

TML Policy Day set for Sept. 11

TML Policy Committees will meet on Thursday, Sept. 11, 2008, beginning at 10 a.m., in the TML building located at 226 Capitol Boulevard in Nashville. This meeting will begin the process by which TML's legislative priorities are established for the First Session of the 106th General Assembly that begins in January 2009.

A "Proposed Legislative Initiative Form" is available on-line and must be completed and submitted to TML by August 22. Only

those initiatives sponsored by a city/town and submitted by the deadline will be considered by the policy committees.

As in past years, there will be four policy committees: Finance and General Administration; Public Safety; Utilities, Environment and Transportation; and Economic and Community Development. The four policy committees will meet simultaneously.

Registration to attend is also online at www.TML1.org.

Upsets and new faces determined by primary

BY CAROLE GRAVES

Three upsets and a few nail-biting finishes ignited what many were calling a lackluster August primary, with election precincts statewide reporting a very low turnout.

One of the biggest upsets of the night was when Johnson City Mayor Phil Roe defeated freshman U.S. Congressman David Davis, making Roe the first candidate since 1950 to upset an incumbent Tennessee congressman in a primary election. Roe defeated Davis with 50.1 percent of the vote. He will face Democrat Rob Russell of Kingsport in the November General Election.

In the state Senate race, two incumbents lost their re-election bids. In a Republican primary in East Tennessee, state Rep. Doug Overbey beat incumbent state Sen. Raymond Finney by 139 votes. With no Democratic challenger in November, Overbey is guaranteed the 8th District Senate seat.

Another close race that ended in an upset was in Senate District 14 where Eric Stewart beat Democratic incumbent Steve Roller of McMinnville by 131 votes. Stewart will face Republican challenger Mike Niederhauser in November for the seat formerly held by Sen. Jerry Cooper.

Sen. Rosalind Kurita (4,477) barely defeated her primary challenger Tim Barnes (4,458) by 19 votes. Provided the close election results are not overturned and with no Republican challenger, Kurita will take her seat in the Senate for another term representing District 22.

New Faces

Ryan Haynes, winner of House District 14 that encompasses Farragut and Hardin Valley, will be one of the youngest representatives serving in the Tennessee General Assembly. Haynes, 23, garnered about 54.9 percent of the vote and the endorsement of retiring incumbent Parkey Strader.

Blount County Commissioner Bob Ramsey, a dentist, won a four-way GOP battle to succeed Doug

Mike Tallent selected MTAS Director

Mike Tallent has been selected as executive director of the University of Tennessee's Municipal Technical Advisory Service. Melanie Purcell of Reno, Nev., will join MTAS as assistant director in late-September.

Tallent has served as interim executive director of MTAS since December 2007 and had served as senior program manager since May 1996. He joined MTAS in 1979 as a municipal management consultant and has covered West Tennessee and Southeast Tennessee over the years, advising cities that range in size from Englewood to Chattanooga. His knowledge of MTAS' history and development—along with years of solid relationships with Tennessee cities—has equipped him to effectively lead MTAS staff and to anticipate the needs of municipalities in our state.

Purcell brings to MTAS the strength of financial management and more than 15 years of experience in city and county management. Most recently, she served as budget manager of Washoe County, Nev., coordinating an \$887 million budget. Prior to that, she served in various city management positions in municipalities in Michigan, including the cities of Howell, Flint, Plymouth, and Ann Arbor. She has overseen downtown development authorities; supervised various city

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Phil Roe



Doug Overbey

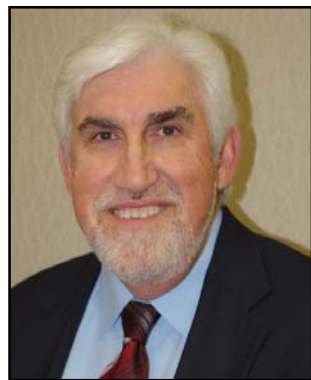


Ryan Haynes

Overbey in District 20 with 44 percent of the vote. He also has no Democratic opponent, which means a guaranteed seat in the House.

In District 52, where Rep. Rob Briley did not seek reelection, Democratic primary winner Mike Stewart is unopposed in November. Stewart, a Nashville attorney, won with 75 percent of the votes over Eric Stansell.

See **PRIMARY** on Page 5



Tallent

departments including Water, Building and Zoning, and Parks and Recreation; and directed tax and utility bill collection, fund investments, and debt management.

"The combined leadership of Mike and Melanie will benefit both MTAS staff and our customers in Tennessee municipalities, as they are committed to providing innovative, high-quality service to cities statewide," said Mary Jinks, UT vice president of Public Service.

Tallent and Purcell were selected for these positions after an extensive recruitment process that involved MTAS employees, IPS staff and representatives of affiliate organizations, which included Chuck Shoopman, IPS; Richard Stokes, MTAS; Margaret Mahery, Tennessee Municipal League; Mitchell Moore, city of Athens; and Mike Garland, CTAS.

Crisis looming with U.S. transportation funds

Millions of state dollars at stake

BY CAROLE GRAVES
TML Communications Director

How to plug a massive deficit in transportation funding and ultimately prevent crucial work on the nation's roads and bridges from coming to a screeching halt will be up for consideration when Congress returns in September.

With Americans driving significantly fewer miles due to record-high gas prices, the federal Highway Trust Fund, which is financed through gas-tax collections, faces a massive shortfall—an estimated \$4.2 billion less than what was authorized and states are expecting for FY 2009.

Lawmakers and industry officials say that if Congress doesn't take steps to bridge the shortfall, federal highway spending nationwide could be cut by a third beginning Oct. 1.

"If this situation is not proactively addressed, the shortfall could lead to a devastating \$14 billion, or 34 percent, reduction in federal highway investment in FY 2009," said U.S. Rep. John Duncan, who sits on the House Transportation Committee.

Prior to the August recess, in a stop-gap measure, the U.S. House voted overwhelming to transfer \$8 billion from the general treasury to the Highway Trust Fund, restoring



High gas prices are also affecting gas tax revenues. To conserve at the pumps, Americans are driving less miles—fewer than in the 1970s during the oil embargo. Less driving means less revenue for transit.

revenues that were taken in 1998 when the Highway Trust Fund was flush and running a surplus. Lawmakers say the infusion of money will help keep the highway program solvent and funded at the level called for in the SAFETEA-LU authorizing legislation — \$41.2 billion for FY 2009.

The bill is now before the Senate for consideration.

U.S. Sen. Lamar Alexander this summer joined 66 other senators in signing a bipartisan letter urging Congress to come up with a quick resolution to a shortfall in the Highway Trust Fund.

"The pending revenue shortfall in FY 2009, if left unaddressed,

would cost more than 485,000 American jobs," said Sen. Alexander. "Furthermore, ongoing efforts to reduce traffic congestion, improve safety, and enhance long-term economic productivity would be severely disrupted by a large cut in highway investment.

"States depend on this money to make sure their roads are up to par, and this shortfall will seriously hurt Tennessee if we don't act quickly to fix it," Alexander said.

According to reports by *Stateline.org*, an attempt earlier in the Senate to tack \$8 billion onto an unrelated aviation bill was blocked by lawmakers who branded the

See **FUNDING** on Page 8

Red Flag Rules impact municipalities

In 2003, Congress passed the Fair and Accurate Credit Transactions (FACT) Act. This Act is intended to combat identity theft and directs the Federal Trade Commission (FTC) to develop regulations requiring financial institutions and creditors to develop and implement written identity theft prevention programs. The FTC has issued final regulations, pursuant to the congressional mandate, and set an effective date of November 1, 2008.

The FACT Act regulations, also known as the "Red Flag Rules," cover all financial institutions and creditors. The FTC has defined a "creditor" as any entity that provides a good or service for which payment is made by the consumer in arrears. The FTC has determined that as payment for many municipal services, such as utilities, is made after the service is received and consumed by the consumer, then municipalities and/or municipal entities that provide such services are "creditors," and; therefore, are covered under the Red Flag Rules.

As a covered entity, a municipality and/or municipal entity is required to implement a written program that enables it to identify, detect, practices or specific activities (red flags) that could indicate the occurrence of identity theft. The FTC has provided a list of 26 examples of red flags, including unusual account activity, fraud alerts on a consumer report or attempted use of suspicious account application documents. However, it should be noted that the list is not a comprehensive checklist but a guide.

The regulations also require the written program to describe appropriate responses that would prevent and mitigate identity theft crimes as well as detail a plan to regularly update the program.

Finally, the rules require the program to be managed by senior employees, to include staff training and provide for oversight of any service providers.

Under the regulations, any non-compliant entity is subject to a civil penalty of up to \$2,500 per incident.

It should also be noted that in addition to the civil penalty, a covered municipality or municipal entity has the potential to realize an increased exposure to lawsuits, including class actions, under the FACT Act.

Clearly, the inclusion of municipal governments and municipal entities under these rules presents a number of administrative, financial and liability challenges. TML will continue to work with the FTC through its affiliation and relationship with NLC in an attempt to moderate the impact of the Red Flag Rules.

The Municipal Technical Advisory Service (MTAS) is currently preparing a training curriculum as well as other informational and educational materials to distribute to cities and towns in advance of the effective date. In addition, the TML Risk Management Pool has evaluated the liability exposure and is in the process of advising its members as to the appropriate steps to take to mitigate its exposure.

Free energy audits, low interest loans help local governments save

BY VICTORIA SOUTH
TML Communication Coordinator

Every day, energy and maintenance costs trickle precious resources away from local governments. An audit report conducted by the state Comptroller of the Treasury found that the state government's energy efficiency and conservation efforts are often thwarted by missed opportunities as well.

The Tennessee Department of Economic and Community Development (TECD) Energy Division offers free energy audits and technical assistance to help local governments meet their energy goals along with low interest loans to help defray high energy costs. All units of Tennessee city and county governments are eligible regardless of whether they borrow the funds.

Energy Audits provide additional assurance that future projects will improve efficiencies and either reduce or avoid costs, while a Technical Assistance Program will provide a qualified analyst to prepare an on-site report including: a description of the building characteristics; results of an energy audit or energy use evaluation; the operation characteristics of the energy-using systems; and the estimated useful life of the building along with recommen-



Photo by Victoria South

The Local Government Energy Efficiency Loan Program offers low interest loans to municipal and county governments for energy efficiency-related projects

dations for improved efficiency.

The Local Government Energy Efficiency Loan Program offers low interest loans to municipal and county governments for energy efficiency-related projects in courthouses, administration buildings, libraries, public schools, maintenance facilities, fire halls, water departments and any other building owned by the city and/or county.

Local governments may borrow up to \$500,000 and repay the loan annually for 7 years at 3 percent

interest with lump sum annual payments; while a zero percent interest loan is available for businesses located in Three-Star and Main Street communities.

Some examples of eligible projects include:

- Replacing worn and inefficient heating, ventilation and cooling systems;
- Upgrading lighting systems and controls;
- Adding insulation and energy efficiency.

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NEWS ACROSS TENNESSEE



BY TML STAFF REPORTS

CASTALIAN SPRINGS

The Feb. 5 tornado that took lives and leveled homes along a wide path through eastern Sumner County, ravaged one historic site in Castalian Springs while uncovering another, possibly older treasure. The winds knocked down part of an aged home where hidden inside its walls, the owner of the property found a log cabin held together with wooden pegs. Though it won't be known for certain until archeology studies are finished, it's believed that the cabin could be among the oldest standing buildings in the area.

CHATTANOOGA

At its peak, the new Volkswagen plant could use more power than any other company in the history of Chattanooga. Volkswagen will initially need 33 Megawatts of electricity, roughly a quarter of the utility's load, but no where near its 1300 Megawatt capacity. Previous reports say that number could climb as high as 80 megawatts. By comparison, at peak production, DuPont used 40 Megawatts and Invista uses roughly 20 Megawatts.

CLARKSVILLE

Spokespersons for Dow Corning have reported that a "megasite," off Jim Johnson Road north of the Exit 4 Corporate Business Park is under consideration for Michigan-based Hemlock Semiconductor Corp. The high-tech company would be a major score for Clarksville's economy, in terms of jobs and increasing the local tax base, with indication of a large payroll and positions that would pay more than Clarksville's current average per capita income. Reports say HSC is looking to expand its production of polycrystalline silicon, an ultra-pure, rock-like material needed to produce solar panels and electronics.

FRANKLIN

Nissan North America leaders and others marked the opening of the automaker's \$100-million, 10-story corporate headquarters, the Nissan Americas building. The company, working with its partner Renault, is focused on making zero-emission, electric vehicles. Nissan Chief Executive, Carlos Ghosn, said the first electric models will arrive in the U.S. in 2010 and will be selling internationally in 2012, Nissan wants to "also be in the battery business," and that hybrids and other alternative fuel technologies are at risk of becoming outdated. Nissan North America plans to disclose its first three donations to the community, starting with a donation to the Harpeth River Watershed Association along with two other anonymous causes.

FRANKLIN

Plastech Engineered Products will close the doors of its Franklin facility resulting in the loss of 220 jobs. Earlier this year the company — which primarily manufactures blow-molded and injection-molded plastic products for the automotive industry — filed for Chapter 11 bankruptcy protection. Plastech was founded in 1988 and has nearly 30 manufacturing facilities nationwide. The company's products include components for Ford and General

Motors SUVs and light trucks.

