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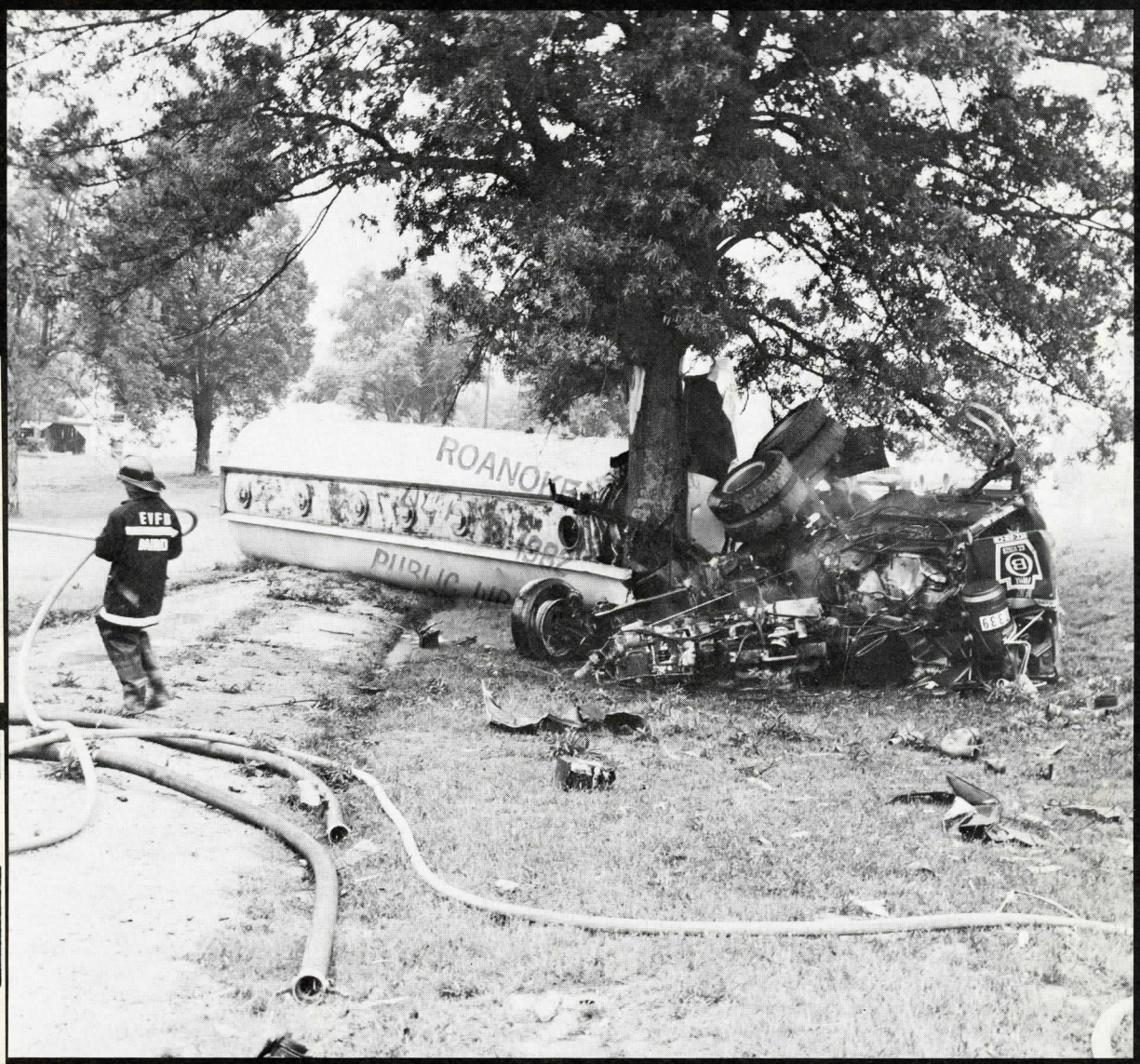

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On the Cover:

Hazardous materials accidents have been increasing in Virginia but has response kept up? The article on page six discusses the issue.

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4 People

5 Fire and Police Chiefs Held Annual Conferences

6 Are We Getting Better at Transporting Hazardous Materials?

"Chuck Ramsey assesses Virginia's efforts in responding to hazardous materials accidents."

9 Decisions, Decisions

"Lynchburg Council member Joan MacCallum gives some suggestions on handling decision making as a local elected official."

10 The Future of Virginia's Planning District Commissions

"In this month's Commentary, Barry Lawrence weighs the importance of PDCs."

11 Old Form, New Function

"Fredericksburg moves into the old post office—now city offices are under one roof . . ."

14 Marketplace

16 Building Officials Meet This Month

18 Legal Guidelines

"General Counsel Howard Dobbins discusses what happens when localities try to solve a legal question—sometimes it may lead to court."

People

Ewert, House

This month when the International City Management Association (ICMA) meets in Louisville, Kentucky for its Annual Conference, two Virginia city managers will be honored. **G. Robert House**, the late city manager of Portsmouth, won the 1982 L.P. Cookingham Award for his contributions to young people in local government careers while Roanoke City Manager **H. Bern Ewert** received the 1982 Outstanding Management Innovator Award. House died in a plane crash on May 28, 1982, along with four other Portsmouth city officials.

House was a subtle manager in style, yet a strong leader. His career as an outstanding professional, and an understanding and guiding mentor, set the tone for his relationship with aspiring young professionals. Many of the professionals who served House have since moved to occupy important management positions such as James City County Administrator James B. Oliver, Jr., and Hopewell City Manager Clinton Strong.

He began his career in 1952 as assistant city manager of Durham, North Carolina and since that time he went to the hold Virginia city manager positions in Emporia, Bedford, Chesapeake, Norfolk, and Suffolk. He was also the county administrator of Forsythe County in North Carolina.

