prove that he has suffered a concrete and particularized injury that is fairly traceable to the challenged conduct, and is likely to be redressed by a favorable judicial decision.”

For Adams to prove he was harmed he had to “at least show that he is likely to apply to become a judge in the reasonably foreseeable future if Delaware did not bar him because of political affiliation.” According to Justice Breyer, “the record evidence fails to show that, at the time he commenced the lawsuit, Adams was ‘able and ready’ to apply for a judgeship in the reasonably foreseeable future.”

Miscellaneous

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

In *PennEast Pipeline v. New Jersey** the U.S. Supreme Court held 5-4 that the federal government may constitutionally grant pipeline companies the authority to condemn necessary rights-of-way in which a state has an interest. Pipeline companies likewise may sue states to obtain the rights-of-way. Per the Natural Gas Act (NGA) natural gas companies, upon a showing of “public convenience and necessity,” may receive a certificate from the Federal Energy Regulatory Commission allowing them to use federal eminent domain power to obtain land to locate a pipeline. After receiving such a certificate, PennEast filed a complaint to condemn land in which New Jersey has an interest. New Jersey claimed sovereign immunity prevented PennEast from being able to sue the state in federal court. In an opinion written by Chief Justice Roberts the Supreme Court held that the NGA follows precedent allowing private parties to exercise federal eminent domain over state land and that sovereign immunity doesn’t bar the lawsuit in this case. Regarding the NGA following precedent the Court cited to Oklahoma ex rel. *Phillips v. Guy F. Atkinson Co.* (1941), holding that federal eminent domain applies to state land. Likewise, in *Cherokee Na-*

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tion v. Southern Kansas Railroad Co. (1890), the Court stated that a private party could exercise federal eminent domain over state land. Eleventh Amendment sovereign immunity prohibits states from being sued with some exceptions. According to the Court, “a State may be sued if it has agreed to suit in the ‘plan of the Convention,’ which is shorthand for ‘the structure of the original Constitution itself.’” The Court opined that the cases discussed above show the states “consented in the plan of the Convention to the exercise of federal eminent domain power, including in condemnation proceedings brought by private delegates.”

In *United States v. Cooley* the U.S. Supreme Court held unanimously that an Indian tribe police officer may temporarily detain and search a non-Indian on a public right-of-way that runs through an Indian reservation, based on a suspected violation of state or federal law. A tribal officer approached a vehicle stopped on a public right-of-way within the Crow Reservation to offer assistance. The officer ordered Joshua James Cooley, who appeared to be a non-Indian, out of the car and conducted a pat down search after he noticed two semiautomatic rifles lying on the front seat. While waiting for backup to arrive, the officer saw in the vehicle a glass pipe and plastic bag that contained methamphetamine. A federal grand jury indicted Cooley on gun and drug violations. The Ninth Circuit suppressed the drug evidence holding the tribal officer had no authority to investigate “nonapparent” violations of state or federal law by a non-Indian on a public right-of-way crossing the reservation. The tribal officer in this case didn’t ask Cooley whether he was non-Indian. The Supreme Court reversed the Ninth Circuit and held that tribal police officers may detain and search non-Indians traveling on public rights-of-way running through a reservation. Justice Breyer wrote the majority opinion. He noted that in *Montana v. United States* (1981), the Court articulated the “general proposition that the inherent sovereign powers of an Indian tribe do not extend to the activities of nonmembers of the tribe.” But that general rule has two exceptions including “when that conduct threatens or has some direct effect on the political integrity, the economic

security, or the health or welfare of the tribe.” According to the Court, this exception “fits the present case, almost like a glove.” “To deny a tribal police officer authority to search and detain for a reasonable time any person he or she believes may commit or has committed a crime would make it difficult for tribes to protect themselves against ongoing threats.”

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



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.*



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VLGMA News

Reynal, Schardein named Outstanding Assistants for 2020-2021

Town of Ashland Deputy Town Manager Matthew “Matt” Reynal and Powhatan Assistant County Administrator Bret Schardein are the 2020-2021 recipients of the Marcia Mashaw Outstanding Assistant Award. This award is bestowed by the Virginia Local Government Management Association (VLGMA), which created the award in 1989 in honor and memory of Marcia Mashaw, a Blacksburg assistant town manager and member of the VLGMA board who passed away unexpectedly in 1986.