HUMBOLDT

The certificate of Achievement for Excellence in Financial Reporting has been awarded to Humboldt by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual report (CAFR). The certificate, the highest form of recognition in the area of governmental accounting and financial reporting, was presented to City Treasurer, Harold K. Hadley.

JOHNSON CITY

The Millennium Centre closed out fiscal year 2008 with the best financial performance in its nine-year history. The operating deficit of \$472,580 beat the previous best mark of \$568,436 from last year by more than \$95,000. Sales for fiscal year 2008 increased by 26 percent over the previous year, while expenses grew only moderately. General Manager Ken Mysterly credits the increase in sales to operating the facility with a strong business model. "First-time customers become repeat customers once we showcase the services offered at the Centre," he said. "Those customers that keep coming back are a big reason for the dramatic increase in revenues."

KINGSPORT

The city recently purchased a Xebra electric truck for the wastewater treatment plant. The \$17,000 electric truck, purchased from Zap (Zero Air Pollution), a California-based company specializing in electric bikes, cars and scooters, is a 72 volt electric vehicle powered by six batteries, holds two people and includes a lift bed with a solar panel on top. The Xebra goes about 35 mph, has a 65-mile range before its next recharge and is road worthy, complete with headlights, side and rear mirrors, and signal lights. If driven hard, it may need to be recharged every day, but with moderate use, officials say it may need recharging every two or three days. The vehicle will be used by sewer plant operators as they perform tests, conduct maintenance and perform other duties throughout the day. Plant officials anticipate the Xebra will save the city about \$3,000 a year in gas.

KNOX/SHELBY COUNTIES

County mayors say their residents should be able to attend community colleges for free. Mayor A. C. Wharton of Shelby County and Mayor Mike Ragsdale of Knox County say they hope to arrange for such tuition-free education by building on scholarships and grants already available to community college students across the state. Wharton said details of the proposal are still unsettled and new sources of money will have to be found. The basic idea is to put together a new tuition program through the Tennessee Urban Mayors Forum, a group recently formed by Ragsdale and Wharton to address problems particular to the state's more populous counties.

LEXINGTON

A new West Tennessee construction project will result in the city getting four-lane divided highway access to Interstate 40. Transportation Commissioner Gerald Nicely was joined



The town of Smyrna cut the ribbon for an on-site medical clinic for its employees and their dependents covered by the Town's health insurance plan. Known as the ECHO Clinic (Employees Choosing Healthy Options), employees will receive health care from a physician and/or nurse practitioner at no cost to the employee. Some prescriptions will be available for free, and the wait time at the clinic will be less than five minutes. Pictured are: Susan Funderburk, Care Here; JeNelle Gouvas, Care Here; Mila Davis, Care Here; Dianne Waldron, Town Clerk; Bob Spivey, Smyrna Mayor; Paul Johns, Councilmember; Lance Lee, Councilmember; Ernie Clevenger, Care Here President; Jeff Craig, Human Resources Manager; Mark O'Neal, Town Manager; Mark Tucker, Finance Director; and Bob Shupe, Insurance Consultant.

by state Rep. Steve McDaniel and Sen. Roy Herron in breaking ground for the widening of a four-mile stretch of U.S. 412 west of Lexington. The link from the Madison County line to Crucifer Road will allow safer and easier access to I-40 from the Henderson County seat to an interchange in eastern Madison County. The \$30 million project is expected to be completed in the spring of 2011.

MEMPHIS

Memphis ranks No. 35 among the nation's 40 largest cities in a walkability survey conducted by walkscore.com. The survey searched 2,508 neighborhoods in the 40 largest U.S. cities for amenities that enable residents to drive less, including the location of stores, restaurants and services, transit options, housing choices and green spaces. Walkscore.com found that 71 percent of Memphis residents live in "car dependent" neighborhoods with a score of 49 or lower, 29 percent live in "somewhat walkable" neighborhoods with a score of 50-59, and 7 percent were in "very walkable" areas with a score of 70 and above. Neighborhoods singled out as most walkable were Downtown, Midtown and the Colonial and Yorkshire areas of East Memphis. Nashville was the only other Tennessee city in the ranking, coming in at No. 39. The top scoring city was San Francisco.

MURFREESBORO

The concept of using a Social Security number for college IDs is dying a rapid death at state colleges and universities hoping to avoid data breaches. At Middle Tennessee State University, a hand scan will be the ultimate personal identification. The school is assigning everyone an eight-digit identification number for their "BlueID" cards as part of a new campuswide software system. In addition, students and staff members are placing their right hands into a scanner that turns the shape of their hands into 9-character templates. Members will have to enter their numbers and scan their hands to access the school's newly renovated recreation center.

MURFREESBORO

Almost 350 students at Hobgood



Gov. Bredesen presents Don Gallagher, mayor of Wartrace, with a Transportation Enhancement Grant.

Elementary will get a healthy snack every school day, thanks to a \$6,600 federal grant. The school is among 24 Tennessee elementary and middle schools that will receive funds through the Fresh Fruit and Vegetable program. The program aims to get school-age kids to eat more fresh or dried fruit and fresh vegetables. A portion of the grant will purchase a refrigerator kiosk. The kiosk will hold the daily snacks and will operate similar to a vending machine, except there will be no charge.

NASHVILLE

Drivers in Nashville may soon be able to better chart their commutes before leaving home. The number of Tennessee Department of Transportation cameras covering Davidson County will extend to the county lines in the next couple of years with the first step already underway. The cables will carry the images from the TDOT cameras to personal computers and NewsChannel 5. TDOT cameras will also be expanded along Briley Parkway through the Northwest part of town. Those images will track traffic on that growing stretch of roadway. The total cost of the project phase is \$41 million. But the cameras aren't expected to start working until 2010.

SMYRNA

Motlow College President MaryLou Apple, assisted by Motlow College trustee Howard Kirksey, presented

Mayor Bob Spivey and town council members with the Chancellor's Award for Excellence in Philanthropy. The award is given on behalf of the Tennessee Board of Regents to organizations and individuals that have contributed both time and resources to a TBR institution. In 2004, the town of Smyrna donated a 14-acre plot valued at \$1.4 million to the college for a permanent teaching site in Rutherford County, provided a portion of the new facility's infrastructure with a value of \$200,000, and helped to raise more than \$1 million toward the completion of the facility.

SPRINGHILL

County school officials have purchased a tract of land in Spring Hill for a new high school. The district paid \$4.4 million for about 71 acres of farmland that fronts Twin Lakes Drive and Buckner Lane. The new site is adjacent to a site the district wants for a middle school. The goal is for both schools to share an athletic field for football games.

WARTRACE

The state will provide Wartrace with an enhancement grant in the amount of \$43,440 for the Wartrace Downtown Revitalization Project. The funds will be used to make several improvements to the city's historic downtown area, including the addition of decorative lighting, benches and landscaping along with sidewalk repairs.

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Driving a skilled work force in Tennessee

BY VICTORIA SOUTH
Communications Coordinator

The Beetle has landed at Enterprise South Industrial Park in Chattanooga, and with it, the certain promise of advancement educationally, culturally and economically throughout the East Tennessee region and beyond.

By 2011, when the \$1 billion Volkswagen assembly plant places an estimated work force of 2,000 in the driver's seat creating their new mid-sized sedan, the majority of workers will have received instruction at a \$6 million training facility to be built and managed by Chattanooga State Technical Community College, the crown jewel of an area brimming with first-rate engineering and technical programs at quality universities and colleges throughout southeast Tennessee, north Georgia, and north Alabama.

"In the past, there has been negative stereotypes concerning assembly plants in regard to education," said Dr. Jim Catanzaro, president of Chattanooga State Technical Community College. "Today, high math, computer and English language skills, elements never associated with teamwork before, are the new educational core. The Volkswagen positions will be

and translating into higher earnings for the entire community. Moreover, a national trends indicate businesses want to locate where there is a trained and productive work force that can support interstate and international competitiveness.

Stefan Jacoby, president and CEO of Volkswagen Group of America, confirmed that access to a well-trained work force was essential in making the decision to locate in Chattanooga.

"This area has a deep base of well-trained labor, with excellent engineering and manufacturing programs at the universities and technical colleges," said Jacoby. "New employees will benefit from job training and other work force programs provided in Tennessee's forward-looking incentive package, ensuring that the local economy best leverages Volkswagen's investment."

"Thanks to the visionary leaders and the people of Chattanooga," continues Jacoby, "we're confident that the values of this area are compatible with our own, and we envision a long and productive partnership."

As the first wave of invited applicants filed through the company's human resource office in August, Volkswagen representatives report 90 percent of the applicants live within 100 miles of Chattanooga with records indicating more than 2,200 people registered online for the first 50 positions.

Experts predict Volkswagen's



Gov. Bredesen and Stefan Jacoby, Volkswagen of America president and CEO celebrate the German automaker's decision to build a new plant at Chattanooga's Enterprise South Industrial park.

and support has been amazing and there will be change in several areas," Hamilton continues.

"There will be an increased labor draw of experienced workers to the region and Volkswagen will bring in their own people from all over the world. The city will embrace these newcomers, who will reinvest into the economy."

According to Hamilton, definitive data in regard to economic impact studies concerning the plant's future effects has not been completed.

"We've had numerous inquiries

automaker, BMW. Noting the similarities between the two cities, the chamber will investigate the economic effects relative to population growth in connection with new industry and methods of cultivating cultural diversity.

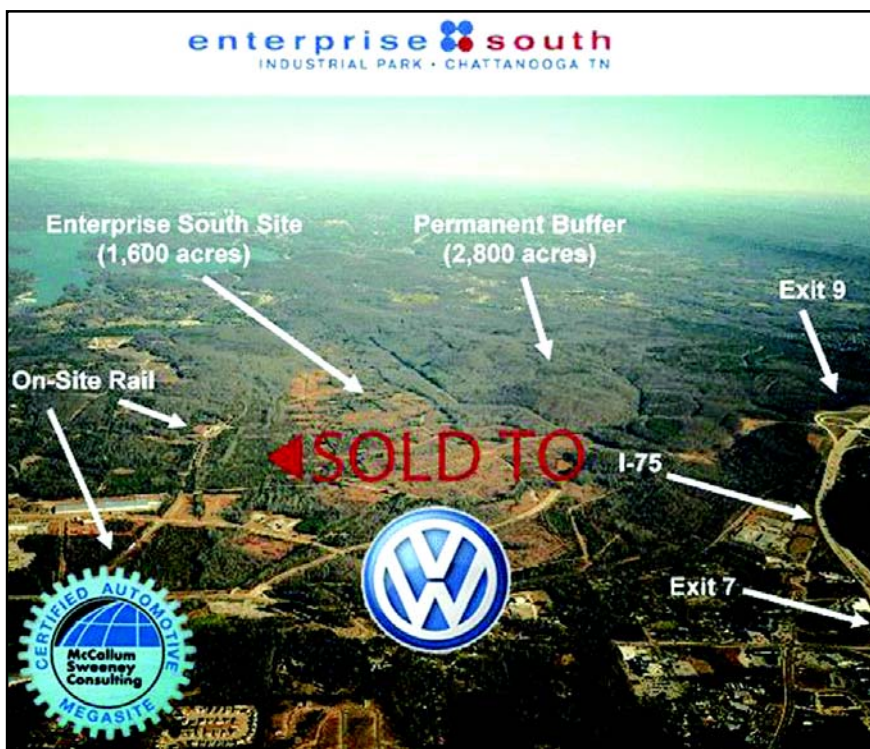
The chamber will spend two days in Spartanburg talking to the mayors of towns and cities, recruiters, and school personnel followed by a larger pilgrimage in October accompanied by various representatives from Chattanooga's municipal sectors.

"It will be very intense. There

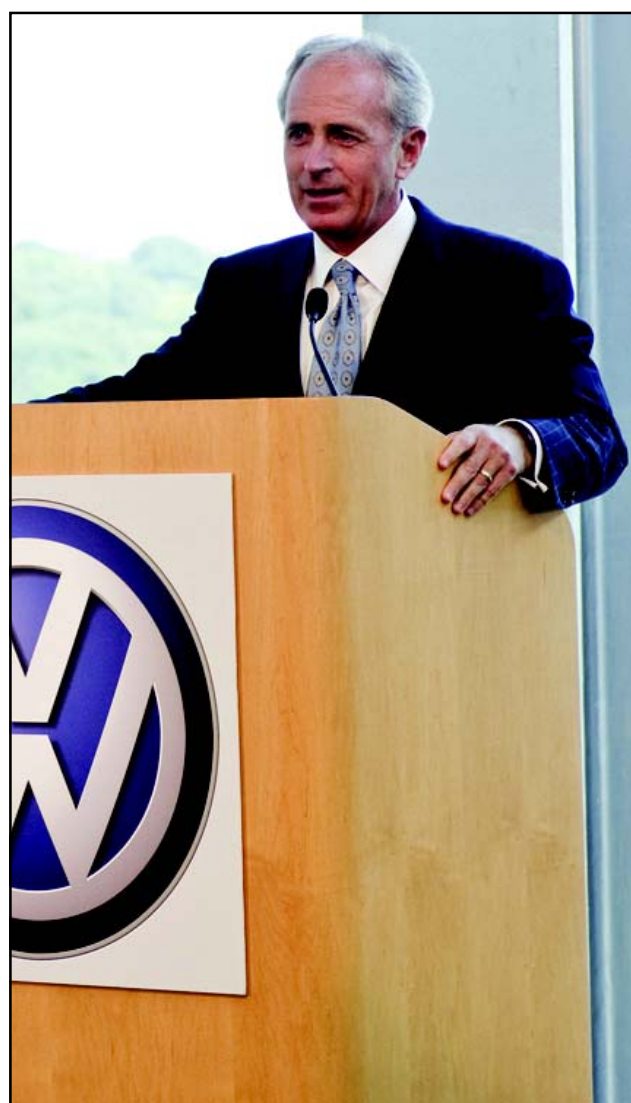
anything is what the city would do differently if they had to do it over again? What were the planning mistakes and successes?"