Ewert was honored for his consistent, innovative projects in local government which have contributed to the improvement of professional management techniques over the years.

Under Ewert's leadership, one of the projects implemented was *Design 79*, a capital improvement project in which 3,000 people participated in the redesign of Roanoke's downtown. The revitalization plan generated $35 million in private investments, $10 million in federal grants and a $5 million local bond issue to facilitate the renewal effort.

Ewert began his career in public administration in 1971 as deputy city manager in Charlottesville and in 1976 was appointed town manager of Stratford, Connecticut. He has been city manager of Roanoke since 1978.

H. Bern Ewert

G. Robert House

Marcia Mashaw was appointed Blacksburg's assistant to the town manager. Mashaw previously worked as a research assistant for the Institute of Government at the University of Virginia and served as an administrative analyst for the City of Charlottesville.

Frederick T. Agostino was appointed director of the Department of Development for Norfolk. He had been director of marketing for the Virginia Peninsula on Economic Development Council. The Wytheville Council appointed **Patsy J. Cox** town clerk. She succeeds Lucille V. Milgrim.

Jerry W. Davis, treasurer of Manassas Park, has been appointed city manager there. As treasurer, Davis had recently earned the Certified Municipal Finance Administrator (CMFA) credential.

The Town of Luray appointed **Robert Vanlier** as town engineer and manager of the water and sewer plants. He holds a masters degree from the University of Alabama.

Coleman Brittle is the new town manager of Wakefield. He succeeds **Stephen S. Owen** who was appointed town manager of Berryville. **Barry Lawrence** is the new town manager of Purcellville.

Larry J. Brown, executive director for Ramsey County, Minnesota, was appointed county manager of Arlington. Previously, he served as the administrator of Wisconsin's Division of Community Development and served as county administrator for Rock County, Wisconsin and Richmond County, North Carolina. From 1969 to 1971, Brown was the county executive secretary for Loudoun County, Virginia.

Charles G. Flinn has been appointed Arlington county attorney by the County Board. Flinn has served nine years with Arlington as assistant and deputy county attorney and more recently, acting county attorney. He is a graduate of the University of Virginia Law School.

Thadeus L. Hartman was appointed deputy chief of police for Fairfax County. He has been a member of the Fairfax County Police Department since November of 1963. Chilhowie named **Walter Scott Sexton** as the town's new police chief. He was previously a campus police officer at Wytheville Community College. **William A. Hewitt** was appointed chief of police for the Town of South Hill.

Sam D. Mountain stepped down as town manager of Chilhowie.

Wytheville Town Manager **Carter W. Beamer** is the VML representative to the State's newly formed Department of Fire Programs. Beamer was recently named to serve by Governor Charles Robb. Fairfax County Supervisor **James M. Scott** was reelected to the Board of Directors of the National Association of Counties. He is also a past president of the Virginia Association of Counties.

Phillip P. Rowe, superintendent of the City of Newport News' Solid Waste Division, was recently elected president of the Tidewater Refuse Collection and Disposal Organization.

Fire Chiefs Meet

Fire departments must look to a variety of outside resources in this age of budgetary restrictions, according to several speakers at the recent 52nd Annual Conference of the State Fire Chiefs Association of Virginia. Nearly 200 people registered for the four day conference held in Springfield and hosted by Fairfax County Fire and Rescue Services. The association is an affiliate of the Virginia Municipal League.

Keynote speaker Dr. B. J. Thompson, director of the U.S. Fire Administration, told the assembled chiefs, "There must be greater commitment on the part of private industry." Fire departments must be creative in meeting the realities of today's economy, Dr. Thompson emphasized. His message was reinforced by Prince George's County, Maryland Chief Jim Estepp who called for more volunteers to meet the manpower needs of growing communities. Estepp presented a multi-media production used to recruit volunteers to the county force.

Several conference speakers looked at the future and stressed the importance of the role of computers in fire departments. Michael Woods, a systems engineer from IBM in Richmond, cited the example of a New England pharmacist who acquired a small computer and began applying it to the volunteer fire department where he was a member. The department now maintains all its dispatch and record-keeping functions on the computer.

Bottom row (left to right): William A. Anderson, Alfred Savia, Walter R. Stickel. Middle row (l to r): Thomas M. Hawkins, Jr. and F. Wesley Dolezal. Top row (l to r): Howard H. Henley and Lynn Miller. Not pictured: Wallace Robertson and Garland Wooddy.

Speakers from the Environmental Protection Agency discussed the role of the federal government in hazardous materials incidents, citing the importance of coordination with local fire and rescue officials. Diane Roche, fire education specialist with the Virginia Beach Fire Department, examined fire prevention programs, emphasizing the importance of support from management for such programs.

Conference participants also heard a presentation by Chief William Killen of the Metropolitan Washington Airports on the Air Florida crash at National Airport on January 13, 1982. His report focused on the post-crash investigation and pointed out the need for accurate record-keeping and planning in the event of similar accidents.

Henrico County Fire Chief Walter Stickel was elected President for 1982-1983. Officers are First Vice President Alfred A. Savia of Fairfax County and Second Vice President William Anderson of Lynchburg. Comprising the Executive Committee are Wesley Dolezal, Chesterfield; Tom Hawkins, Arlington; Howard Henley, Goochland; Lynn Miller, Winchester; Garland Wooddy, James City County; and Wallace Robertson, Yorktown, who is the immediate past president.

Chiefs of Police Hold 57th Annual Conference

The Virginia Association of Chiefs of Police held their 57th Annual Conference at the Marriott Inn in Blacksburg August 22-25. Over 200 chiefs and guests from across the state attended.

President Harry B. Childress, Chief of Police, Pulaski, presided over the meeting. The Honorable Gerald L. Baliles, Attorney General, Commonwealth of Virginia gave the keynote address.