Reynal and Schardein were chosen from several nominees by the Mashaw Award Committee, chaired by Derek Stamey, director of the Hanover County Department of Parks and Recreation. Serving with Stamey were Richard Claywood, Roanoke County Assistant County Administrator, and Jeff Stoke, Deputy County Administrator for Prince George County.

Reynal and Schardein were honored during the VLGMA annual conference in June.

Town of Ashland. Matt Reynal has served with Ashland for six years, starting as operations manager in the town’s public works department and promoted to the role of assistant town manager in 2018. Reynal’s accomplishments include implementing a career development program for the public works department and improving its budget submittal processes. He also served as lead for staff coordination of a Town Hall study, which ultimately led to a new Town Hall building and demolition of the old building.

As assistant town manager, Reynal became an integral part of the town’s safety committee and took a lead role in parks and recreation, overhauling operations at the town pool and building a more efficient work force. During the pandemic in 2020, his projects included developing the plans and processes to enable town staff to keep working and providing help and care for residents during widespread shutdowns. This included efforts to reopen the town pool in a limited capacity, giving residents access to outdoor recreation and relaxation.

Reynal was nominated for the award by Ashland Town Manager Josh Farrar.

Powhatan County. In early January 2020, Bret Schardein found himself in the interim county administrator role after a newly elected Board of Supervisors forced the resignation of the county administrator. Schardein served in the interim through August 2020, leading the county staff through some of the most challenging months of the pandemic.

Schardein led the staff response to COVID, working with County leadership to enact COVID protocols and establish remote work arrangements for staff and remote access to services for residents. He oversaw the transition of employees whose regular duties were suspended during the shutdown to other roles in the organization, thereby avoiding furloughs or layoffs. He focused on consistent communication with the board and county staff to keep everyone informed of developments and dispel any misinformation and allow questions to be asked and answered.

With a new board eager to make progress on other initiatives, he led staff in continuing work on the strategic plan, updating the comprehensive plan, pursuing broadband expansion, and updating financial policies. Finally, Schardein assisted the county human resources with the process of recruiting a new administrator, who came aboard in August 2020. At that time Schardein stepped back into

his role as assistant county administrator, using his newfound “extra time” to enroll in the National Association of Counties’ Professional Development Academy, earning a High Performance Master Certificate, and hosting a VLGMA “Deputies, Assistants, and Others” virtual meeting on economic development impacts and opportunities following COVID.

Schardein was nominated by Powhatan Economic Development Manager Roxanne Salerno.

Meadows to lead VLGMA for 2021-22

Montgomery County Administrator Craig Meadows is the new president of the Virginia Local Government Management Association (VLGMA) for 2021-2022. He was elected to this office at the VLGMA annual conference in June and took office as president on July 1.

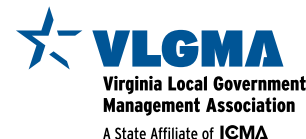
Serving as officers for the Association this year are:

- President-Elect – Timothy Fitzgerald, Augusta County Administrator
- First Vice President – Patrick Pate, Manassas City Manager
- Second Vice President – Steve Rosenberg, Staunton City Manager
- Third Vice President – Deborah Kendall, Gordonsville Town Manager
- Secretary – Sara Carter, Amherst Town Manager

Falls Church Deputy City Manager Cindy Mester is the Immediate Past President of the Association.