The transition to Tennessee culture by Chattanooga's newest citizens should be eased by a cultural school provided for German transplants as part of the state's arrangement with Volkswagen. Chattanooga also has a firm partnership with a sister city, Hamm, Germany.

With the city's emphasis on walkability, bicycling and green initiatives, Mayor Littlefield hopes



Deemed a TVA certified Megasite, Enterprise South will include 3,000 developable acres upon completion. Megasites are large industrial sites ready with utilities, rail, road and other major infrastructure.



U.S. Sen. Bob Corker, former mayor of Chattanooga when the city and Hamilton County established Enterprise South as an industrial park, states Volkswagen represents a new chapter in Chattanooga's success story.

highly-skilled and geared toward a sophisticated work force."

Data provided by *Education CrossRoads*, a collaborative report published by the State Comptroller's Office and the University of Tennessee, examines economic prosperity and the positive impact education has on family, society and quality of life. Studies indicate a positive relationship between education and income in Tennessee. Higher wages tied to education, flow through the local economy generating wealth

competitive wages and benefits for skilled laborers will lure some of the region's best workers from area companies driving the wages of existing businesses upward.

"I'm pleased to see this process begin as Volkswagen starts down the road of ramping up its presence in Tennessee," said Matt Kisber, commissioner, Tennessee Department of Economic and Community Development.

"The skill and productivity of the local work force is one of the biggest assets we had in selling Volkswagen on Chattanooga and it's my belief this and subsequent job fairs will demonstrate that point."

The economic effects have been predicted to reverberate throughout the state generating up to 10,000 jobs for suppliers and services in the automotive industry.

"The plant will create many opportunities for the region in a variety of fields," notes Trevor Hamilton, Chattanooga Chamber of Commerce vice president for Economic Development. Hamilton led the chamber's efforts to recruit Volkswagen to Enterprise South Industrial Park.

"The outpouring of excitement



Chattanooga Mayor Ron Littlefield takes the podium flanked by Stefan Jacoby and Gov. Bredesen during Volkswagen's announcement.

about how it will affect education, retail, healthcare, and housing," Hamilton said. "The chamber will look to other communities by example."

As part of this research, the Chattanooga Chamber will be conducting comparison studies with Spartanburg, a municipality outside Greenville and the site of German

will be a lot of data," said Chamber President and Chief Executive Tom Ed Wilson.

"BMW has completely transformed Spartanburg's economy," Wilson continues. "The German culture has now been integrated with their culture and we want to know the impact of all of this. The one question I want to ask more than

Chattanooga's European neighbors feel right at home.

"James Rouse said the secret to economic development is to build the best community you can for the people and the rest will take care of itself," Littlefield reflects.

"We have followed that path and have built an outstanding quality of life here in Chattanooga."

Work force and education status in Tennessee and nationally



According to *Education CrossRoads*, perceptions have become increasingly relevant in attracting expanding companies. Regarding Tennessee, the report states:

"The state does have a good general business climate due to a variety of factors including locational advantages, climate, low taxes and limited regulation. But we have a sore spot as well: a relatively poorly educated adult population and low levels of investment in education... We should not be driven by rankings, but they should serve as a wake-up call and press us to consider the important role education can play in our future."

Gov. Phil Bredesen recently participated in a national report by Achieve Inc. "Out of Many, One: Toward

Rigorous Common Core Standards from the Ground Up," heralding the success of Tennessee in raising academic standards to improve economic competitiveness.

"With the input of business leaders and educators across Tennessee, we moved decisively to develop more rigorous standards to better prepare our students and our state for 21st century success," Bredesen said.

"If Tennessee is to be the place we want it to be in the future, the best hope is to have a work force that is competitive in the global economy," said Tennessee Comptroller of the Treasury John G. Morgan.

"This means a work force that has the education that allows them to communicate, solve problems and innovate. In today's world, it's not about

graduates who can do any particular job; it's about a work force that can adapt to technological changes in the future...Workers who have learned how to learn."

Education, on a national level, has posed challenges for the U.S. work force, as reported by Mike Verespej in *Wanted: Educated Work Force for the U.S.*:

"The ability to succeed in the 21st century is all about the race for human talent. That challenge will get harder if we don't fix the education problem...Business must assume the mantle of leadership. We have to work with governors on innovative ideas to improve education." - Thomas J. Donohue, president and chief executive officer of the U.S. Chamber of Commerce.

STATE BRIEFS



BY TML STAFF REPORTS

A new statewide transportation initiative will make it easier for people who ride rural public transportation vans to take last-minute trips around their county and across county lines. Van riders formerly had to reserve a seat up to two days in advance. With the help of the Tennessee Department of Transportation, 10 rural transportation agencies are installing computer technology that will allow agencies to coordinate trips that will get customers to their destinations more quickly, even if more than one county is involved. Three human resource agencies already use the technology as part of an initiative dubbed Intelligent Transportation Systems.

Rising prices at the gas pump appear to be having at least one positive effect: **Traffic deaths around the country — including Tennessee — are plummeting**, just as they did during the Arab oil embargo three decades ago. Preliminary figures show death rates are down 20 percent in Tennessee. Thirty-one states have seen declines of at least 10 percent, according to the National Safety Council.

Only Arkansas, Mississippi and West Virginia spend less on their local libraries than Tennessee. Communities in this state spend an average of about \$16 per resident on their local libraries. The national average is about \$32. That means many of Tennessee's public libraries are housed in buildings that are too small. They have fewer materials in circulation than other libraries around the country. They are understaffed and have librarians who are underpaid. As a consequence, library attendance in Tennessee is 32 percent below the national average.

School officials in Williamson County are working with the Tennessee Department of Education to remove all Social Security numbers from the district's database. This move comes after a breach in student information where students Social Security Numbers were accidentally posted online. School officials said effective immediately, no new student will have to give a Social Security number as part of the registration process. Earlier this month, school officials in Williamson County learned more than 5,000 students may have been affected when a school employee accidentally posted their personal information online.

The Music City Star could receive half the funding needed to cover its anticipated \$2 million deficit. The Tennessee Department of Transportation agreed to help the struggling commuter train under two conditions. First, the Regional Transportation Authority will partner with the Metro Transportation Authority to better manage the train's operations. Second, the RTA and local governments must agree to cover the other half of the deficit. TDOT Commissioner Gerald Nicely says the RTA urgently needs help to figure out how to successfully operate the Star. The agreement came during an RTA board meeting.

Unemployment in Tennessee edged up by one-tenth of a percentage point to 6.5 percent in June compared with a month earlier, pushing the jobless rate here a full percentage point higher than the nation's rate. With service companies cutting jobs in response to less spending by consumers, 1,300 more Tennesseans were out of work between May and June, according to data released Thursday by the state Department of Labor and Workforce Development.

Tennessee, Mississippi and Alabama lead the nation in the percentage of adults who say they are obese. According to the agency's Morbidity and Mortality Weekly Report, self-reported obesity rates in these states were more than 30 percent. The study found obesity is more prominent in the South, where 27 percent of respondents were classified as obese. The percentage of obese adults was 25.3 in the Midwest, 23.3 percent in the Northeast, and 22.1 percent in the West. Colorado had the lowest obesity prevalence at 18.7 percent. Nationally, the number of adults who claim to be obese rose 1.7 percent from 2005 to 2007. Now, 25.6 percent of Americans say they are obese, up from 23.9 percent in 2005.

There's an 18 percent decline in the number of fishing and hunting licenses sold in Tennessee since 1999, when 432,610 combination fishing and hunting licenses were sold. Some of the reasons for the decline, state officials say, are as simple as a slowing economy and more entertainment options.

Drivers in Tennessee spend nearly 6 percent of their income on gasoline, twice as much as what drivers in some states spend, according to a report released by the Natural Resources Defense Council. The report highlights two areas: vulnerability to high oil prices and implementation by states of alternatives and solutions. The states in which drivers are most at risk to high gas price increases are Mississippi, South Carolina, Georgia, Louisiana, Kentucky, New Mexico, Indiana, Arkansas, Oklahoma and Iowa. Tennessee is ranked 17th, based on highest percent of driver income dedicated to fuel costs.

Gross ticket sales for the Tennessee lottery have topped \$4.39 billion since its inception four years ago, including more than \$1 billion over the last year, according to the State Lottery Corporation. Ticket sales for July 1, 2007, to June 30 this year totaled \$1.064 billion, an increase of \$6.8 million from the previous year. About \$286 million of last year's sales was earmarked for education funding, which includes college scholarships, pre-kindergarten classes and after-school programs.

Tennessee is fourth in the nation for best business climate, according to a new survey by Development Counselors, International. The comprehensive assessment polled corporate executives with site selection responsibilities to determine the states they perceived as having the most effective strategies and techniques in economic development

marketing. The report, "A View from Corporate America: Winning Strategies in Economic Development Marketing," has been conducted every three years since 1996, and Tennessee's fourth place ranking is its highest-ever finish.

Tennessee ranks 13th among all states in foreclosure rates, according to second quarter data RealtyTrac Inc. The state had 12,008 foreclosure filings — default notices, auction sale notices and bank repossessions — in the second quarter. That's 105.2 percent more than the second quarter 2007. One out of every 223 Tennessee households got a foreclosure notice in the second quarter. In the U.S., foreclosure filings were reported on 739,714 properties during the second quarter — a 121 percent increase from the second quarter of 2007. The report also shows that one in every 171 U.S. households received a foreclosure filing during the quarter.

The Tennessee Department of Transportation has published a first-of-its-kind book, entitled Tennessee's Pre-1946 Masonry Arch, Timber Truss, Metal Truss, Concrete Arch, Metal Arch, and Suspension Bridges. This study is the culmination of research documenting the unique histories of individual bridges, bridge companies, and general bridge building techniques in Tennessee, up to the end of World War II and details TDOT's state-wide survey of bridges that have been or are currently located on highways. The book also reveals the existence of such rare structures as one of the few Baltimore Petit truss and Bowstring truss bridges remaining in the Southeast as well as possibly the only 19th century cable stayed suspension bridge in the United States.

The Volunteer State apparently is in need of more volunteers, according to a study that ranks Tennessee 39th for participation in community service. The study was released recently by the Corporation for National and Community Service, an independent federal agency designed to foster civic engagement. Using U.S. Census Bureau data, the study concludes that Utah had the nation's highest volunteer rate between 2005 and 2007: 43.9 percent. Dipping below that were Alabama at 26.6 percent, Tennessee at 25.5 percent and Georgia at 24.2 percent.

Fatal motorcycle accidents are increasing statewide, corresponding with a rise in the number of people being issued motorcycle licenses. According to the Tennessee Department of Safety, the number of motorcycle licenses increased statewide about 5 percent each year between 2003 and 2006. Also increasing were the number of motorcycle-related fatalities - from 88 in 2003 to 140 in 2006.

The academic profile of the University of Tennessee's freshmen improved for the fifth year in a row. The class of 2012 has an average core grade-point average of 3.76 and a 26.6 average ACT score. Both scores are the highest ever for an entering class, according to UT. Thirty-nine percent of this year's incoming freshmen had 4.0 averages in high school, compared with 32 percent last year.



Tullahoma recently closed a loan with the Tennessee Municipal Bond Fund for \$12 million dollars for school improvements. Pictured are Joe Muscatello, TMBF Representative, Mayor Troy Bisby, and Rosemary Womack, finance director.

PEOPLE

BY TML STAFF REPORTS

Dr. Tim Webb was sworn into office July 24 as commissioner of the Tennessee Department of Education. Gov. Bredesen appointed Webb acting commissioner in February following the retirement of Lana Seivers from state service.



Webb

Billy Simpson, Jasper Mayor, was appointed by Gov. Phil Bredesen to the Local Government Planning Advisory Committee.

Jay West has been named the new executive director of the County Officials Association of Tennessee. West succeeds Marie Murphy who has joined the Department of Commerce and Insurance as Assistant Commissioner for Special Projects. West has previously served as a Councilman at Large and Vice Mayor in Nashville. He has been a registered lobbyist for more than 25 years. West is a graduate of Belmont University and the Nashville School of Law.



West

Margie Nichols, currently chief of staff to the University of Tennessee president, will be named interim vice chancellor for communications for the UT Knoxville campus. Nichols will succeed Tom Milligan, who is to become executive vice chancellor for university relations at the University of Massachusetts on Sept. 1. She joined UT in November 2007 as a member of the president's senior staff. Before joining UT, Nichols was senior director



Nichols

of communications and government relations for Knoxville Mayor Bill Haslam.