Also addressing the Conference were Honorable Elsie T. Munsell, U.S. Attorney, Eastern District of Virginia, and the Honorable John Perry Alderman, U.S. Attorney, Western District of Virginia.

During the Annual Business Session on August 25 three Awards were presented. An Award for Outstanding Contribution to Law Enforcement was presented to Lt. John B. Quade of the Arlington County Police Department. In 1977, Lt. Quade was one of a five-member State Ad-Hoc Committee assembled to form the new Virginia Crime Prevention Association. He became the first elected president of that group in 1978 and was reelected the following year. He also became a member of a second Ad-Hoc Committee to form a Northern Virginia Crime Prevention Association and was a founding member of the Virginia Crime Prevention Coalition. Lt. Quade has participated in crime prevention workshops throughout the state, assisting other agencies in developing similar programs.

Officer D. J. Campbell, Virginia Beach Police Department received an Award for Valor. On February 22, 1982, Officer Campbell, while cruising his designated vicinity in Virginia Beach, saw smoke and flames coming from a garage apartment and quickly alerted the fire department. Although entrances to the apartment were heavily filled with smoke and fire, Officer Campbell was able to forcibly enter the apartment. As a result of the skills and quick thinking of Officer Campbell, six persons, three of whom were children, were carried from the house to safety.

Officer James V. Papageorge, Fairfax County Police Department, also received an Award for Valor. On November 5, 1982, Officer Papageorge answered a call involving a reported emotionally disturbed woman.

His knock on the door was answered by the woman who seemed to be heavily drugged or intoxicated, and refused his request to enter the house. Officer Papageorge requested a rescue squad and in the meantime, tried to convince her to open the door. Several times the woman threatened Officer

(Continued, page 13)

Are We Getting Better At Transporting Hazardous Materials?

By Chuck L. Ramsey

When the hazardous materials office got its first call from a local government two years ago, not all of the equipment had arrived, much less placed on the response unit. How much progress has been made since then?

It seems that the Commonwealth has weathered the growing pains of a new program and taken the issue of hazardous materials in stride. Quite a bit of progress has been made by the Hazardous Materials Emergency Response Program (HMERP) since 1980, when the program lacked equipment, until now when a full-time hazardous materials officer is on call 24 hours a day, seven days a week. Despite continued lack of support at state and federal levels, the program has tackled some of the worst possible accidents and emerged without the loss of life on the part of first responders. Damage to the environment has also been limited by fast response, critical actions and good decisions.

The hazardous materials program, located in the State Office of Emergency and Energy Services (OEES), has not advanced by itself, however. The program has depended heavily on the assistance of other state and local agencies.

Two years ago there was no program, or notion of assistance roles, in either the Department of State Police or the Department of Highways and Transportation but today both have staff trained and prepared to respond to accidents or incidents on a 24 hour basis. The State Police Motor Carrier Safety Program (MCS) and Motor Carrier Safety Teams have become the first eyes and ears for the HMERP in Virginia. The small group of officers, numbering only 231, are available to work as field liaisons for the HMERP, even when the incidents did not directly involve transporting a hazardous material. The highway department trains their field personnel on a regular basis and, in most localities, their highway forces render service in the areas of traffic control, barrier and construction materials, and equipment procurement.

The HMERP also relies on other state agencies such as Consolidated Laboratories, Medical College of Virginia, State Health Department and Fire Programs. As a strong defender of the environment, the State Water Control Board Pollution Response Program has been available and, even while strapped financially, members of the program have quickly responded.

Training Means Progress

With statistics running against the Hazardous Materials Emergency Response Program from the outset it would seem inconceivable that it could have done even a nominal job attending to serious hazardous materials accidents. Fortunately, there was latitude within the agency (OEES) for the program to pursue the most expeditious and productive routes to training response. The normal bureaucratic snail's pace of any governmental entity was stepped up for hazardous materials and has never really slowed down since mid-1979. The pace that was set indicated to other state agencies and local governments that there was a threat involved and action was the appropriate response. Training has been continuous across the state in the two year period with both introduc-

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About the Author
Mr. Ramsey is the hazardous materials officer in the State Office of Emergency and Energy Services.

tory and "hands on" preparation being given.

Going into the third year of the program, though, the Office of Emergency and Energy Services has taken a different approach to training. When possible, private industry and transportation resources have been utilized; several have gone out of their way to be good citizens when providing training or equipment.

On one occasion the RF&P Railroad was asked to help provide training on tank cars for fire fighters and hazardous materials teams from several jurisdictions. RF&P not only provided the tank cars but set up an entire train, engine included, for the demonstration. The realism of that training came home a few weeks later when about forty cars of a freight train derailed on RF&P track in the middle of Richmond. Responding fire fighters were alarmed at the ruins but those who had been trained went immediately to the wreckage to find the dangerous tank car, wedged among the tangle of cars. Their actions and the harmonious relations of city and corporate forces kept the situation under control from start to finish and other emergency workers were reassured that the actions taken were proper and cautious.

Localities Train Their Own

At least two jurisdictions have their own permanent response teams. Henrico County and the City of Newport News have active teams that have been a relief and support for the HMERP, since team members from both jurisdictions are available to work with the state teams on a 24 hour basis.

New teams will also be formed in Roanoke City and Augusta County with a heavy commitment of state equipment and training going to the Roanoke Valley response forces. During the last General Assembly session, Roanoke Delegate Vic Thomas sponsored a special addendum to the OEES budget so a state response unit could be housed in a locality. This action marks the first time that a state appropriation has been granted to equip and and train a response team and, despite falling revenues at the state level, it is hoped money will be appropriated several times in the next five years.

