

AG declares schools can use public parks where handguns are permitted

BY JOSH JONES
MTAS Legal Consultant

A recent Attorney General opinion declared that nothing in Public Chapter No. 428 of the 2009 Public Acts of Tennessee or any other provision law prohibits schools from using athletic fields or recreational areas in public parks where handgun carry permit holders can lawfully possess firearms. Tenn. Op. Gen. No. 09-129 (July 24, 2009). However, the opinion also states that during times when an athletic field or other recreational area in a park is in use by a school, handgun carry permit holders are prohibited from possessing firearms in that park.

Public Chapter No. 428, commonly referred to as the guns-in-parks bill, allows carry permit holders to possess firearms in state and local parks. However, it also provides authority for local governments to opt-out of these provisions by resolution and continue to prohibit firearms in parks they own or operate. A long-standing

statute, T.C.A. § 39-17-1309(b), prohibits the possession of firearms and other weapons in places "owned, used or operated" by any school. The Attorney General opines that here "used" means actually in use. Hence, the possibility arises where a city could allow handguns in a park and also allow a local high school to use the park for athletic practice and competition. Here, a park where handguns are normally allowed would instantly become a park where handguns are prohibited as soon as a school begins using the park. Seemingly, upon school use of any portion of the park, a prohibition arises, applicable to the entire park.

The reasoning behind this decision is derived from the legislative intent of the seemingly inconsistent statutes. The Attorney General opines that nothing in the recent legislation or other state statute indicates an effort to prohibit schools from using parks where firearms are allowed. And as *See GUNS on Page 4*

TML working group hashes out details of new business tax changes

BY CAROLE GRAVES
TML Communications Director

A group of finance directors, city clerks and city recorders met in Nashville last month to work through a number of questions that pertain to changes in Tennessee's business tax law.

Approved by the Tennessee General Assembly and signed into law by Gov. Phil Bredesen, Public Chapter No.530, sections 69-93, primarily shifts the responsibility of administration and collection of the business tax from municipalities and counties to the state Department of Revenue.

The TML working group was charged with developing a comprehensive list of questions and issues for the Tennessee Department of Revenue to consider prior to implementation of the new law.

While the legislation was scheduled to take effect July 1, 2009, state Revenue Commissioner Regan Farr recognizes that it will take some time to make the transition and has pledged that these changes will not be implemented until all parties are ready. Farr said his department is shooting for a November implementation date, but that could change.

"This is a fairly ambitious target that may get pushed out," said Farr. "But for right now, that's our goal."

In an effort to facilitate a smooth transition for all parties, TML staff was directed to establish a process to gather questions and comments concerning the implementation of these changes. Cities were asked to provide input to the TML staff, which served as a discussion starting point for the TML working group.



A TML working group met in Nashville to develop a comprehensive list of questions and issues for the Tennessee Department of Revenue to consider prior to implementation of Chapter No.530.

Following the July meeting, TML staff will prepare and send the list of issues and suggestions to the Department of Revenue.

Once the department reviews TML's group ideas and is prepared to respond, the TML staff will meet with the department to discuss things further.

A working group within the Department of Revenue is also engaged in the process. Their areas of focus include: identifying specific data fields or points of information that each municipality will be required to collect from the businesses it licenses; developing a simplified return; ensuring that software is compatible so that a municipality can successfully transmit the required information to the department; developing the various processes and procedures that are to be involved; and, educating the business community and tax practitioners

Tentative Time Line

- August
 - Identify data fields
 - Finalize new tax return form
 - Class 3 returns collected under current law with no changes
- November
 - Tax returns collected by state
 - State to compare state contractor database with business tax filers
 - Identify non-compliant contractors
 - Send-out delinquency notices
 - Realize revenue collections
 - Clerks begin licensing under new process

In an effort to help city officials gain a better understanding of these changes, TML has produced a five-part video series that explains these changes, the reasons behind the changes, plans for implementing these changes, and how these changes might impact your municipality. To view the videos, go to www.TML1.org/TMLTV.

TML Policy Day set for Oct. 1

TML Policy Committees will meet on Thursday, Oct. 1, at 10 a.m. in Nashville. This meeting will begin the process by which TML's legislative priorities are established for the second session of the 106th Tennessee General Assembly that begins in January 2010.

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.

Updating the Existing Agenda

Each policy committee will review any legislative priority, within its' purview, that was not enacted in the 2009 session and will recommend whether such initiatives should be preserved, altered, or abandoned in 2010. During the 2006 review of the policy process, the TML Board of Directors observed that as each General Assembly spanned a two-year period, then TML's legislative agenda should follow suit. Thus,

the policy process was revised to provide that in the second year of the two-year cycle, the policy committees would meet to focus on updating and revising the existing agenda rather than beginning anew.

Ranking of New Proposals

Once the committees have made their determinations regarding the initiatives held over from 2009, the committees will entertain presentations of new proposals. Following the presentations, the committee participants will rank all new proposed initiatives.

Once all committees have concluded their work, all participants will come together for lunch and a program (to be announced). TML will make every effort to complete the agenda before the afternoon rush hour. A detailed schedule will be provided at a later date.