State Court of Appeals Judge **J. Steven Stafford** of Dyersburg has been named chairman of the Tennessee Bar Foundation, a philanthropic organization that administers a fund supporting law-related public projects and also honors attorneys who have distinguished themselves professionally. The Foundation oversees and administers IOLTA, an acronym for Interest on Lawyers' Trust Accounts, which was established by the Tennessee Supreme Court in 1984.

Rep. John Hood, leaving the Tennessee General Assembly after serving six terms as state representative from the 48th District, will continue to serve the state out of the Office of Community Engagement and Support at Middle Tennessee State University. MTSU President Sidney A. McPhee established the office to support the university's overall mission as it relates to addressing the ever-growing needs of both MTSU and the surrounding community at large.



Hood

Maryville City Councilman and Planning Commissioner Rondel Eugene "Ron" Ivens died at his West Maryville home July 29 after a long battle with cancer. He was 74. Ivens was first elected to Maryville City Council in 1999 and re-elected in 2003 and 2006. His current term would have expired in 2010. He has also been the council's representative on the Maryville Planning Commission since 1999.



Ivens

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ELECTION ROUNDUP

PRIMARY from Page 1

Outright winners

The August primaries not only determined each party's nominees, but in many cases determined the outright winner. In the Senate, even-numbered districts were up for election. In the House, all 99 seats held elections.

State Senate

- District 8 – Doug Overbey (R)
- District 22 – Rosalind Kurita (D)
- District 24 – Roy Herron (D)
- District 28 – Jim Kyle (D)
- District 30 – Beverly Marrero (D)
- District 32 – Mark Norris (R)

State House

- District 3 - Jason Mumpower (R)
- District 4 – Kent Williams (R)
- District 6 – Dale Ford (R)
- District 7 – Matthew Hill (R)
- District 8- Joe McCord (R)
- District 10 – John Litz (D)
- District 12 – Richard Montgomery (R)
- District 13 – Harry Tindell (D)
- District 14 – Ryan Haynes (R)
- District 17 – Frank Niceley (R)
- District 18 – Stacey Campfield (R)
- District 19 – Harry Brooks (D)
- District 20 – Bob Ramsey (R)
- District 21 – Jimmy Matlock (R)
- District 22 – Eric Watson (R)
- District 23 – Mike Bell (R)
- District 24 – Kevin Brooks (R)
- District 25 – Eric Swafford (R)
- District 26 – Gerald McCormick (R)
- District 27 – Richard Floyd (R)
- District 28 – Tommie Brown (D)
- District 30 – Vince Dean (R)
- District 31 – Jim Cobb (R)
- District 32 – Dennis Ferguson (D)
- District 35 – Dennis Roach (R)
- District 38 – Les Winningham (D)
- District 41 – John Mark Windle (D)
- District 42 – Henry Fincher (D)
- District 43 – Charles Curtiss (D)
- District 44 – Mike McDonald (D)
- District 50 – Gary Moore (D)
- District 51 – Mike Turner (D)
- District 52 – Mike Stewart (D)
- District 53 – Janis Sontany (D)
- District 54 – Brenda Gilmore (D)
- District 56 – Beth Harwell (R)
- District 58 – Mary Pruitt (D)
- District 59 – Sherry Jones (D)
- District 61 – Charles Sargent (R)
- District 63 – Glen Casada (R)
- District 65 – Eddie Bass (D)
- District 67 – Joe Pitts (D)
- District 68 – Curtis Johnson (R)
- District 69 – David Shepard (D)
- District 72 – Steve McDaniel (R)
- District 73 – Jimmy Eldridge (R)
- District 74 – John Tidwell (D)
- District 76 – Mark Maddox (D)
- District 80 – Johnny Shaw (D)
- District 82 - Craig Fitzhugh (D)
- District 83 – Brian Kelsey (R)
- District 84 – Joe Towns (D)
- District 85 – Larry Turner (D)



- District 87 – Karen Camper (D)
- District 88 – Larry Miller (D)
- District 89 – Jeanne Richardson
- District 90 – John DeBerry (D)
- District 92 – G.A. Hardaway (D)
- District 95 – Curry Todd (R)
- District 96 – Steve McManus (R)
- District 97 – Jim Coley (R)
- District 99 – Ron Lollar (R)

Local Elections

Despite tough economic conditions, voters in Elizabethton and Pulaski supported a sales tax increase to fund a school building and maintenance program, and to pay for repairs and upgrades to the Sam Davis Park football stadium, respectively. Elizabethton's referendum was approved with 55 percent of the vote and Pulaski voted overwhelming for the increase with 65 percent of the votes.

Greenbrier elected Billy Wilson as the town's new Mayor. Joshua Evans was voted in as Greenbrier's Alderman Ward 2.

Elkton voters elected four members to the Board of Mayor and Aldermen. They chose Doug Turner, Frances T. Neal, Barry Wilburn, and Roosevelt Whitfield.

Lynnville Mayor Troy Hood was unopposed in his bid for reelection as were aldermen Charles Jett and Robert E. White.

In Minor Hill, Brandon Beard and Larry J. Johnson were elected to the Board of Mayor and Aldermen.

In New Johnsonville, Michael Pate, a 26 year old write-in candidate, was elected mayor. He is a police officer in nearby McEwen.

Tough fiscal conditions for states, cities

BY CHRIS HOENE
Nation's Cities Weekly

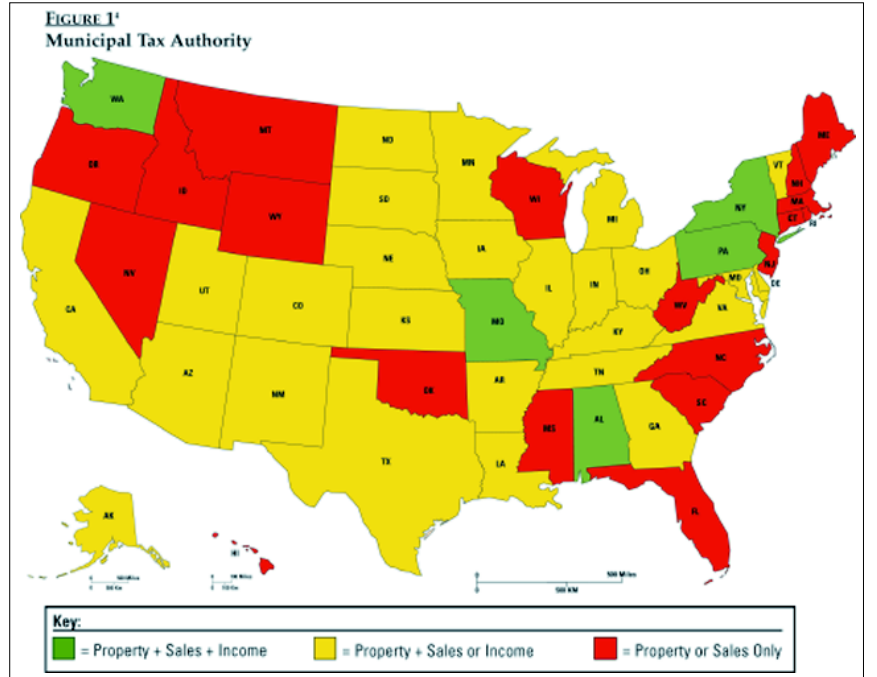
July 1 marked the beginning of a new fiscal year for most states and about one-third of local governments, and, as a result of declining economic conditions, ushered in a period of cutback management and difficult decision making for many state and local leaders.

To date, the scope of the problem is most evident at the state level, but it will become more evident for cities, particularly when the remaining cities turn over new fiscal years October 1, 2008 and January 1, 2009.

For states, the Center on Budget and Policy Priorities in Washington, D.C., reports that 29 states are facing a combined \$48 billion shortfall in fiscal year 2009 and that three more states will face shortfalls in fiscal year 2010. The center's report points to declining state sales tax revenues, increased pressures stemming from local property tax-housing revenue declines and the prospect of income tax revenue decreases if the economy continues to weaken.

Since states, like cities, can't run annual budget deficits, the gaps will have to be closed by cutting spending, raising taxes, drawing down reserves, or some combination of the three. For cities, periods of state fiscal difficulty often result in cuts in state revenue or state takeover of local revenues. This was the case in the years following the brief recession in 2001. At the time, the effects of these state actions were mitigated as many local governments experienced a boom in property tax revenues stemming from growth in housing values.

A new report published by NLC suggests that a different set of state responses are in order this time around. The report, "Cities and State Fiscal Structure," outlines the different ways that state governments structure local revenue au-



In some states, the authority provided is only available to select cities. Alabama: 19 cities use local income tax. Delaware: Income tax for Wilmington. Idaho: Sales tax for resort cities under 10,000 in population. Maryland: Income tax for Baltimore city-county. Michigan: 22 cities use local income tax. Minnesota: Sales tax for cities if approved by state legislature. Missouri: Income tax for St. Louis and Kansas City. Montana: Sales tax for resort cities under 5,500 in population. New Jersey: Sales tax for Atlantic City and Wildwoods. New York: Income tax for New York City and Yonkers. Pennsylvania: Sales tax for Philadelphia. Vermont: some cities have local sales tax authority.

thority and capacity.

Report co-author Michael A. Pagano, dean of the College of Urban Planning and Public Affairs at the University of Illinois at Chicago, notes, "Not enough attention is paid to the variation in state-local fiscal

structures that exist. There are essentially 50 different state-local systems."

For instance, the report looks at state authorization of the three major tax sources for local governments — property, sales and income taxes.

The report points to declining state sales tax revenues, increased pressures stemming from local property tax-housing revenue declines and the prospect of income tax revenue decreases if the economy continues to weaken.

Some states authorize cities to use property taxes only, while others authorize a combination of property and sales taxes, and, in a few cases, some authorize a combination of all three tax sources.

With declining local conditions imminent, the report recommends that state policy responses need to be different this time in comparison to past downturns. States should consider authorizing additional local taxing authority, maintaining state aid levels and resisting pressures to pass tax and spending limits in response to short-term changes in conditions.

"Unfortunately, we usually see the opposite occur, resulting in further weakening of the state-local sector's ability to respond to and recover from the downturn," said Pagano.

This was already the case in states like Florida and Indiana where voter- and state government-approved actions were taken in the past year to limit local governments' authority with respect to property taxes.

In Indiana, where local governments had been leading efforts to provide homeowners with property tax relief while providing local governments with additional revenue authority through the sales tax, "the state response essentially took the easy and irresponsible road — cutting local property taxes, but leaving local governments with a large hole in their budgets and no tools with which to respond," said Matt Greller, executive director of the Indiana Association of Cities and Towns.

Weakening state and local conditions might also argue for stronger federal response to ensure that the critical services provided at the state and local levels are in place to help residents struggling to respond to those economic changes.

"With state and local governments likely facing tough times in 2009 and 2010, there is certainly time for a focused federal response," said NLC President Cynthia McCollum, councilmember from Madison, Alabama. "That response ought to be a part of discussions about federal stimulus packages and a part of the national debate in this year's presidential elections."

"Cities and State Fiscal Structure" is available here. In addition, NLC will publish its report on City Fiscal Conditions in 2008 in the coming weeks, providing more detailed information about the health of city budgets.

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ENERGY from Page 1

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Summary of Public Acts 2008

BY JOSH JONES
& DENNIS HUFFER
MTAS Legal Consultants

ALCOHOLIC BEVERAGES
Public Chapter No. 778 (HB3067) Wine referendum in Townsend: Amends T.C.A. § 57-4-103 by requiring the Blount County Election Commission to place a referendum question, wine for consumption on premises in Townsend, on the November 2008 general election ballot if the municipal governing body calls for the referendum by July 15, 2008. Townsend is responsible for all costs associated with the referendum. *Effective April 21, 2008.*

Public Chapter No. 877 (SB2938) Removal of sunset provision: Amends T.C.A. Title 57, Parts 5 and 6. Removes the sunset provision on the present law prohibition on sale of beer for off-premises consumption to a person who does not present photo identification. Creates an exception to any criminal punishment or adverse administrative action if the sale in question was made to someone who is or reasonably appears to be over 50 years of age and failed to present identification. *Effective May 9, 2008.*

ANIMALS
Public Chapter No. 639 (SB3149) Euthanasia of animals: Amends T.C.A. Title 44, Chapter 17, Part 3, to allow a non-livestock animal to be tranquilized with an approved substance before euthanasia by lethal injection. If the animal is euthanized by intracardial injection via hypodermic needle, the animal must be tranquilized. These provisions apply to any licensed veterinarian, veterinarian medical technician, employee, volunteer or any other person acting as an agent of a public or private agency, animal shelter or other facility operated for the collection, care or euthanasia or non-livestock animals. Before an aforementioned agency euthanizes an animal that the facility knows or should know has an owner, the agency must hold the animal for three business days. This three-day requirement is not applicable in emergency situations. *Effective July 1, 2008.*

Public Chapter No. 805 (SB870) Chemical capture of animals: Amends T.C.A. Title 44, Chapter 17 and Title 63, Chapter 12. Chemical capture by certified technicians must be done with Telazol or other drugs approved by the board of veterinary medical examiners. Drugs used for chemical capture can be administered only by a licensed veterinarian or a licensed veterinarian technician employed by and under the direct supervision of a licensed veterinarian or certified animal chemical capture technician.