With emphasis on training, the gains in the next three years can be readily measured in terms of lowered costs and more timely emergency responses. Local emergency first responders have been doing an admirable job but the response time for the sole state unit varies depending on the hour of the day and the distance to the incident. Since it takes the HMERP approximately two hours to respond, local governments are left to their own skills and devices until the response unit arrives.

It is hoped that a statewide training center will be established. If so, emergency workers and first responders would participate in demanding training sessions, preparing the student workers for a "worst case" accident in their locality. The training center would also provide a reserve supply of equipment and response tools that would be maintained throughout the year by a contractor. Aside from the direct learning benefits of the one source training center, first responders would have an extended learning period and the response teams and units in local governments would be more uniformly developed.

"Is there money for training?"

Few governmental entities, however, be it local, state or federal seem interested in financing hazardous materials emergency re-

(Continued on next page)

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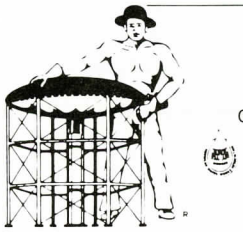
sponse programs. Too many people expect the gains of the last two years to sustain Virginia in the next four or five years. It does not take a massive amount of money to support a good, well-versed hazardous materials emergency response program and, if the program is tied to other disaster and fire programs, it makes a good catalyst for training and response. The federal door for funding has virtually closed and state resources have been meager from the outset, yet there remain some avenues. Those concerned will have to apply the same resourcefulness and determination it took to initiate the original HMERP in 1979-80. Industry and commerce are not blind or deaf to the needs of the community, and government (both state and local) can find the necessary resources if the demand is real and the danger present.

Has Virginia been more or less fortunate than her neighboring states in the number of accidents? While other states experience a "yo yo" effect in incidents, Virginia has had a steady increase. Some would argue that Virginia had been living on borrowed time up until 1980 and luck, such as it was, finally ran out. In reality the sudden rise in Virginia marked a period of increased interstate transportation due to deregulation and a period of industrial expansion and extension. Along with increased governmental and private citizen awareness, the number of calls for spills and accidents has risen steadily. The past two years have been bad for Virginia but there are other states that had even worse years where loss of property and life were at an unprecedented rate in hazardous materials accidents.

"How has Virginia fared in hazardous materials response compared to other states in the past two years?"

If major local programs and select state supported programs develop, then Virginia will continue to improve in the hazardous materials arena. While many states have either lost the taste for dealing with such a difficult and deadly problem, Virginia seems to have continued to move towards heightened awareness and recognition of the problem. Many progressive local governments have been moving either at the same pace or actually in advance of the state effort.

From the governor on down, the Commonwealth needs to determine a coordinated growth pattern for hazardous materials emergency response and decide on a statewide training and response format that will satisfy the needs of every locality. Training and equipping the responder and then following a directed path of growth is essential. The problem is not going to leave by itself. Hazardous materials will continue to plague local and state governments for a long time to come.



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Decisions, Decisions

By Joan W. MacCallum

Editor's Note: Last July Lynchburg Council member MacCallum spoke to the newly elected local officials at the Institute For Municipal Officials in Charlottesville. Because her remarks were well-received, VT&C shares excerpts of her address with readers.

Let me begin by saying that to whatever extent you ran for office in order to "throw the rascals out" (and there's some of that in all of us), I hope for your sake, as well as your community's, that it was not your only reason. Since you have been in office I'm sure you know by now you are the rascal!

What makes rascals of us all? We make decisions! Make no mistake about it—we all spent a lot of time, money and effort to win the right to make tough, unpopular decisions. That's the job we asked for and that's the job we got. During the next few years there will be a lot of easy, even popular, decisions but it is an absolute fact of political life that when the tough ones come along the practice making easy decisions doesn't help a bit.

To understand this decision making process is to understand the nature of the beast—the limits of local government. That is, all the power which the people gave to government they gave first to the states, limited only by the articles of their constitutions. The states then granted certain powers to the federal government and certain others to local government; hence, localities are divisions of the state, created by it to help carry out its responsibilities, and possess only those powers granted by the state. Those of us in local government, then, have to work in this limited framework.

Work With Staff

We also have to work within another structure—that of working with local government staff. Any consideration of decision making in local government necessarily involves the distinction between policy and administration. We, as local officials, are responsible for making decisions that the administration carries out. A good, professional administration can help by pointing out the limitations and the opportunities of the law, by providing information and suggesting options and by being aware of possible implications that policies could cause in the future.

But it's our decision. If staff know their job they won't try to interpret a policy, if there is any question, without coming to us. We must remember that if they're doing their job they're cautious, following the letter of the law, taking care to see that our locality doesn't end up out on a limb or in court. Our job is to assure that policy decisions are not bogged down or thwarted by too much bureaucratic caution. If change is needed to meet demands we must initiate it.

The structure within which we make decisions affects the way we perceive our role as representatives. Limited power and resources combined with easy access to the public make it very tempting to function as an agency type representative—that is to base all decisions on our perception of what the public wants without applying personal judgment or knowledge. The constraints of our structure and the direct communication available with various opinions make it imperative that experience, knowledge and judgment are applied to the process. Again, be responsible for tough decisions because they should reflect our best judgment—based on hard won knowledge and experience.

* * *

The aspects of the decision making role, trustee representation and policy making, are obviously made easier by doing your homework. Doing your homework is easier in a small community than in a large one. Doing your homework means, of course, reading the reports prepared by the administration, making use of the information published by organizations such as the Virginia Municipal League and National League of Cities, and keeping abreast of the actions taken at the state and federal level. But more than anything else it means communicating. And that's the other aspect of a locally elected official's role that should be discussed.

"Listen to every element of the community."