Serving on the Association’s Executive Committee are:

- India Adams-Jacobs, Colonial Beach Town Manager
- Danny Davis, Middleburg Town Manager
- Matt Hankins, Wythe County Assistant County Administrator
- Robert Hiss, Bedford County Administrator
- William Johnson, Emporia City Manager
- Rosylen Oglesby, Manager in Transition
- Mercury Payton, Vienna Town Manager
- Keith Rogers, Dumfries Town Manager
- Brandie Schaeffer, Warrenton Town Manager
- Jeff Stoke, Prince George County Deputy County Administrator
- Stephanie Straub, Orange County Assistant to the County Administrator
- Brian Thrower, Crewe Town Manager



About VLGMA

The Virginia Local Government Management Association is a statewide professional association of local government managers and administrators and staff. It is a state affiliate of the International City and County Management Association (ICMA). It is an affiliate association of VML.

About the author: Janet Areson VML’s Director of Policy Development.

TOWN OF CHILHOWIE

By Town of Chilhowie Staff

Town memorializes two of its best with farmers market and park

IN 2018 THE community of Chilhowie was shocked when Will Walker, a popular teacher, coach, and farmer was lost in a farm accident at the age of 30. Walker had played football and other sports while attending school in Chilhowie and, after studying animal science at Virginia Tech had returned to teach agriculture at his alma mater Norwood High School and live and work on his grandfather's farm.

In 2019 the community was again grief stricken when Lucas Dowell, a popular student athlete and police officer, was lost in the line of duty with the Virginia State Police at the age of 28. After graduating Chilhowie High School, Dowell had earned a bachelor's degree from Radford University and was a four-year veteran of the Virginia State Police assigned to the Appomattox Division serving City of Lynchburg, and Amherst and Campbell Counties.

Both young men were outstanding members of the community who were lost too soon.

On May 18 of this year, the Town of Chilhowie dedicated a farmers market and encompassing park to the memory of Will Walker and Lucas Dowell.

The beautiful 16 stall brick, wood and tin roofed farmers market received approximately \$300,000 in funding from the United States Department of Agriculture / Rural Development, in the largest business development grant of its kind ever awarded in the Commonwealth. The Town of Chilhowie matched that funding with approximately

\$100,000 in in-kind services and accompanying construction funding.

In addition, the land was also donated by the town. Approximately 250 people attended the dedication event that had speakers including Mayor Gary Heninger, Town Manager John Clark, Market Manager Ron Cahill, Craig Barbrow of USDA, Angela Wolfe of Mt. Rogers Planning District Commission, Dennis Amos of Hurt and Proffitt, Inc., Sarah Gillespie of the Smyth County Chamber of Commerce, Senator Todd Pillion, Delegate Israel O'Quinn, and Jeff Robinson of Smyth County Schools.

Also attending were representatives of Senators Mark Warner and Tim Kaine. Special recognition was given to Smyth County Machinery for constructing and donating two beautiful, incredibly engineered metal likenesses of the men. A Virginia State Police Tactical Unit was also at the dedication.

The Will Walker Farmers Market is home to various vendors selling local produce and crafts that saw thousands of attendees in 2020 on Thursdays when it opened, even with social distancing, masking and other COVID restrictions. In 2021 the facility also began hosting a monthly community yards sell.

The Lucas Dowell Park is a multi-use area encompassing approximately five acres including the farmers market. It is a dedicated green space used by various organizations like the Chilhowie Community Apple Festival, the Chilhowie Branch of the Smyth County Library, the American Cancer Society, Project Graduation, and visitors.





VML returns to in person events with successful Mayors Institute and Newly Elected Officials Conference

THE LOCAL GOVERNMENT LEADERS who gathered in at the Omni Hotel in Charlottesville July 15-16 may have come from all over the Commonwealth, but they all agreed it was great to get together!

More than 60 mayors and council members from across Virginia met in Charlottesville to review updated FOIA and COIA guidelines, compare experiences in leading localities through a global pandemic, and simply catch up with colleagues. Speakers included Senator Creigh Deeds, Alan Gernhardt of the FOIA Council, G. Stewart Petoe of the Virginia Conflict of Interest and Ethics Advisory Council, Chief Hadezean Smith of the Charlottesville City Fire Department, Mayor Derrick Wood of the Town of Dumfries, and Mayor Bob Coiner and Town Manager Debbie Kendall of the Town of Gordonsville.

Thanks to everyone who attended!