Requires the board of veterinary medical examiners to issue a certificate authorizing chemical capture of animals to any governmental animal control agency that the board determines to be qualified. Agency must submit application, fee and written protocol for chemical capture. All animal chemical capture technicians must be board certified. Creates a new Class B misdemeanor of engaging in chemical capture without certification or impersonating a certified chemical capture animal technician. *Effective for purposes of promulgating rules April 10, 2008. Effective for all other purposes Jan. 1, 2009.*

Public Chapter No. 1172 (SB2697) Intentional killing of animals: Amends T.C.A. Title 39, Chapter 14, Part 2. Changes the offense of intentional killing of an animal by removing the element that the offender have the intent to deprive the owner of the right to the animal's life, thereby requiring only that the defendant knowingly and unlawfully kill an animal of another without the owner's effective consent. *Effective July 1, 2008.*

ANNEXATION
Public Chapter No. 818 (SB2972) Deletion of obsolete annexation provisions: Amends T.C.A. Title 6, Sections 51 and 58 relative to annexation, by deleting obsolete, time-sensitive provisions. *Effective April 29, 2008.*

Public Chapter No. 1033 (SB3434) Municipal annexation of state park land: Amends T.C.A. Title 6, Chapter 51, Part 1, relative to annexation. Requires the following as a precedent to municipal annexation of any state park land:

- 1)The territory proposed for annexation must be located within the municipality's urban growth

- boundaries;
- 2)The municipality must provide detailed notice to the commissioner of environment and conservation;
- 3)Notification must include a detailed description of the territory proposed for annexation, reasons for the annexation, plan for municipal services and timeline for delivery;
- 4)The department must study the likely impact on the wildlife, scenery, ambiance, traffic, roads, visitors and mission of the proposed territory to be annexed. Municipality must pay the costs of this study;
- 5)The department must conduct one or more public hearings;
- 6)Prior to the public hearing, the department must seek the county commission's input regarding the municipality's proposed annexation;
- 7)The department must report its finding and may prescribe binding prerequisites for the proposed annexation as are necessary and desirable to protect and preserve the park or natural area for the benefit of all current and future Tennesseans. *Effective May 22, 2008.*

Effective May 22, 2008.

AUTHORITIES
Public Chapter No. 720 (SB3141) Public building authorities: Amends T.C.A. Title 12, Chapter 10, Part 1. Expands the right to petition local governing bodies for incorporation of a public building authority to customers of a utility district. The directors of a public building authority created by a utility district must be customers of the utility district. Members of the board of commissioners and employees of the utility district may serve as directors. The directors of an authority created jointly by two or more utility districts must either be a customer of one of the creating districts or a member of the board of directors of the TAUD. Directors are appointed by the board of commissioners of each creating utility district with the number of directors appointed by each board of commissioners to be as nearly equal as practicable. Establishes staggered terms for directors. An authority created by a utility district or two or more utility districts would only have the powers established under present law for public building authorities for projects that consist of utility infrastructure, improvements, and facilities that are an integral part of a public utility's operations and are used by the utility in providing utility services. *Effective April 10, 2008.*

Public Chapter No. 1042 (HB1665) Tri-County Railroad Authority members: Amends T.C.A. § 64-2-304(2) by authorizing the county mayor and mayor of each member city of the Tri-County Railroad Authority to select a representative to the board of directors to serve in their stead. The representative must be at least 25 years of age, have resided within the boundaries of the authority for at least one year immediately preceding the person's selection, and must continue to reside within the boundaries while serving as a director. Local governing body must approve candidate. Representative's term may not exceed the remaining term of the appointing official. *Effective May 28, 2008.*

BUILDING, UTILITY, & HOUSING CODES
Public Chapter No. 766 (SB2935) Tennessee Condominium Act of 2008: Amends T.C.A. Title 66 by enacting the Tennessee Condominium Act of 2008. This bill would apply to all condominiums created in Tennessee after Jan. 1, 2009, and, upon its effective date, the present law concerning condominiums, the Horizontal Property Act, would apply only to condominiums created in Tennessee before Jan. 1, 2009. Forbids ordinances, resolutions or any other local law or rule from prohibiting the condominium form of ownership or from imposing any requirement upon a condominium which it would not impose upon a physically identical development under a different form of ownership. If a unit is taken by eminent domain or if a part of a unit is taken such that the owner may not practically or lawfully use the unit, then the award must compensate the owner for both the owner's unit and the owner's interest in the common elements, regardless of whether any common element was taken. *Effective Jan. 1, 2009.*

TML Pool marks million dollar milestone

In the dark of the night on Feb. 5, a tornado cut across rural Macon County, touching down on the western edge of Lafayette. Keith Scruggs, Lafayette fire chief and director of the county emergency management agency, was in the middle of the chaos, helping those in need. As a city employee, Chief Scruggs is well aware of the cost of replacing damaged or worn equipment in his fire station.

In June, the TML Risk Management Pool was able to help Lafayette by awarding the city a \$2,000 check for the reimbursement of city equipment and supplies such as safety glasses, safety gloves, hearing protection, reflective shirts and vests, and confined space equipment. The city was the recipient of the Pool's "Safety Partners" Matching grant. It was a very proud moment for the Pool because the award to Lafayette also marked the Pool's million dollar mark in total money granted to its members since the Safety Partners grant program began in 1997. How fitting that such a special occasion for the Pool would also be a helping hand for the city.

Lafayette's Mayor J.Y. Carter and City Recorder Annette Morgan met with TML Pool representatives in a special presentation of their grant check. Attending the presentation from the Pool were Michael G. Fann, director of Loss Control,



From left, Chester Darden, Loss Control consultant; Lafayette Mayor J.Y. Carter; Michael G. Fann, director of Loss Control; and Randy Williams, director of Client Services.

George Dalton, assistant director of Loss Control, Randy Williams, director of Client Services, Chester Darden, Loss Control consultant for the middle TN region, and Lottie Scobee, executive assistant and grant manager.

In the progression of this program, the TML Pool has awarded a total of 772 grants amounting to \$1,003,702. As of the close of the 2008 fiscal year, many employee safety items have been purchased over the past years such as: bullet-proof vests, steel-toed boots, turnout gear with helmets, gas monitor-

ing meters, defibrillators, traffic reflective vests, safety gloves, glasses, hearing protection, traffic cones, first-aid kits, Hepatitis B vaccinations, confined space winches and tripod systems, trench boxes, fire extinguishers, traffic control flags/signs, employee wellness programs, electrical safety training, defensive driving training.

All TML Pool members with workers compensation coverage are eligible to apply each year for a matching grant for their cities/town/agencies.

TML Pool Congratulates 2007-08 Matching Grant Recipients

Safe Actions . . . First Time, Every Time . . . the TML Pool and You!

To help address the concern of cities, towns and agencies purchasing employee safety equipment or safety training that is often cost prohibitive or at least burdensome, even when the entity recognizes the need for it, the Pool has awarded **91 Loss Control Matching Grants** for the 2007-08 fiscal year.

The Pool reimbursed up to 50% of the cost of the approved employee safety purchase with a maximum reimbursement based on the Priority Classification matrix rating. Consideration of grants was based on a variety of topics such as submission date, loss ratios, risk management practices, and availability of funding. Risk control is a critical part of managing a governmental entity effectively. **The TML Risk Management Pool wishes to congratulate the Pool members that received Safety Partners Matching Grants for 2007-08.** The following entities are to be commended for their fine job of safety awareness.

Alcoa
Athens
Baileyton
Baxter
Bell Buckle
Belle Meade
Benton
Bolivar
Brentwood
Burns
Calhoun
Caryville
Charleston
Church Hill
Cleveland
Clifton
Collegedale
Collinwood
Cookeville
Cornersville
Covington
Crump
Dandridge
Dayton
Dover
East Ridge
Englewood
Etowah
Etowah HA
Fairview

Fayetteville
Franklin
Franklin SSD
Gallatin
Gates
Gatlinburg
Germantown
Gilt Edge
Harriman Utilities
Humboldt
Huntsville
Jamestown
Johnson City HA
Jonesborough
KAT
Kimball
Kingston Springs
Knoxville Knox County CAC
Lafayette
LaFollette Utilities
LaVergne
Lawrenceburg
Lenoir City
Lenoir Utilities Board
Linden
Livingston
Martin
Maryville
Mid Cumberland HRA
Milan

Morristown
Mount Carmel
Murfreesboro HA
Norris
NW TN Econ Dev
Oakland
Parsons
Pigeon Forge
Pikeville
Pittman Center
Portland
Pulaski Electric
Puryear
Red Bank
Rockwood Electric Utility
Rockwood Water, Sewer & Gas
SCHRA
Sevier Solid Waste
Sevierville
Smithville Electric
Somerville
Sparta
Sweetwater
Trenton
Tullahoma
Tusculum
Vonore
Waynesboro
White House
Winchester
Winchester Utilities

Public Chapter No. 907 (SB116) Energy conservation standards: Amends T.C.A. Title 4, Chapter 3, Part 7, relative to building codes. Establishes the minimum energy conservation standards for any new residential building construction on or after Jan. 1, 2009 as the 2003 International Energy Conservation Code (I.E.C.C.). Encourages builders to voluntarily comply with the 2006 I.E.C.C. standards for commercial construction.

Energy efficiency and environmental building standards adopted by state or local jurisdictions may include the use of:

- 1)A sheathing with factory applied radiant barrier with an emissivity rating of 0.05 or less or a sheet radiant barrier with an emissivity rating of 0.05 or less that also meets the specifications of ASTM C1313 and is installed according to ASTM C1158; and
- 2)The use of lumber and engineered wood products that originate from sustainable sources and are certified through the Sustainable Forestry Initiative, Canadian Standards Association, American Tree Farms System, Programme for the Endorsement of Forest Certification, and Forest Stewardship Council. *Effective Jan. 1, 2009.*

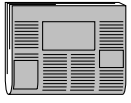
Public Chapter No. 1027 (SB3048) Rental properties unfit for habitation: Amends T.C.A. Title 68, Chapter 111. Extends the period of time within which the building inspector or representative of the public health department is required to inspect a building immediately following the filing of a complaint alleging that the premises are unfit for human habita-

tion from within 10 to within 14 days. Complaint must be forwarded to the tenant's landlord or the landlord's agent via certified mail. Defines third-party complainant as a health care provider or public employee who, in the regular course of his duties, has been inside a premises occupied by a tenant. Removes the condition that tenant be current on rental payments to file a complaint with building inspector or county health department. Specifies that the provision requiring the premises be in violation of minimum health standards subsequent to the filing of a complaint does not apply to rental agreements where the rent is assessed and collected monthly or a term greater than monthly. *Effective May 28, 2008.*

BUSINESS REGULATION
Public Chapter No. 638 (SB2028) Retail fireworks permits: Amends T.C.A. §68-105-105(a) to require as a prerequisite to the issuance of a retailer's or seasonal retailer's fireworks permit for new location, a statement that the sale of fireworks in the county or municipality is permissible. The statement must be signed by the chief executive officer of the county or municipality or an appointee charged with the responsibility of enforcing this section. *Effective March 18, 2008.*

Public Chapter No. 690 (SB2400) Scrap metal registration: Amends T.C.A. Title 39, Chapter 14; Title 40, Chapter 35 and Title 62, Chapter 9, relative to scrap metal, scrap metal dealers, theft and criminal trespass. Requires registration with Department of Commerce

and Insurance for dealers of scrap metal. Requires dealers to secure and record photo identification of buyers. Precludes immediate payment for sale of copper scrap metal, catalytic converters or air conditioner evaporator coils or condensers. Only a licensed contractor with a CMC, MC, CMC-C or MC-C classification, a company meeting all local HVAC requirements to obtain a permit as an HVAC installer in a building code-exempt jurisdiction, a business tax license with a Class 4 classification, or sales tax ID number indicating HVAC installer or repairer in a non-exempt jurisdiction or exempt jurisdiction where no local HVAC installer permit is required, may sell air conditioner evaporator coils or condensers for scrap. Allows local law enforcement officers to inspect registered dealers during regular business hours, without a warrant, scrap metal purchased by dealers and the records of such. Allows for the creation of a commission to regulate scrap metal business. Nothing in these sections prevents a governmental entity, regulated landfill or solid waste processing plant from selling any scrap metal lawfully obtained or from registering as a scrap metal dealer. Creates a Class A Misdemeanor for first and second offense and a Class E Felony for third and subsequent offenses. *For purposes of rulemaking by the Commissioner of the Department of Commerce and Insurance, this act becomes effective April 7, 2008. Section 62-9-102, requiring scrap metal dealers to register with the department becomes effective Oct. 1, 2008. The remainder of the bill takes effect July 1, 2008.*



CLASSIFIED ADS

Advertising: \$9.25 per column inch. No charge to TML members. Send advertising to: TT&C Classified Ads, Mona Lawrence, 226 Capitol Blvd. Suite 710, Nashville TN 37219; e-mail: mlawrence@TML1.org; or fax: 615-255 4752.

ASSISTANT POLICE CHIEF

The town of Greeneville is seeking an individual for full-time employment as Assistant Police Chief. The candidate must have strong interpersonal and organizational skills with the ability to manage personnel, programs and multiple projects simultaneously. Under the direction of the Police Chief, responsibilities include assisting in planning, organizing, and directing all activities of the Police Department. Activities associated with the position require a strong background in police administration and personnel management with a minimum of five years supervisory experience of lieutenant or higher. The Assistant Police Chief will reside within the Greene County limits within six months of hire. Greeneville offers a competitive wage based on education and experience and excellent fringe benefits. Applications are available at www.greenevilletn.org or may be obtained at Town of Greeneville, 200 North College Street, Greeneville, Tennessee 37745. No Phone calls. Completed applications and resumes with wage requirements must be received at Town of Greeneville, Attention: Human Resources-Assistant Police Chief, 200 College St., Greeneville, TN 37745 by noon on Tuesday, Sept. 2, 2008.