The kind of communication already mentioned—the listening that goes from the citizen to council—is part of our homework but there are other kinds of communication that need to be developed. For example, with the administration, particularly in council-manager localities, elected officials and the administration are partners in local government. We need to communicate freely and openly. Experience shows that professionals in any sphere are happy to share their knowledge and experience if asked. Since they're there to assist, ask them! On the other hand, it's not very useful to wait until a council meeting to announce that something is unclear or needs more explanation—that tends to create an adversary relationship, rather than a partnership of different roles. So, communicate with your professionals.

Joan W. MacCallum

Most of us ran for council because of involvement with other community organizations. There may be a tendency to think your commitment to council makes these other activities difficult or even impossible to continue. It should not happen because the communication and information that comes with those activities in the community is essential. It provides the insight you need to make policy, as well as important avenues for cooperation with the private sector.

"Local officials are more accessible."

Let's look hard at what seems to be a disadvantage—accessibility—the closeness and ease of communication which the public has with us. When someone calls or visits to discuss something we have or not done, I talk to them informally. It may mean taking the time to explain a policy or describe the state law that affects a situation. Doing so

(Continued, on page 17)

Commentary

The Future of Virginia's Planning District Commissions

By Barry R. Lawrence

In 1967 the Virginia Metropolitan Areas Study Commission proposed the creation of regional planning districts in the Commonwealth as one means of fostering interlocal cooperation, to solve problems that transcend jurisdictional boundaries. The General Assembly subsequently passed the Virginia Area Development Act of 1968, which subdivided the Commonwealth into twenty-two planning districts, each to be served by a planning district commission (PDC). Although membership was not mandated by the state, any locality that did not join a PDC was ineligible for certain federal grant programs. The need for federal dollars ultimately proved greater than the fear of regional government intrusion, for by the late 1970s all of Virginia's 325 cities, counties and towns had joined a PDC.

Fifteen years later, planning district commissions are a well-established part of Virginia's government. Much of the controversy that surrounded PDCs during their earlier years—allegations of costliness, duplication of services, and affronting local governments—has dissipated over time. Local hostility has been replaced by a grudging acceptance or, in some cases, full-fledged support.

With the tightening of federal money, however, PDCs are not in a position to be overly optimistic about their future. Much of their legitimacy as regional planning bodies has been directly tied to federal grant programs requiring participation and, since the "new federalism" is changing and reducing intergovernmental assistance, PDCs now must reevaluate their roles as intergovernmental liaisons. Additionally, because federal grant programs generally support one-third of a PDC's budget, the dissolution and rechanneling of these programs leaves PDCs without a major source of revenue.

Frequently, the PDC has been regarded by local officials as little more than a conduit for federal dollars. With this role currently being threatened, some local governments are beginning to question the need for continued membership in a PDC. Last year, Roanoke and Bedford counties as well as the City of Salem decided to withdraw their PDC memberships. Although the Roanoke County Board of Supervisors voted this summer to rejoin its PDC, both Bedford County and Salem continue to go it alone. Gloucester County nearly relinquished its PDC membership several months ago, but after extended discussion voted to continue its $8,159 yearly allocation. In August, Nottoway County differed with the Piedmont Regional PDC over the county's level of support. The PDC was asking for 30 cents per capita in dues, while Nottoway was not disposed to pay more than 25 cents.

"PDCs are more dependent than ever upon localities for financial support."

The executive committee of the PDC was confronted with two options—either reduce the per capita fee currently required of all participant jurisdictions or dismiss Nottoway's membership. As of late August, the matter remained unresolved.

Most planning district directors feel that local dissatisfaction with PDCs is not much greater than at any time in the past. They downplay the PDC's role as a dispenser of federal grants and emphasize its role as a forum for regional planning problems. At the same time, the PDCs are fully aware that, in the wake of federal budget cuts, their futures will depend more and more on state and local governments. This means that the PDCs will need increasingly to offer services that cannot be performed at the local level. For example, the director of one of Virginia's more urban PDCs sees lobbying for regional interests before the General Asembly as an example of a PDC's functions that a locality cannot perform by itself. Because each planning district is different in terms of geography, size, population and financial resources, however, each PDC will have to face problems unique to its region in striving to better serve its local government constituents.

Many PDCs may be forced to cut staffs. The Thomas Jefferson PDC reduced its planning staff from five to three a couple of years ago when funds from the federal Department of Housing and Urban Development (HUD) began disappearing (although it may find some support in the new Small Cities Nonentitlement Community Development Block Grant program.) The Southeastern Virginia PDC has cut six of 34 planning positions since the turn of the decade. Although it lost some federal dollars when federal Coastal Zone Management and several HUD grant programs were abolished, the SVPDC continues to receive a sizeable sum of planning money from the federal Department of Transportation. The RADCO PDC has lost five of 10 staff positions over an 18-month period due to federal budget cuts; it is seeking to avoid further reductions by competing for smaller state grants. The Accomack/Northampton PDC, on the other hand, has its largest staff since 1975—a total of five positions. That PDC has been successful in anticipating the few new sources of federal money that became available and competing successfully for small grants at the state level.

Whatever the future course of the PDCs may be, the time seems appropriate for the state to reassess the entire regional planning district concept. As the PDC directors themselves concede, PDCs serve primarily at the mercy of their local constituents. A local government should not be expected to contribute financial support to a PDC unless it gets something in return. The increasing scarcity of large federal grants should make it easier to evaluate PDCs on their own merits—not simply as conduits for federal money, but as regional planning bodies providing direct services to local governments.

About The Author

At the time the Commentary was submitted Mr. Lawrence was affiliated with the Institute of Government at the University of Virginia. He is now the town manager of Purcellville, Virginia.

Old Form, New Function

By Karen W. Hedelt

Fredericksburg city fathers decided it just wouldn't do for a fine old town like theirs to build a slick new city hall in its National Historic District. So when crowded conditions became unbearable at City Hall, they turned their sights to preservation.

The apple of their eye turned out to be an old U.S. Post Office building, constructed in 1909 and abandoned by the postal service for new facilities in 1979.