A Policy Committee Registration Form must be completed and returned for each participant.

Categories for Submissions

Each committee will establish an agenda and separate the issues *See POLICY Page 4*

Collierville's Crawford named 2009 top fire chief

Collierville Fire Chief Jerry W. Crawford was named Tennessee Fire Chief of the Year. Chief Crawford received the award at the Annual Conference of the Tennessee Fire Chiefs in Nashville on July 14, 2009.

The award recognizes a fire chief who has provided unparalleled service to Tennessee Fire and Emergency Services and, in doing so, has greatly enhanced the visibility and awareness of the fire service profession.

The award is the highest level of recognition Tennessee Fire Services can bestow upon one of its chief fire executives. The award was created to recognize outstanding fire chiefs whose acts, deeds and leadership in their profession and community serve as an example and challenge for all fire chiefs throughout Tennessee. The award was open to any chief level officer of a recognized fire department in Tennessee.

"I am very proud of Chief Crawford's accomplishment," said Collierville Mayor Stan Joyner. "It is obvious that fire service professionals around the state recognize Jerry's talent and leadership. We are fortunate to have Jerry leading our fire safety and prevention efforts in Collierville."

Chief Crawford, a 36 year veteran of the fire service, began his career as a volunteer in Somerville, Tenn. He worked for the Memphis Fire Department for more than 26 years acquiring the rank of Division Chief and Task Force Leader of



Jerry Crawford

Tennessee Task Force One. On March 1, 2004, he retired from the Memphis Fire Department and was appointed fire chief for the town of Collierville.

In July of 2008, he was elected president of the Tennessee Fire Chiefs Association. During his tenure as president, the Tennessee Fallen Firefighters Memorial was totally funded with private donations and will be dedicated on Sept. 11, 2009.

Chief Crawford also led a legislative agenda to have firefighter training and sprinkler legislation passed in an effort to obtain a Fire Safe Tennessee.

U.S. Supreme Court rules against New Haven in discrimination case

BY LARS ETZKORN
Nation's Cities Weekly

Last month, in a much anticipated decision, the U.S. Supreme Court ruled that a group of firefighters in New Haven, Conn., were unfairly denied promotions because of their race after the city decided not to certify the results of a civil service exam in order to avoid a charge of discrimination from a different group of firefighters.

The court's decision reverses a ruling that nominee Sonia Sotomayor supported as a court of appeals judge.

"Confronted with arguments both for and against certifying the test results — and threats of a lawsuit either way — the city was required to make a difficult inquiry. But [the city] ... produced no strong evidence of a disparate-impact violation, and the city was not entitled to disregard the tests based solely on the racial disparity in the results," Justice Anthony Kennedy said in the majority opinion for the court.

The case, *Ricci v. New Haven*, arose as a result of civil service tests given in 2003 for promotion to lieutenant and captain in the city's fire department. When none of the black firefighters who took the exam scored high enough to be eligible for advancement, the city threw out the results and promoted no one. That decision triggered a lawsuit by 18 firefighters, 17 white and one Hispanic, who alleged that the city's actions constituted racial discrimination in violation of Title VII of the Civil Rights Act of 1964.

In rejecting New Haven's decision to discard the tests, the court held that the "city could be liable for disparate-impact discrimination only if the examinations were not job related" or the city failed to use a less discriminatory alternative, Justice Kennedy said in the decision.

"We conclude that there is no strong basis in evidence to establish that the test was deficient in either of these respects."

"I have no doubt that the

Memphis Case

Memphis police lieutenants were denied a higher rank in 2005 after the city decided test results weren't "racially balanced." The city of Memphis threw out the results of a test for lieutenants who hoped to become majors. According to court records, of the 115 officers who took the 2005 test, 61 were black, 54 were white and 24 were women. Of the top 28, 21 were white and seven were black, with one of them a woman. Officers hope to get back pay dating to 2005 for the officers who were promoted in 2008. The others will be seeking the promotions they were denied.

firefighters who brought the lawsuit genuinely felt that they had done nothing wrong, and that they were egregiously wronged," said New Haven Mayor John DeStefano Jr., in a press conference after the ruling. "I *See DISCRIMINATION Page 4*

Bond Fund announces board appointments

Murfreesboro Mayor Tommy Bragg and Oak Ridge Mayor Tom Beehan were recently named directors of the Tennessee Municipal Bond Fund Board. They both were elected to serve a three-year term.

Bob Kirk, Dyersburg alderman, serves as the chair. Other board members include Vice Chairman Tom Rowland, Cleveland mayor; Johnny Piper, Clarksville mayor; Tommy Green, Alamo mayor; and Tommy Pedigo, Sparta mayor.

Founded in 1985 and based in Nashville, the Tennessee Municipal Bond Fund creates and administers various types of loan programs for the benefit of Tennessee cities.