CITY ADMINISTRATOR

FRANKLIN. The city is seeking applicants for the position of city administrator. The ideal candidate will be a proven local government manager or assistant with experience in fast growing communities. Must have proven ability to provide strategic visioning to the City as it continues to develop and progress. Requires a Bachelors degree and ten years of related experience. Some private experience will be considered. Competitive salary range with excellent benefits with beginning salary negotiable DOQ. Visit the City's web site @ www.franklin-gov.com. This position will be open until filled. EOE. To apply, please submit your confidential resume and cover letter without delay to: Robert E. Slavin, President Slavin Management Consultants , 3040 Holcomb Bridge Road, Suite A-1, Norcross, Georgia 30071, phone: 770-449-4656, Fax: 770-416-0848, E-mail: slavin@bellsouth.net. Web site: www.slavinweb.com.

CITY MANAGER

EAST RIDGE. The City of East Ridge is accepting qualified applicants for the position of City Manager. Qualifications: At least five years city management experience, plus leadership and team building skills. College degree required. Salary range \$85,000 - \$95,000, plus benefits & automobile. Send resume to: Curtis D. Adams, Hamilton County Commissioner/City Manager, City of East Ridge, 1517 Tombras Avenue, East Ridge, TN 37412, phone: 423-622-3352. EOE. TN Drug Free Workplace.

CITY MANAGER

OAK HILL. The city seeks applications for the position of City Manager. Excellent benefits package. Commission-Manager form of government with manager reporting to the mayor and Board of Commissioners. The city manager will lead and direct all departments including administration, safety, planning and code enforcement, streets and public services. Require BA/BS in public or business administration, political science, public policy or related field. Prefer some municipal experience as manager or assistant manager in local government. Salary: DOQ/E. Position open until filled. The required city application is available from the assistant city manager. The application, with resume, cover letter, references and salary history should be submitted to: City of Oak Hill, 5548 Franklin Road, Suite 102, Nashville, TN 37220. The assistant city manager may be contacted by phone at 615-371-8291.

CODES ADMINISTRATOR

The city of Springfield is accepting applications for a codes administrator with the Department of Community Development and Planning in Springfield, Tenn. from Aug. 11-Sept. 12, 2008. Essential functions include performing responsible technical and protective service work in the inspection of buildings, facilities and properties for compliance with International Code Council Codes, zoning ordinances, subdivision regulations, and general health, safety and sanitation ordinances. Graduation from a standard high

school. Associate or college degree in construction design technology, public administration or related field preferred. At least 5 years of which shall have been as a building inspector in municipal or county government. Five years supervisory experience is required. Must be a Certified Building Inspector by the International Codes Council and State Fire Marshall's Office. Salary range: \$41,724 - \$56,950 (Applications must be postmarked by Sept. 12, 2008 or may be received in person at the City of Springfield Personnel Office, 405 North Main St. and returned no later than 4:30 p.m. on the date specified above. When applying for this vacancy announcement, please reference announcement number #CD-010. EOE.

COMMUNITY DEVELOPMENT DIRECTOR

ATHENS. The city will accept applications for the position of Community Development Director until filled. This position is responsible for professional assistance in the City's industrial, commercial and residential development efforts including planning, zoning and supervision of building inspections and codes enforcement. The director works under the general supervision of the city manager. The position requires a bachelor's degree in city planning, public administration, business administration or closely related field and work related experience in management and planning for local and/or state governments. Must possess and maintain a valid Tennessee driver's license. Salary range is \$56,163-\$84,244 (DOQ) plus full benefit package. References are required and background checks will be conducted. Resumes will only be accepted with applications. Applications are available through the HR Department, City of Athens, PO Box 849, 815 North Jackson Street, Athens, TN 37371-0849. EOE.

COMMUNITY DEVELOPMENT DIRECTOR

COLLIERVILLE. The town seeks applications for the position of Community Development Director. The director plans, organizes, directs, services of department in engineering, planning, and building codes services. Requires strong, results-oriented management qualifications, leadership and team building skills and engineering, planning, communication and interpersonal relationship competencies. Needs track record demonstrating consensus-building, knowledge of community development, City functions, project design and management, transportation systems and their funding sources, customer service, employee relations, and intergovernmental relations. Requires Bachelor's degree, 10 years experience in planning and community development work. Master's degree in planning, business administration or related field preferred. Salary \$67,348 - \$106,660 DOQ, plus benefits. Send resumes by September 15, 2008 to John Maxwell, Senior Vice President, Springsted Incorporated: 109-A Wimbledon Square, Suite A, Chesapeake VA 23320, fax 757-422-6617 or email jmaxwell@springsted.com. EOE.

DEPUTY FIRE CHIEF

JACKSON. The city is accepting applications for the position of Deputy Fire Chief. Will serve as principal assistant to the chief in organizing, directing, supervising, disciplining and coordinating activities associated with the department, ensuring effective and efficient daily operational practices, firefighting techniques and procedures. Specific job duties include: supervising, directing, and evaluating fire prevention officers, training officers, and emergency medical services officer; handle employee concerns and problems; direct work; counsel; discipline and complete employee performance evaluations; direct personnel, apparatus, equipment and property of the department at emergency scenes, ensuring strict compliance with rules and regulations of the department, assist the chief in the development, implementations, and monitoring of operational and administrative procedures and policies; assist with the preparation and presentation of annual budgetary evaluations and related analysis to appropriate individuals; review the financial operations of the department and make recommendations on annual operating budget and capital improvements. Associate's degree in Fire Science preferred, with a minimum of three years' experience as a Captain. Must have State of Tennessee or National certification as a Firefighter II, Fire Instructor, Fire Officer I and II. Must possess a minimum of medical First Responder's certification from a Department of Public Health. Generous benefit package; salary is \$61,000.00. EOE/M/F/V/D. Minorities are encouraged to apply. Job description on city web site: www.cityofjackson.net. Contact the City of

Jackson, Personnel Department, 127 E. Main Street, Suite 303, Jackson, TN 38301; phone 731-425-8252; Fax: 731-425-8673.

ENGINEERING ASSISTANT

PORTLAND. The City of Portland is searching for a qualified Engineering Assistant. This person will report to the City Engineer/Public Work Director. The employee performs general work in the design, construction, inspection, and maintenance of a variety of public facilities and utilities. Applicants must have graduated from an accredited college or university with a Bachelor's degree in Civil Engineering or Civil Engineering Technology. Salary range is \$34,075-\$47,705. For more information please contact Mary Lou Thompson, Human Resources Manager, at 615-325-6776. Applications at www.cityofportlandtn.gov. Send resumes and applications to: Human Resources, City of Portland, 100 S. Russell St., Portland, TN 37148. Position open until filled.

FINANCE ANALYST

PORTLAND. The city is seeking applications for the position of Finance Analyst. Graduated from an accredited, post secondary college or university, with a bachelor's degree in Accounting or Finance is required. This is an entry level position requiring a minimum of one year of experience in the accounting field with a broad based knowledge of GL/AP/AR, purchasing and payroll. Candidate must be well versed in financial accounting software. This person reports to the City Recorder. Knowledge of governmental account preferred. Salary range \$34,075-\$47,705. For more information, contact Mary Lou Thompson, Human Resources Manager or Karen Johnson, City Recorder at 615-325-6776. Application maybe found at www.cityofportlandtn.gov. Send resumes and application to Human Resources, City of Portland, 100 S. Russell St., Portland, TN 37148. Open until filled.

FIRE CHIEF

ATHENS. The city will accept applications for the position of Fire Chief through September 26, 2008. This position directs all activities of the city's fire department and serves as the city's safety officer. Minimum qualifications are four years of higher education with a major in Fire Science or related field, plus 5 or more year of supervisory experience. Must possess and maintain a valid Tennessee driver's license. Applicant must have extensive knowledge of fire prevention and suppression techniques, fire safety standards, NFPA standards, ISO standards, TOSHA standards, fire apparatus, and hazardous material operations. Must possess excellent written and verbal communication skills and have ability to prepare and manage departmental budget, develop annexation plans, fire rating plans, and conduct safety inspections. The Chief works under the general supervision of the City Manager. Salary range \$56,163-\$84,245. References are required and background checks will be conducted. Resumes will only be accepted with city application. Applications are available through the Human Resource Department, City of Athens, PO Box 849, 815 North Jackson Street, Athens, TN 37371-0849, or call 423-744-2703. EOE.

HUMAN RESOURCE DIRECTOR

JOHNSON CITY. The city is seeking a progressive and experienced human resources director to lead and direct the services and programs provided by the Human Resources Department. Minimum qualifications include the equivalent of a Bachelor's degree in business, management, or public administration with seven years of progressively responsible experience in human resources and health insurance administration. Responsible for planning, organizing, directing and coordinating the personnel activities of the City's 890 FTE employee workforce, including organizational training. Looking for an enthusiastic, responsive team-oriented individual with good management and organization skills, self-starter. Excellent interpersonal and communication skills are required. The hiring range is anticipated in the \$60k - \$75k range, with a very competitive benefits package. Visit the city's website at www.johnsoncitytn.org for a detailed description of the position and how to apply. Open until filled. EEO/AA

MUNICIPAL POLICE CHIEF

ERWIN. The town is accepting qualified applications for the position of Municipal Police Chief. This employee is responsible for the planning, organizing and directing of all activities of the Police Department, overseeing 10 full-time police officers and 1 full-time investigator. The employee is under the general supervision of the City Recorder and Mayor. Qualifications include: Graduation from an accredited high school or equivalent, preferably graduation from a college or university with major course experience in police administration or related field. Must possess

a valid Tennessee driver's license. Must have 5 years experience in law enforcement administration. Must be POST certified. Salary DOQ plus excellent benefits. Application is a public record. Send resumes, obtain application or receive more information from: Town of Erwin, P.O. Box 59 211 North Main Ave., Erwin, TN. 37650. Phone: 423-743-623. EOE

PARKS AND RECREATION DIRECTOR

MARTIN. The city is accepting applications for the position of Parks and Recreation Director. Prepares departmental budget, supervises accurate accounting of collection and expenditures of department funds, and makes monthly reports to mayor and aldermen at city meetings. Will coordinate formal and on the job training programs and give direction and guidance for staff personal development. Develops and implements active and passive recreational opportunities suitable for all segments of the population. Establishes and maintains an effective working relationship with the public, other department's agencies and organizations, the news media, and all employees of the city. Requirements: Knowledge of principles and practices of public recreation program design and delivery, and facilities management; Knowledge of the materials and equipment used in general maintenance and construction work; Knowledge of occupational hazards and safety precautions;

plan, direct, implement and manage all phases of comprehensive parks and recreation program, its personnel, policy and fiscal planning activities; communicate ideas and information clearly, concisely, and convincingly, orally, and in writing; react quickly and calmly in emergency situations and determine proper course of action; graduated from an accredited four year college or university with a degree in recreation or related field, or 8 years of experience in recreation programming; Four years or more experience in management and supervision of subordinates. Benefit Package: Blue Cross and Blue Shield Health Insurance, TCRS Retirement. Salary starts at \$45,000. Submit resumes along with job applications by August 30, 2008 to Attn: City of Martin Human Resource Department, 101 University Street, Martin, TN 38237. Job description on city website: www.cityofmartin.net

PUBLIC WORKS DIRECTOR

MT. PLEASANT. The city is seeking a qualified candidate to serve as Public Works Director. Currently, the Water and Sewer departments are separate entities. We are seeking an individual who can combine these two functions into one department and effectively address the issues ahead. Interested candidates should send a summary of qualifications to: Richard Goode, City Manager, 100 Public Square, Mt. Pleasant, TN 38474. The position open until filled. EOE

NATIONAL BRIEFS



BY TML STAFF REPORTS

As Americans move into the second half of 2008, it appears an economic turnaround this year is unlikely. The National Association for Business Economics reported that 45 percent of economists believe the economy won't log any growth or will clock in at a small 1 percent pace in the final six months of this year. And, 10 percent think economic activity could contract during the period. Thirty-two percent, meanwhile, think the economy grows during the second half could be between 1 percent and 2 percent. Eleven percent thinks growth will come in between 2 percent and 3 percent. NABE also found that 75 percent of businesses are paying more for raw materials, such as fuel and steel. That's the highest percentage in the group's record keeping that dates back to 1994.

The government is on the cusp of releasing passport cards that fit

in a wallet and cost half the price of a new passport. About 350,000 Americans have applied for the new card. A regular passport is required for air travel. The U.S. State Department expects the number of applicants to swell to 4 million by June 1, 2009.

With millions of new voters heading to the polls this November and many states introducing new voting technologies, election officials and voting monitors say they fear the combination is likely to create long lines, stressed-out poll workers and late tallies on Election Day. At least 11 states will use new voting equipment as the nation shifts away from touch-screen machines and to the paper ballots of optical scanners, which will be used by more than 55 percent of voters. About half of all voters will use machines unlike the ones they used in the last presidential election, experts say, and more than half of the states will use new statewide databases to verify voter registration.