The location was prime and the structure was sound with ample space. Besides, the building looked like what people expect a city hall to look with its massive columns and classic architecture. The city bought the old post office building for $212,000 in 1979 and renovated it for $1.2 million.

The new city hall building is just two blocks away from the old city hall structure in Fredericksburg's busy downtown. The old facility had served Fredericksburg since 1874, almost 170 years ago.

The renovation was considered an efficient use of public funds and will house city government comfortably for years to come. Noting the long service of the old city hall, one councilman observed that the cost "really wasn't that expensive, especially when you can prorate it over 200 years."

Serving the public will be easier in the new building. Formerly scattered in a four-block area, government offices are now housed under one roof and those most frequented by the general public are located on lower level floors near the building's entrances.

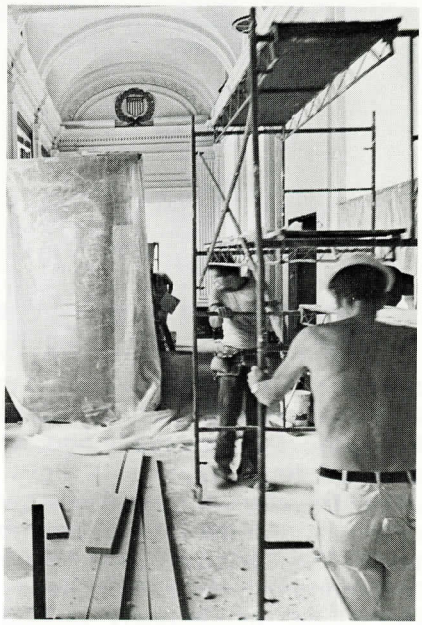
The finer qualities of the old post office were preserved—plaster walls, marble facing, and walnut paneling—and handsome molding, sound-muting carpet and an elevator for handicapped access to the entire building were added. A bald eagle, watching over the foyer since the days of the post office, still rests among the arched ceilings two stories high.

The new City Council chambers feature a custom-made walnut desk that seats the 11-member body, and seating for the public is twice what the old chambers had.

The renovation to the old post office coincides with a spate of activity in Fredericksburg's downtown. New brick sidewalks and colonial style lamps have been installed and a riverfront project will revitalize the Rappahannock shoreline. The city plans to sell six early 19th century buildings that once housed some of the offices now located in city hall, returning prime property in the historic district to private development.

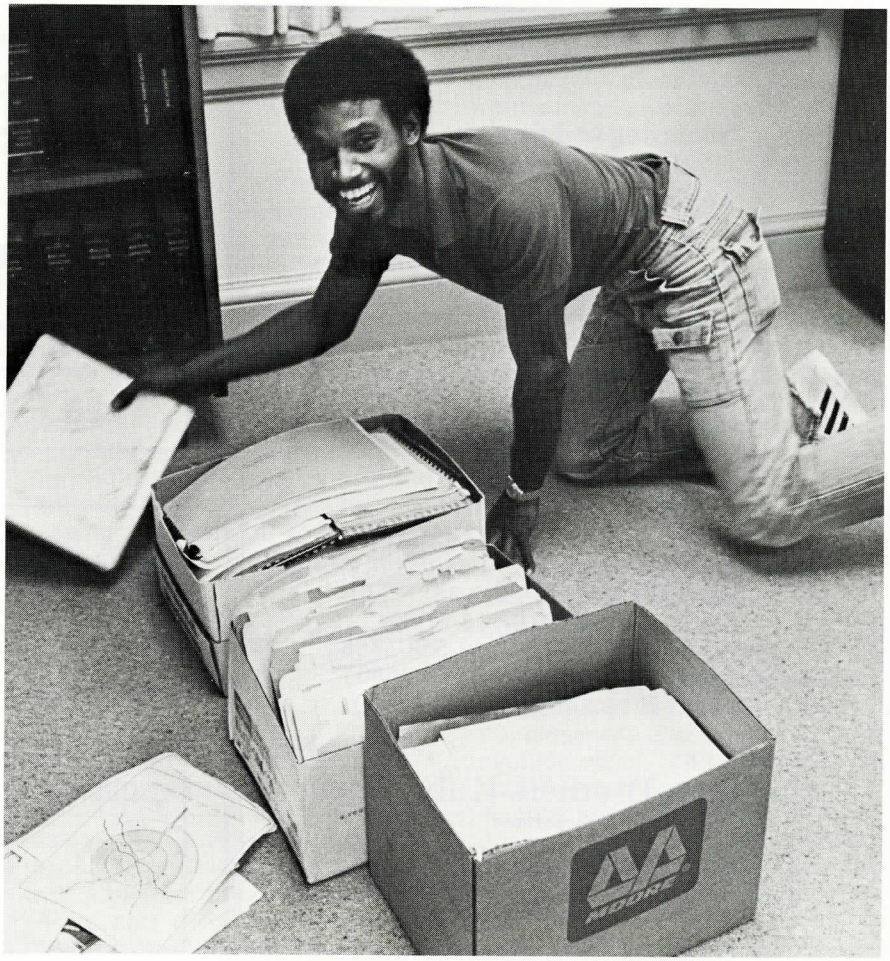
Meanwhile, the future of the old city hall is still being discussed. Many preservation-minded groups and individuals hope the fine old Georgian structure, where the Marquis de Layfayette was once entertained, will continue its role in history as a museum. City council will soon determine the future use of the old city hall.

Yet the city fathers aren't concerned that they have relinquished history in the name of comfort. George Washington, Fredericksburg's favorite son, once owned the land where the new city hall stands.