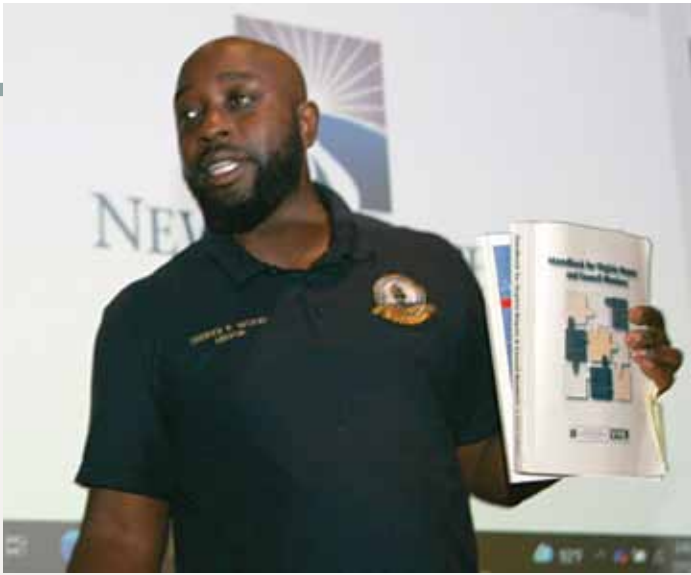


**Virginia
Mayors
Institute**



**NEWLY ELECTED
OFFICIALS
CONFERENCE**





'Towns of Loudoun' series no. 6

The small town with big charm



IN THE HEART of Loudoun County's wine country nestled in the foothills of the Blue Ridge mountains, at the intersection of history and progress, sits the small town of Purcellville. This award-winning town, named "Safest City in Virginia" in 2020, is located just an hour west of Washington, D.C., along Route 7. The town has maintained its historic old town feel through the preservation and rehabilitation of its many downtown structures that reflect popular architectural styles from the late 19th and early 20th centuries. Today, Purcellville is the economic hub of western Loudoun County and a popular weekend destination for antiques, equestrian activities, farmers markets, wineries, breweries, distilleries, and restaurants.

Many of Purcellville's businesses have been voted Best in Loudoun County and Best of Northern Virginia. For sports fans, the **Purcellville Cannons** baseball team playing at Fireman's Field and the historic **Bush Tabernacle Skating Rink** are popular attractions that should not be missed. The town's numerous community events like the **Purcellville Music and Arts Festival** and **Hail to the Trail Green Expo**, as well as summer movie nights, annual holiday parades, and a wine and food festival make Purcellville a fantastic family-oriented community.

Washington & Old Dominion Regional Trail & Train Station



Washington & Old Dominion Regional Trail & Train Station

All aboard to Purcellville for food, shopping, and fun!

One of the most popular destinations in Purcellville is the end of the 44.6-mile Washington & Old Dominion Railroad Regional Park that follows the route of the train line that by 1874 linked Alexandria to

Purcellville as its western terminus. Although the Washington and Old Dominion (W&OD) train line was abandoned in 1968, it was repurposed as a recreational trail that is sometimes referred to as "skinny park". Today, it is beloved by many Northern Virginia trail users for its charm and natural beauty. Whether you run, walk, bike, scoot, or roller blade the W&OD Railroad Regional Park, your outing will take you on a journey through Virginia's rich history. The grand finale at the end of the trail is the historic W&OD Purcellville Train Station from 1904 that is listed in the *National Register of Historic Places*.



Piper Dan's Celtic Shoppe



It's Bazaar on 21st Street

As you come away from the old station along 21st Street, you will discover a wonderful array of locally owned boutique Purcellville businesses within a short walking distance such as **La Petite Loulou Creperie**, **Monks BBQ**, **the Tipped Cow Creamery** (ice cream), **Market Burger**, and **It's Bazaar on 21st Street** where you will find antiques, home decor, music, pottery, jewelry, and gifts. Right around the corner, on Main Street (Business Route 7), **Piper's Dan's Celtic Shoppe** which specializes in Gaelic heritage merchandise and gifts and **Purcellville Family Restaurant**, a local foodie favorite

Experience Purcellville's history (and some fantastic food)

Visitors arriving in Purcellville from the east along Main Street (Business Route 7), first encounter **Crooked Run Orchard**. This functioning farm has been in the Brown family for over 250 years!