Early Bird Registration

\$500 for Members before September 30
Register online at www.NLCCongressofCities.org

National League of Cities



CONGRESS OF CITIES
& EXPOSITION
solutions for moving communities forward

November 11-15, 2008
Orlando, Florida
Orlando World Center Marriott

Good Risk Management is just Good Management



Cities and municipal agencies have joined together to create in the TML Pool what has grown to be the largest municipal insurer in Tennessee. The extent of the coverage provided for municipal exposures is staggering.

The Pool insures:

- 40,575 municipal employees for workers' compensation representing more than \$951.7 million dollars in annual payroll exposures;
- 18,960 municipal vehicles with total insurable values of some \$350 million for liability coverage; and provides
- general liability coverage for 16,407 miles of streets.



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Your Partner in Risk Management since 1979

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Betsy Crossley

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Johnny Dodd,

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David Gordon,

Mayor, Covington

Bill Haslam

Mayor, Knoxville

W.W. Herenton

Mayor, Memphis

Ron Littlefield

Mayor, Chattanooga

Keith McDonald (District 8)

Mayor, Bartlett

Kevin Helms

City Manager, Fayetteville (TCMA)

Jane Myron,

Vice Mayor, Johnson City (District 1)

Tommy Pedigo

Mayor, Sparta (District 4)

Johnny Piper

Mayor, Clarksville

David May

Council, Cleveland

Charles Rahm

Council, Jackson (District 7)

Charles "Bones" Seivers

President-CEO, Tennessee Municipal Bond Fund

Cindy Cameron Ogle

City Manager, Gatlinburg (District 2)

Ron Washington

Council, Murfreesboro

Ken Wilber

Mayor, Portland (District 5)

PAST PRESIDENTS**Tommy Green** (2007) Mayor, Alamo**Tommy Bragg** (2006) Mayor, Murfreesboro**Bob Kirk** (2004) Alderman, Dyersburg**Tom Rowland** (2002) Mayor, Cleveland**Sam Tharpe** (2001) Vice Mayor, Paris**Dan Speer** (1997) Mayor, Pulaski**TML AFFILIATED ORGANIZATIONS**

(Ex-Officio Directors)

Tennessee Municipal Attorneys Assn.

Barbara Lapidus, Millington

Tennessee Municipal Judges Conference

Ewing Sellers, Murfreesboro

Tennessee Chapter, American Public Works

Richard Whaley, Maryville

Tennessee Government Finance Officers

John Troyer, Knoxville

Tenn. Assn. of Housing & Redevel. Auth.

Marilyn Medley, Morristown

Tennessee Building Officials Assn.

Jim Brown, Bartlett

Tennessee Fire Chiefs Assn.

Richard Martin, Lenoir City

Tennessee Assn. of Air Carrier Airports

Larry Cox, Memphis

Tennessee Association of Chiefs of Police

Kim Wallace, Dover

Tennessee Water Quality Management Assn.

Jack Graham, Maryville

Tennessee Recreation and Parks Assn.

Dennis Suiter, Martin

Tennessee Chapter, American Planning Assn.

Steven Neilson, Brentwood

Tennessee Personnel Management Assn.

Vicki Burton, Jackson

Tenn. Assn. of Municipal Clerks & Recorders

Connie Kittrell, Gallatin

Tennessee Assn. of Public Purchasing

Susan White, Jackson

TN Section, Institute of Transportation Engineers

Greg Judy, Nashville

Tennessee Public Transportation Association

Tom Dugan, Chattanooga

Tennessee Fire Safety Inspectors

Tommy White, Sevierville

Assn. of Independent and Municipal Schools

Wayne Miller, LenoirCity

TML ASSOCIATE PARTICIPANTS**DIAMOND LEVEL MEMBERSHIP**

Bank of America

GOLD LEVEL MEMBERSHIP

Bank of New York Trust Company, N.A.

ING Financial Advisers, LLC

SILVER LEVEL MEMBERSHIP

AT&T

Redflex Traffic Systems

Sensus Metering Systems

BRONZE LEVEL MEMBERSHIP

Adenus Technologies

Alexander Thompson Arnold, PLLC

Charter Communications

LaserCraft, Inc.

Rare Element, Inc.

Thompson Engineering

Vaughn & Melton

Williams Equipment

CORPORATE LEVEL MEMBERSHIP

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AMEC Earth & Environmental

American Traffic Solutions

Askew Hargraves Harcourt & Associates, LLC

Barge, Waggoner, Sumner, & Cannon, Inc.

Bulli Ray

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Christopher Burke Engineering, LTD

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Johnson Controls

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Nashville Tractor & Equipment, Inc.

Phoenix Tank Services

Rush Truck Center, Nashville

Smith Seckman Reid, Inc.

SSR Eilers Inc.

Stowers Machinery

Tennergy Corporation

Tennessee Cable Telecommunications Assn.

Tennessee Energy Acquisition Corporation

Tennessee Fiber Optic Communities

Thompson & Litton, Inc.

Thompson Machinery

TLM Associates, Inc.

URS Corporation

Utility Service Co., Inc.

Volkert & Associates

Waste Management

Wiser Company, LLC

Long-term solutions needed to solve transportation funding issues

FUNDING from Page 1

move a "bailout" of the highway trust fund and that Congress has wasted billions of dollars from the trust fund on pork-barrel projects for home districts. The Bush Administration has also threatened to veto the bill and instead has recommended that the funds be transferred from the mass transit account.

"Sen. Alexander supports a trust fund fix and not the administration's position on raiding mass transit," said Lee Pitts, Alexander's press secretary. "He has proposed a prohibition on the rescission of dollars from the trust fund, believing that we need to get back in the habit of using this money for its intended purpose, highway transportation projects, or else give it back to the taxpayers. When the American people pay gas taxes, they expect that money to support transportation projects. Sen. Alexander believes that we need to correct this problem as soon as possible so thousands of Tennesseans will continue to be able to drive safely on our highways."

If no funding measure is approved, Tennessee stands to lose some \$235.5 million dollars in highway funds. That's in addition to more than \$237.7 million in funds that the federal government has rescinded since December 2005, according to the Tennessee Department of Transportation (TDOT).

"Our work program anticipates these funds becoming available and cuts of this magnitude would most likely require delaying and possibly cutting projects," said TDOT Commissioner Gerald Nicely.

Nearly 50 percent of TDOT's budget comes from federal funds. These funds support core programs such as highway maintenance, bridge repair, road building, congestion mitigation and air quality improvements, and transportation enhancements.

"These cuts would have a significant impact in these areas," said Nicely. "It is clear on both the national and state level that the gas tax, which is on a per gallon basis, can no longer keep pace with our needs. State revenues are virtually flat, construction costs are skyrocketing, and we have seen major cuts in our federal transportation appropriations as Congress struggles to deal with a highway trust fund."

One of the primary reasons for the budget shortfall is a decline in gasoline tax revenues. The Highway Trust Fund is financed by federal gas taxes - 18.4 cents a gallon on gasoline and 24.4 cents a gallon on diesel - and is redistributed to cities and towns through the states.

With average gas prices hitting the \$4 mark and above this summer, it's no surprise that Americans are taking steps to conserve at the gas pumps and are driving less. How-

ever, less driving also results in less revenue for transit operations.

A report released by the U.S. Department of Transportation shows that over the past eight months, Americans have driven 53.2 billion miles less than they did over the same period a year earlier - topping the 1970s' total decline of 49.3 billion miles. Americans drove 4.7 percent less, or 12.2 billion miles fewer, in June 2008 than June 2007; they drove 3.7 percent fewer miles in May than they did a year earlier and more than double the April drop-off.

Most lawmakers and industry officials acknowledge that a long-term solution to meet the nation's highway and infrastructure needs is necessary. Today's high gas prices only underscore the importance of implementing new revenue sources to supplement the unpredictable and

meet infrastructure needs and to provide for quality and sustainable economic growth. The commission recommended investing at least \$225 billion annually from all sources (federal, state, local, and private) for the next 50 years.

To fund the necessary investments, the Commission recommends new revenue strategies, including increasing the federal gas tax between 25 - 40 cents (5 - 8 cents per gallon, per year) with the rate increase indexed and phased in over time. The current rate has not been increased since 1993.

Other user-based fees could include a vehicle miles traveled fee, toll roads and bridges, the deployment of peak-hour "congestion pricing" in major metropolitan areas, freight fees, and ticket taxes for passenger rail improvements.

"There is no quick fix for the funding problems besetting our aging transportation system, but it is clear that we have no option but to begin seriously addressing this issue nationally and locally."

- Gerald Nicely, TDOT Commissioner

unsustainable gas tax.

"We can't afford to continue pinning our transportation network's future to the gas tax," U.S. Transportation Secretary Mary E. Peters said in a press statement. "Advances in higher fuel-efficiency vehicles and alternative fuels are making the gas tax an even less sustainable support for funding roads, bridges and transit systems."

Secretary Peters recently unveiled a new plan to reform the nation's highway and transit system that addresses funding, urban congestion, safety, and maintenance issues. Peters calls for more direct pricing options like toll roads and bridges and for states to turn to the private sector for infrastructure investments.

To focus on congestion, the plan would create a Metropolitan Innovation Fund that rewards cities willing to combine a mix of effective transit investments, and new traffic technologies.

The current surface transportation program expires on Sept. 30, 2009, and Congress has been holding preliminary hearings in preparation for a new bill.

Earlier this year, the U.S. House Transportation and Infrastructure Committee heard from the National Commission on Surface Transportation, a 12-member bipartisan commission created by Congress in 2005 to examine the condition and operation of the surface transportation system. The commission unanimously agreed that significant investments were needed in order to

In Tennessee, the General Assembly passed a joint resolution during the 2008 session that creates a study committee to explore transportation funding options and directs the committee to report back to the legislature in early 2009. The committee will be composed of major stakeholders and private citizens to be appointed by the Speakers of both houses and the Governor. TDOT will work closely with this committee to explore any and all funding options.

Some funding alternatives currently being explored are: indexing of the state fuel tax to a standard measure of inflation (such as the Consumer Price Index), increase title and registration fees, a tax on car rentals, authorization of public-private partnerships to fund transportation improvements, creation of an infrastructure bank, replacement of the per gallon gas and diesel tax with a sales tax on these products, or expansion of the Tollway Act of 2007 beyond the two pilots currently authorized.

"There is no quick fix for the funding problems besetting our aging transportation system, but it is clear that we have no option but to begin seriously addressing this issue nationally and locally," said Nicely. "Countries such as China and India are investing five to 10 times as much annually in their infrastructure, including transportation, than is the United States. Delay in facing this funding problem only means the day of reckoning will be more painful."



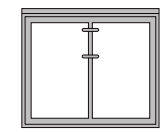
Aug 29- 31: African Street Festival
Jackson. Music artists, merchandise and food vendors; African arts & artifacts, health screenings, and children's activities. For more information, call 731-616-0814.

September 13: Mountain States Dragon Boat Festival
Johnson City. For more information, call 423-952-3114.

Sept. 26-27: 10th Annual Main Street Fall Festival
Celebrate the rich heritage of Dyersburg's Downtown district. Barbeque cook off, entertainment, children's area with climbing wall and inflatables, vendors, and fresh barbeque. For more information, call Steve Guttery at 731-285-3433.

Sept. 27: Bluegrass Festival
Farragut. A family-oriented event including championship barbeque and Arts & Crafts vendors. For more information, call 865-966-9040.

COMING UP



Sept. 15 & 16: The 55th Annual Governor's Conference. Gaylord Opryland Resort and Convention Center. August 15 is the last day to reserve a room for the discounted rate of \$107 per night (plus tax, parking and a daily \$15 resort fee). The room rate will be honored three days before and three days after the conference, subject to availability. For hotel reservations, call 1-888-777-6779 and provide the code N-TDEC8.

Sept. 24-26: Tennessee Association of Municipal Clerks and Recorders (TAMCAR) Fall Conference, Cool Springs Embassy Suites, Franklin. Government reps who want to be recognized for their professional competency, advance in their career and gain professional development should attend. You do not have to be a member of the International Institute of Municipal Clerks (IIMC) or TAMCAR to participate. For program information, contact Kurt Frederick, TAMCAR institute director and MTAS training consultant, at 615-253-6385 or e-mail kurt.frederick@tennessee.edu.