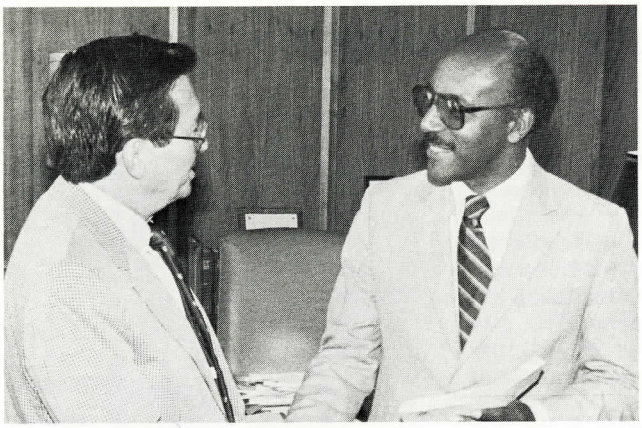


Above: Workers remodel the foyer of the old post office to accommodate municipal needs.

Below: City planner Jervis Hairston moves into his new office.



About the Author
Ms. Hedelt is the communications coordinator in Fredericksburg's Department of Tourism.



Children's Fund Gives Check

Richmond Mayor Roy G. West (right) accepts an annual contribution from Dr. James McCracken, executive director of the Christian Children's Fund, Inc. Over a decade ago, when the city government found itself in a tight budget, council asked the city's nontaxable organizations for voluntary help in the form of contributions in lieu of taxes. The Christian Children's Fund, founded in Richmond in 1938 to assist needy children around the globe, immediately replied with a $3,750 check. Of the 663 tax exempt organizations in Richmond, the Fund is not only one of about seven to make a yearly voluntary contribution but, according to the city's budget office, makes the largest donation.

New Castle Hosts Tour

The Town of New Castle, along with the Craig County Historical Society, invited the Montgomery Chapter of the New River Historical Society on a grand tour of New Castle. Pictured above are the visitors who toured the New Castle Courthouse and other sites. Constructed in 1851-52, the courthouse bears the architectual design of Thomas Jefferson. "Idlewood" and "The Castle", two grand old homes famous for their part in history, were also part of the visitors' schedule. New Castle Mayor Bobby Kibler presented the members of the New River Historical Society with a key to the town.

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(**Police**, from page 5)

Papageorge's life, indicating that she had a gun and would shoot him. Even though both hands were in full view, she was wearing a trench coat with large pockets. Continuing to talk to her, he recognized an opportunity to get the door open by asking to pet her dog. The woman agreed and as he reached to pet the dog, Officer Papageorge brushed against the woman's pockets and realized they were empty. He immediately grabbed her by both wrists and pulled her from the house.

The VACP Awards program was created in 1981 for persons who have made outstanding contributions to law enforcement or who have performed outstanding acts of bravery. The VACP congratulates these individuals for their much deserved recognition.

The 1982-83 slate of officers was installed by Wilmer Hedrick, former Chief of Police of Henrico County. The new Executive Board members are: Roland A. Lakoski, Chief of Police, Chesapeake, President; James A. Kirby, Chief of Police Lexington, First Vice President; Colonel Leslie T. Sheppard, Chief of Police, Henrico County, Second Vice President; and Harry T. Haskins, Chief of Police, Salem, Third Vice President. The Executive Committeemen are: Frank W. Johnstone, Director of Police, University of Virginia; Major Cecil S. Johnson, Jr., Field Supervisor, Department of State Police; William K. Stover, Chief of Police, Arlington County; Jack W. Asbury, Chief of Police, Bluefield and Pat G. Minetti, Chief of Police, Hampton. H. B. Childress, Chief of Police, Pulaski will serve on the Board as immediate past president.

The next Annual Conference of the Association will be held at the OMNI International Hotel in Norfolk, August 21-24, 1983.

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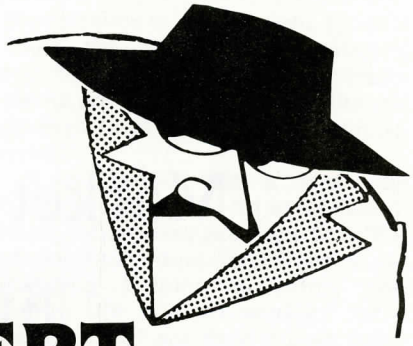

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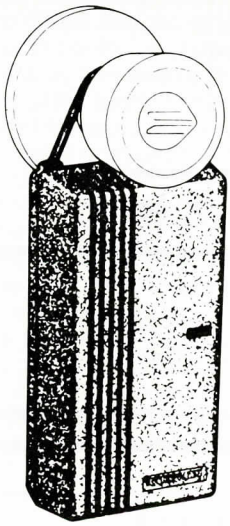

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(Continued, on page 17)

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6:00 - 7:30 p.m.	President's Reception

MONDAY, OCTOBER 11

8:30 a.m.	Registration
9:00 a.m.	Opening Session
10:30 a.m.	Ladies Fashion Show Around Pool
12:00 Noon	Luncheon
1:00 p.m.	HANDLING THE NEWS MEDIA
2:45 p.m.	THE 1981 UNIFORM STATEWIDE BUILDING CODE
4:00 p.m.	THE MGM GRAND HOTEL FIRE

TUESDAY, OCTOBER 12

8:30 a.m.	Registration
9:00 a.m.	STATE REGULATIONS AFFECTING BUILDING OFFICIALS
9:30 a.m.	Ladies Trip to Bell Grove Plantation
12:00 noon	Lunch (on your own)
2:00 - 3:15 p.m.	CONCURRENT SESSIONS
3:30 - 4:45 p.m.	CONCURRENT SESSIONS
6:30 p.m.	Social Hour
7:30 p.m.	Banquet

WEDNESDAY, OCTOBER 13

9:00 a.m.	SOLAR ENERGY
10:30 a.m.	Business Session

For further information and registration contact Joni Terry, Administrative Secretary, at 804/649-8471.