Magnolia's at the Mill Restaurant

Today, Crooked Run Orchard is a pick-your-own fruit farm featuring sour cherries, gooseberries, blackberries, peaches, pears, sunflowers, apples, and more. It's also a great place to purchase fresh eggs, honey, jams, and jellies. During the holidays, the farm is a popular place to pick up a Christmas tree.

Turning down 21st Street within the Purcellville Historic District, visitors come across one of the most iconic historic structures in town, the former Loudoun County Milling Company building constructed in 1905. Lovingly restored, based on the U.S. Secretary of the Interior's Standards and Guidelines, in 2004 the building became **Magnolia's at the Mill Restaurant**. The restaurant offers fine dining in an historic atmosphere with the old milling equipment and its original wood posts and beams integrated within the dining and bar area to create a truly unique dining experience.

After dining at Magnolia's at the Mill, those with a sweet tooth merely need to cross the street to experience the superb baked products of the **Sweet Rose Bakeshop** which offers a variety of delicious cakes, pastries, cookies, and pies. Here again, history is never far away as the bakeshop is housed in the former Contee Adams Seed Company mill which played a heroic role during World War II by providing a significant portion of the orchard grass seed needed to pack military ammunition and armaments.

Need a pick me up? Then your final stop should be **Dominion Tea** also located along 21st Street. It offers an amazing array of the best teas from around the world in a relaxing setting with a warm and welcoming staff. For coffee lovers, **Happy Creek Coffee** and Tea is a must. Located along Main Street, it brews some of the best coffee in Town!

Purcellville's timeless hardware store

Purcellville's small-town atmosphere shines through at **Nichols Hardware Store**. This family-owned store first opened its doors in 1914 and has been operated by the Nichols Family ever since. It is a



Nichols Hardware Store



The Hardware Café

place where sliding ladders and walls of wooden drawers abound with hard-to-find building materials at your fingertips. Its friendly concierge service reflects the traditional small-town environment that makes it one of the most popular businesses in Purcellville. While you are at Nichols, don't forget to visit the adjoining **Hardware Café** to enjoy the excellent assortment of sandwiches and drinks for lunch. Nichols is more than just a hardware store, it's part of Purcellville's heritage.

Passion by the glass: distilled, vinted and brewed

Before you walk into **Catoctin Creek Distillery**, take a moment to admire the 1921 historic building which was originally constructed for a motor car company. Inside you will find a great place to sample whiskey, gin, and brandy. For those that favor the fruit of the vine, **Otium Cellars** is located just outside of downtown Purcellville. It features a delicious Chardonnay, different German wines, and a panoramic view of the Blue Ridge Mountains. Keep in mind the adage, "The way to a person's heart is through their stomach" when you visit **Belly Love Brewing**. Their craft beers are meant to stimulate your body and heart with love. **The Adroit Theory Brewing Company** is also not to be missed with its fantastic assortment of tasty beers. Finally, the **Purcellville Pub** offers a wide assortment of delicious beer, wine, specialty cocktails, and pub grub on their menu. Most people who visit the pub come back again (and again) to this home-grown favorite on Main Street.



Catoctin Creek Distillery

Many dishes from many cultures

Many visitors from around the world have chosen to stay and contribute to Purcellville's diversity and ethnic cuisine. **El Rancho Plus** serves both savory Mexican dishes and American barbecue cuisine in an artistic ambiance with its unique and colorful décor. While you are here in October, help celebrate its 30th anniversary as a popular local business! **Patama Thai Kitchen** features sweet, savory, and spicy dishes prepared fresh with aromas of yellow grass, chili, garlic, basil, and more. The **Finn Thai Restaurant** also offers an outstanding selection of delicious Thai entrees that are sure to satisfy! Enjoy Greek and Mediterranean delicacies at **My Deli & Café Greek Bistro** housed in the 1940s era Old Theatre Centre. Next door is the award-winning German butcher shop, **Lothar's Butchery & Gourmet Sausages** featuring a plethora of traditional meats from across Germany with local selections and accompaniments like jumbo pretzels. Long standing town favorite **Pen's Oriental Kitchen** serves up Northern Chinese fare, including longtime popular family favorites, new specials to try for the first time, and other Pan-Asian delicacies.