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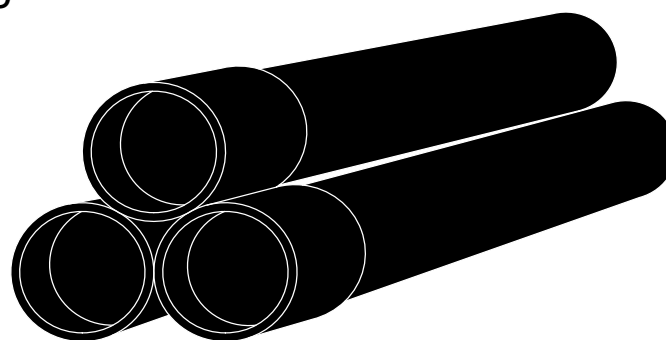
TENNESSEE TOWN & CITY
(ISSN No. 0040-3415) Publication No. 539420
— Official publication of the Tennessee Municipal League. **Publisher:** Margaret Mahery (mmahery@TML1.org); **Editor:** Carole Graves (cgraves@tml1.org); **Phone:** 615-255-6416. **Advertising:** Publisher reserves the right to reject any advertising deemed unacceptable. Fax classified ads to *TT&C*: Attention Mona Lawrence at 615-255-4752, or e-mail mlawrence@TML1.org. Fax advertising copy to *TT&C*: Attention Debbie Kluth at 615-255-4752, or e-mail to dkluth@TML1.org. Opinions expressed non League officials or staff do not necessarily reflect policies of TML. *Tennessee Town & City* is published, semi-monthly, 20 times per year at 226 Capitol Blvd., Suite 710, Nashville, TN 37219-1894. Periodicals postage paid at Nashville, TN. Subscription rates: \$6 per year to members, \$15 to nonmembers, \$1 a copy. **Postmaster:** Send changes of address to Tennessee Town & City, 226 Capitol Blvd., Suite 710, Nashville, TN 37219-1894.

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Mayor Jerry Gist brings open-door, communal decision-making style to Jackson

BY GAEL STAHL

For most of his life, Jerry Gist, who published and sold every copy of the only book he ever wrote, the history of Scottsboro, Ala., has nurtured two enduring passions – playing tennis and doing public service in public parks, recreation, public works, and administration.

On July 1, Gist started his second year as Jackson mayor following on a four-year term and six months of a second as Madison County mayor. From 1977 until he was elected county mayor, he was director of the Jackson Parks and Recreation Department, Public Facilities, and the Department of Public Works from 1971 to 2002.

Gist was born and raised in Scottsboro, a little town in northeast Alabama, to a businessman/politician father who also served as Jackson County court clerk and as the equivalent of county mayor (by another title). Gist's older brother was the youngest member of the Alabama legislature when he was elected to the General Assembly at age 25. Gist worked their elections as a lad. He decided then that given all you have to do in elections, running for office wasn't something he wanted any part of. That decision proved to be premature, he says.

After graduating from Scottsboro High in 1960, he attended Jacksonville State University for a year and worked two years at Red Stone Arsenal in Huntsville before he was drafted. Most of his two-year Army service was in Germany, after which he went back to Red Stone Arsenal for a year, married his childhood sweetheart, and returned to Jacksonville State to complete his undergraduate work. His wife, Liz, finished her last year at Alabama University, did some teaching, and became a career homemaker.

On getting a B.A. in education with an emphasis on physical education and recreation, he went to Springfield College in Springfield, Mass., for a year and a half and graduated with a master's in public administration with an emphasis on parks and recreation. Gist is also a graduate of the Harvard School of Government.

His first job after grad school was as director of Parks and Recreation at Gainesville, Ga. He held that position from 1971 through late 1976 when Jackson recruited him to interview for executive director of Parks and Recreation to replace a director who was retiring. Mayor Bob Congar and Ben Langford, the city commissioner in charge of Parks and Recreation, interviewed and hired him. He started in January 1977.

When the directors of both the Civic Center and of the Oman Arena retired 18 months later, both departments became the responsibility of Parks and Recreation when Gist was asked to provide administrative management and maintenance for the facilities. A few years later, Jackson changed its charter from its commission form of government to a mayor/council form of government. It elected Charles Farmer its new mayor, who in 1991, promoted Gist to executive director of Public Works with administration over Parks and Recreation and Public Facilities as before, plus Streets, Planning, Engineering, Health & Sanitation and Building & Codes. Thus, Gist became point man for all public service departments in the city of Jackson except for Police and Fire. In August 2002, after 25 years as an appointed official, Gist resigned to run for his first elective office when the county mayor retired after 22 years.

He ran as an Independent against a Republican opponent and won. When he ran for re-election four years later, he was unopposed. Then, six months into Gist's second term, Jackson Mayor Farmer announced he would not seek re-election after serving for 18 years. Gist, decided to try to return to his first love, city government, by running for mayor of the city because he felt the city side of local government provided better governmental tools with which to serve.

With seven candidates in the race, Gist won the May 2007 election without a run-off and took office July 1. Hardly a rookie and inheriting a management staff he had pretty much hired over his years in Public Works, he was off to a fairly fast start. Within a week, he fulfilled his top-priority campaign promise – to address Jackson's crime problems.

The Jackson metropolitan statistical area (MSA) had been ranked as high as 13th worst in the nation,



Photo by Victoria South

On July 1, Jerry Gist started his second year as Jackson mayor.

and 10th in per capita homicide rates over the last 10 years or so. With communal decision-making being the mark of a Gist administration, he began with a successful example of how that works. On taking office in July, he established the Safe Neighborhoods Task Force, appointing 40 civic and community leaders who were directed to review Jackson's crime situation and bring back recommendations by December. The task force delivered on schedule, and its report's 54 recommendations have directed much of city policy through July 2008. Some recommendations with regard to beefing up police and fire service have already been adopted. Gist recreated a new position in city government to steer efforts to adopt the rest of the recommendations, the Neighborhood Services Coordinator. The task force envisioned a multi-pronged effort, and some needed to keep track of what was being done, what worked and what didn't. Monique Larsen-Merriweather was chosen to head the department.

Gist also acted quickly with regard to demands of Lambuth Area Neighborhood Association members that property owners be held to follow the rules for codes enforcement. LANA members scoured neighborhoods and reported scofflaws to the city. Mayor Gist responded by assigning extra codes

I am a firm believer in the 'broken windows' theory of reducing crime. I feel that when you improve the physical conditions of a neighborhood, that lessens the likelihood of crime there. In our first year, we did a lot to clean up neighborhoods, including dealing aggressively with run down buildings, including a motel in South Jackson and a burned out home in the Lambuth area that was removed.

— Jerry Gist

people to pursue enforcement efforts, then went after rental property owners who had let their structures deteriorate or operate to the detriment of the neighborhood.

He also cut red tape by eliminating jurisdictional lines between departments that were preventing street cleaners, health and sanitation workers, and building inspectors from combining to improve cleanup services. In the first two days of joint trash pick-up, municipal employees brought in more than 18 tons of debris and trash in the central area of the city.

After his first year in office, the Jackson Sun gave Gist high praise for a fast start in helping Jackson get things done. In an editorial last month, the Sun noted Gist presides at city council meetings, encourages discussion and debate by council as well as public comment on issues.

Jerry and Liz Gist have two grown daughters. One, who is the mother of their three grandchildren, lives in Birmingham. The other lives in Charlotte.

TT&C: In the last decade, Jackson has drawn national attention for its recovery and being badly damaged by killer tornados. Did the recent one that hit Union University occur on your watch?

medical care, banking, and being the commerce center of West Tennessee. The license tags of vehicles in the parking lots of the Jackson malls show them being from every Tennessee county in the region. We also draw from northern Mississippi's Corinth and the Iuka areas.

Tennessee has a higher sales tax than those states, but we offer more variety for consumers, and many of them come for medical care. We are the medical center of West Tennessee with people coming from northern Mississippi. They have a choice between Jackson and Tupelo. Many choose Jackson, and even people from southern Kentucky prefer Jackson.

TT&C: Did your four and a half years as county mayor before becoming city mayor improve the relationship between Madison County and the city of Jackson?

JG: When I ran for city mayor, I made a commitment to improve city/county relations, and they have improved. There were a number of issues facing us when I was county mayor and involved several litigations. I determined when I left being county mayor and becoming city mayor to establish relationships with the county. We may not always agree now, but we are not going to be in litigation with each other every day. I stay in fairly close contact with and meet often with the county mayor and work with him jointly on a number of issues.

TT&C: What are your hopes and priorities after living 31 years in Jackson?

JG: My present and future priority as long as I am mayor is to make Jackson one of the safest cities in the state, if not the nation. We're not exactly on the list of the nation's safest cities. We're certainly not the worst either. We ended up on a list about a year and a half ago for cities our size that said we're one of the most dangerous cities in the nation. That statistic included the other counties in our metropolitan statistical area, not just Jackson, but it all centered here.

So, crime will continue to be my priority. We've made progress. During my first year, we directed an extra \$1 million increase in the police budget for anti-crime efforts. That included new equipment and 20 new officers. We also provided additional ambulances for the Fire Department, and put together programs to help people released from incarceration find work by trying to get them the training and education and skills they need to be productive citizens.

City Council tightened laws and helped create an environmental

steering former convicts away from crime, I sponsored a "second chance" program to help nonviolent offenders finish their education and get jobs.

And Councilman Buchanan was quoted saying how much he appreciated my openness to listen to competing priorities and follow through with his own. He said it made a tremendous impact on getting things done.

TTC: What did your environmental initiative entail?

JG: One of the first things I did was reorganize the city codes enforcement department. Neighborhood association members spearheaded demands that we make owners follow the rules for maintaining their property. We turned up the heat on the owners of some burned out and unsightly facilities. We made owners account for unsightly structures, delinquency, and other dangers to public safety. We have more to do along that line, but it's a start and has made a difference.

TT&C: What Jackson projects are in progress now?

JG: Our public facilities need some renovations. We also need to make some improvements in our Public Safety facilities. Jackson has a wider variety of venues than any city our size in the nation. Our municipal convention center is large and elaborate with an open arena that seats 6,000. Fairgrounds Park is a great facility. Just last year, we opened the newly built Sportsplex that has 17 fields. It has overwhelmed the Southeast based on reactions we're getting from visitors coming to Jackson for Travel Baseball games. Adjacent to the Sportsplex is our Pringles Park, home of our Double A baseball team, the West Tennessee Diamond Jaxx. We're the smallest market in the Southern League for Double A baseball. Jackson has also hosted the national NAIA Division I Women's National Basketball Tournament for the past 12 years or so. It's a huge event. Jackson has also hosted the June Miss Tennessee Pageant for a number of years.

TT&C: What do you do to stay in such good shape? Golf?

JG: I enjoy tennis. Oh, I do play golf, but that is just an effort to get outside for four hours a day. Nothing constructive about my golf game takes place. It's an effort to get out of the office and enjoy friends and develop some relationships. I don't do a lot of it.

What I have enjoyed all my life is playing tennis. Aside from being a fairly avid tennis player, I don't have a lot of hobbies that I enjoy nearly as much as tennis.

TT&C: You've worked most of your life in Tennessee. Any telling memories of Alabama?

JG: Just that my dad was in politics and ironically a part of his political career was serving in another state in the same position, called by another title, as I served as county mayor. One of the things that makes Jackson so great is how forgiving Jackson people are. In electing an Alabama native as their mayor, they are able to put college football aside, that kind of competition aside. Like Chattanooga Mayor Ron Littlefield and his wife who both graduated from Auburn, my daughters graduated from Auburn.

TT&C: Tell us something about Scottsboro. All we ever hear about it is the Scottsboro Boys.

JG: I know. I know. I wrote a book during my undergraduate studies and had it printed in Nashville. It's a 275-page book on the history of Scottsboro including a fairly in-depth look at the Scottsboro Boys case. I sold all of the 5,000 copies except for a handful I've held on to for family. The book is in the Congressional Library and the Law Schools at Harvard and Yale. They wanted copies for their law students with the details that surround the Scottsboro case. I loved writing the history of Scottsboro. It was published in 1969 and copyrighted. It's something I had to do personally. I paid for the printing of it and had to do the marketing and selling of the books. I took the books around the city and left them with local merchants, who sold them. I probably sold more to libraries across the nation than I sold locally.

Whatever possessed me to write a history during my undergraduate work has forever escaped me. It took a lot of time. The entire book is footnoted. But ever since then, I won't write a thing, not even a memo.

court. When the Jackson Sun summed up my first year, about a month ago, it emphasized how I pushed for the department's first major reorganization in more than a decade and a half. I hired Law Enforcement Associates, Inc. to do a comprehensive evaluation of the police department. It recommended a complete reorganization. We've since taken more police sitting behind desks and put them on the street instead. Police have made more arrests and sped up the time it took to solve robberies, assaults, and shootings. We are making efforts to get more public support, including a willingness to share information with police and to get involved in neighborhood watch groups.

I am a firm believer in the 'broken windows' theory of reducing crime. I feel that when you improve the physical conditions of a neighborhood, that lessens the likelihood of crime there. In our first year, we did a lot to clean up neighborhoods, including dealing aggressively with run down buildings, including a motel in South Jackson and a burned out home in the Lambuth area that was removed.

And when Councilman Harvey Buchanan argued for more focus on preventing young people from turning to crime and more effort toward

the day.

TT&C: Your years heading Parks and Recreation and Public Works were some of Jackson's most vital years. The city completely changed didn't it?

JG: We experienced a lot of growth over the last quarter of a century. As director of Public Works, I oversaw considerable infrastructure additions. Vann Drive was constructed during that time. It's a four-lane arterial street parallel to Interstate 40 that set in motion all the development taking place along Vann Drive. We now have a daily traffic count of about 17,000 vehicles a day on it. It's not a state route, just a main arterial city street.

During my public works tenure, we built our Fairgrounds Park facility south of downtown, restored the NC and St. Louis railroad depot in south Jackson, and built a number of city parks. North Park, one of our major parks, was built during that time. We've continued to grow. Maintaining an infrastructure to meet that growth was a priority.

Jackson is now the metropolitan center for West Tennessee. Its MSA is still growing so much that Jackson is really the economic engine that fires West Tennessee. Jackson has a lot going on as far as employment,