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(**Marketplace**, from page 14)
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(**Decisions**, from page 9)
can provide a better understanding of what local government is all about because people who understand the process tend to be willing and valuable participants in it. What is needed is to encourage cooperation among the segments of the community and improve the quality of life for all citizens by working together. There are some notable examples of private/public cooperation in Lynchburg and I fervently hope this is only the beginning. So, while functioning as the communication link from the people to their government, do not overlook the essential channel from the government to the people.

* * *

At least once a month for the last four years someone has come up to me and said, "I don't know how you stand it, you certainly have a thankless job." I never know what to respond to this well meant comment . . . My mother and father tried not to raise any dummies, and I certainly didn't go through two election campaigns in order to get a thankless job. If, like me, you are committed to and fascinated by this direct example of our democratic experiment then the next four years will bring numerous feelings—frustration, stimulation, disappointment, satisfaction but "thankless" won't seem pertinent.

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Legal Guidelines

Breeder Litigation

By Howard Dobbins
General Counsel

Resolution of some legal questions often serves to breed additional litigation. A recent decision by the Virginia Supreme Court illustrates this problem.

All cities, counties and many towns have enacted ordinances imposing local license fees on motor vehicles normally garaged, stored or parked therein. An ordinance adopted by the Town of Leesburg requiring the payment of such a license fee also required a display of the local license decal on such motor vehicles. Sometime prior to May 14, 1980, an Assistant Pastor of the Loudoun Baptist Temple was charged by the town as being in violation with this ordinance, the vehicle involved being a bus owned by the Temple. Apparently, in that case the defendant challenged the ordinance as being an unconstitutional interference with the defendant's right to religious freedom but the Loudoun County Circuit Court ruled that the license requirement was a "police regulatory measure" and not a revenue-raising device and that accordingly, it was a valid enactment.

Subsequently, a Leesburg police officer stopped two motor vehicles on the highway, one operated by the pastor of the Temple and the other driven by his wife. Both were registered in the name of the Temple, were normally parked or garaged in the town, and neither displayed a town license decal. Following conviction in General District Court, the Temple appealed to the Circuit Court which sustained the town's motion that the issue of whether the ordinance was regulatory or revenue-raising had been determined in the earlier proceeding, and held that the Temple was collaterally estopped from presenting evidence or argument on that question. On appeal, the Virginia Supreme Court reversed the Circuit Court of Loudoun County holding that the doctrine of collateral estoppel, which originated in the civil law, is not necessarily applicable in the same way in criminal cases. *Loudoun Baptist Temple* v. *Town of Leesburg*, 292 S.E. 2d 315 (June, 1982). The Court reaffirmed that in civil cases when an issue of ultimate fact has once been determined by a valid and final judgment the issue cannot again be litigated against the same parties in any future lawsuit or against parties who are in privity and who occupy a "mutual or successive relationship to the same rights of property or have such an identification in interests . . . as to represent the same legal rights." However, the opinion by Chief Justice Carrico concluded that in criminal cases "the same parties" requirement must be interpreted and applied literally and that inasmuch as the Temple and the Assistant Pastor were not "the same parties," the Temple was not precluded from re-litigation of the constitutionality of the license ordinance. Accordingly, the case was reversed and remanded for more litigation—a determination of the real issue: does the local motor vehicle license ordinance inhibit religious freedom?

It is, of course, universally held that under the federal and state constitutions a tax laid specifically on the exercise of religion is unconstitutional. However, it is equally well-settled that a license may be legislatively required if it is non-discriminatory and regulatory in character rather than revenue producing. Because the power to tax may be exercised as a power to destroy, a tax applicable to religious institutions which is not small or nominal may be restrictive of the freedom of religion and invalid.

Although the facts presented and arguments made to the Circuit Court to support its earlier opinion upholding the constitutionality of the ordinance are not recited in the Virginia Supreme Court's opinion, it would appear that the Circuit Court's initial holding was consistent with analogous decisions in Virginia and in other jurisdictions for ordinances requiring licenses which have incidental non-discriminatory affect on religious institutions have been uniformly upheld.

For example, the right to sell merchandise house to house has held not to be guaranteed by the Constitution even when sold by members of religious bodies; the requirement of obtaining a license in order to engage in the practice of healing has been held permissible when challenged by a minister who practiced faith healing; a non-discriminatory license tax on agricultural activities has been held to be validly applicable to a religious body; payment by a religious organization of a mortgage recording fee has been upheld; and the denial of the right to perform marriages by those who fail to qualify as ministers as defined by Virginia statute has been sustained. However, the Leesburg motor vehicle license ordinance, and all like ordinances, must meet these tests: (1) the town must establish that the ordinance was adopted under its inherent police power and that its secular purpose is reasonable and properly related to the public welfare; (2) that the license requirement does not in fact advance or inhibit religion as practices by the Loudoun Baptist Temple and its congregation; and (3) that the enforcement by the town does not result in entanglement in the practice of religion by the Temple. See *School District of Abingdon Township* v. *Schempp,* 374 U.S. 203; *Lemon* v. *Kurtzman,* 403 U.S. 602.

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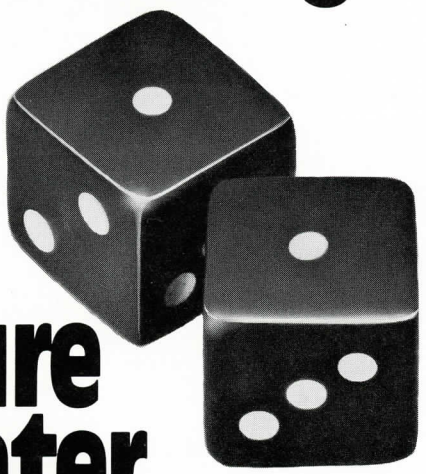

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