Purcellville

Unique boutiques

Visit the past by entering the historic building housing **Nostalgia Boutique** along Main Street. Located directly across the street from



Nostalgia Boutique

the Virginia Civil War Trails historical marker commemorating the 1864 **Purcellville Wagon Raid Skirmish**, this vintage clothing, accessories, and antique shop clearly lives up to its name. Owner Silas Redd carefully selects and curates a vast inventory of items from the 1920s through the 1980s when clothes were both

stylish and well-made, and furniture was solid and well-constructed. With over 3,000 square feet of space, visitors can easily find one-of-a-kind pieces that are handmade or manufactured with care and quality. Composed of high design and tasteful displays, each room is like a window into yesteryear. There is a feeling of nostalgia on every shelf of this unique boutique.

Just down Main Street you will also find another popular Purcellville shopping designation, **Vintage Magnolia** where over 35 vendors offer a wide variety of quality antiques, collectibles, home decor, reclaimed furniture and gifts. It's a great place to find that special present or to help decorate your home.

Alternative shopping in Purcellville

Are you looking for a little shopping adventure during your trip to Loudoun County? Try Purcellville for antiques, vintage, or like new merchandise. **Blue Ridge Hospice** is a large retail store outfitted and operated more as a department store than a thrift store. In addition to thoughtfully displayed wares, Blue Ridge Hospice features a silent auction that is always in process they use to sell more valuable items. Best of all, the inventory is continually updated.

During your adventurous shopping excursion, be sure to travel to the center of town, turn right on 21st Street, and check-out **The Clothing Closet**.

The store is operated by a ministry of Tree of Life which assists the needy. In collaboration with local fashion retailers, The Clothing Closet sells new clothing and accessories for women. They also offer very gently used clothing and accessories for men, women, and children of all ages.

While you're on 21st Street you will also want to pop into **Re-Love It**, a consignment store specializing in home furnishings, accessories, and clothing. This business serves the community by accepting merchandise on consignment and dividing the profits from each sale between the consignor and store. It's a win-win-win for the store, the seller, and the buyer!

Nearby **Marsfield Antique & Estate Jewelry** also offers consigned jewelry as well as its own inventory of find pieces. If you have a special item of jewelry you wish to purchase (or part with), this is the place to visit.

Purcellville is truly the place to go for an alternative shopping experience!



The Clothing Closet

Cultural history and a liberal arts education

No consideration of all Purcellville has to offer would be complete without mentioning the **Loudoun County Emancipation Association Grounds** which commemorates one of the earliest African-American organizations in the area. The grounds where the marker now stands, served as an African-American religious, social, civic and recreational center. More than 1,000 people attended the annual Emancipation Day activities held on these grounds until 1967.



Loudoun County Emancipation Association Grounds



Patrick Henry College

Another source of local pride is **Patrick Henry College (PHC)**. Founded in 2000, this Christian liberal arts college in Purcellville enrolls approximately 344 students. A partner of the Homeschool Legal Defense Association, PHC attracts numerous homeschooled students from across the United States. While relatively young and still quite small, PHC has managed to accrue several achievements such as earning 12 of the last 15 National Moot Court Championship Titles, being the No. 1 feeder school for White House and Capitol Hill internships (per capita), placing multiple alumni in US Supreme Court clerkships; and achieving a 95 percent acceptance rate for graduates attempting to enter law school.

All this and more!

For visitors, friends and relatives, Purcellville is the to-go place in Loudoun County! Whether you spend an afternoon, a weekend, or settle in for longer we invite you to explore our small town and everything it has to offer. We hope to see you soon!

See you around
Purcellville!



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