As an entity of the Tennessee Municipal League, TMBF works closely with city officials to structure cost-effective and flexible borrowing options. Any governmental purpose project qualifies for financing through the TMBF programs. The loan size and/or repayment



Tommy Bragg



Tom Beehan

term typically determines which program a borrower utilizes. Types of projects include but are not limited to schools, roads, utilities, public buildings, jails, equipment, and any other project considered to be of benefit to the public. Project funds are available for any size government.

Since inception, programs administered by TMBF have resulted in total loans to local governments in

Tennessee in excess of \$3.1 billion. Many borrowers have multiple loans through one or more programs. Loan sizes range from \$21,000 to \$103 million. More than 157 local governments have utilized the services of TMBF resulting in tremendous cost savings for these borrowers. The interest rate on the popular variable rate pooled loan program has averaged under 2.05 percent since 2001.

NEWS ACROSS TENNESSEE



BY TML STAFF REPORTS

ALCOA

The purchase of the 363-acre Alcoa Inc. West Plant property will make way for a \$500 million redevelopment of the city's downtown area. The site is near McGhee Tyson Airport. The plans include housing, retail, entertainment, restaurants, medical facilities and churches in a pedestrian friendly design. Although the city is expected to fund some portion of the project, such as a sewer system, its developer funded for now. The project is expected to take 10 years to complete and to create thousands of jobs.

CHATTANOOGA

The Tennessee Aquarium's penguin exhibit is quickly becoming a nursery as another newborn penguin was welcomed into the world. The Aquarium's first baby gentoo penguin already resembles its parents "Bug" and "Big T" and looks different than the macaroni chick born weeks ago. Macaroni parents Paulie and Chaos are model parents according to aquarium staff. The four-week-old macaroni baby tipped the scales at slightly more than four pounds. Aquarium visitors are amazed at how fast the macaroni baby has grown and are equally excited to see the new gentoo baby penguin.

CLARKSVILLE

The long awaited construction of the Clarksville Marina is underway with a ground breaking ceremony held at the Fairgrounds Park. Mayor Johnny Piper thanked all of the individuals who served on committees helping to make the project a reality. The development will also include walking trails, playgrounds, ball fields, hiking, a larger dog park, amphitheater and an expanded pond for fishing and paddle boats. Long term plans also include restaurants and shops.

COLLIERVILLE

The Memphis Area Transit Authority may be cutting its bus routes to Collierville due to lack of riders. MATA hopes to save about \$1 million by cutting the two routes, modifying a dozen other routes and laying off 13 workers. Transit officials also are proposing an unlimited-pass program that ranges from \$3.25 for a daily pass to \$60 for a 31-day, express-service pass. Among the nearly 6,000 MATA bus riders who are certified as physically or mentally disabled and qualify for door-to-door service, 30 live in Collierville and 169 are in Cordova. Germantown is home to 67 MATA-plus disabled riders, while 104 reside in Bartlett. Currently, MATA has not sought funding from the other municipalities or the county. Of MATA's \$56.3 million budget, about \$22 million comes from the city of Memphis. State and federal aid and passenger fares make up the remainder.

FRANKLIN

A \$20,000 grant will help the city inventory its tree population for the first time since 2000. The GPS count, funded by money from the USDA Forest service and the Ten-

nessee Department of Agriculture, Division of Forestry, will provide data to determine the city's tree canopy and make sure newly developed areas will benefit the environment.

JOHNSON CITY

Thirty-six teams competed at Winged Deer Park for the USA/ASA Girls 10/U Class A Fast-pitch Softball National Championship. Teams from across the country participated in the Amateur Softball Association's highest level of competition. This is the third time since 2003 that Johnson City has been selected to host this prestigious event. "I believe that was one of the reasons that the ASA National Council voted to allow Johnson City the opportunity again as they witnessed our strong commitment to their program," said James Ellis, Parks & Recreation Athletic Director and ASA State Commissioner.

KINGSPORT

Kingsport plans to expand a backyard composting pilot program by offering "Earth Machine" composters for sale to the general public at a cost of \$30. The city hopes the composters will reduce the amount of waste going to the landfill and save money in tipping fees. The 80-gallon composters appear similar to an upside-down garbage can with a sealable hatch on top. Residents discard food scraps (minus dairy and meat) and yard clippings into the container, and about every two or three months stir the debris. In about six month's time, the debris turns into fertile soil or humus. Hopefully, diverting about 500 pounds of waste from the landfill each year, the tipping fee savings would increase to more than \$9,000, if 1,000 people were to use the composters annually. Kingsport currently pays around \$600,000 a year in tipping fees to Sullivan County.

KINGSPORT

Kingsport was again recognized for its higher education initiatives showcasing the initiative at the Education Commission of the States 2009 National Forum on Education Policy held in Nashville. Kingsport Chamber CEO Miles Burdine, at the invitation of the Education Commission of the States, represented Kingsport on a panel discussion with educational leaders and top policy experts focused on underscoring the critical importance of education in boosting the economy. Kingsport has already garnered national acclaim for its innovative higher education initiatives, including the Educate and Grow scholarship program. The city is currently a finalist in Harvard University's Innovations in American Government Award. The top six programs will be announced in September.

KNOXVILLE

The Knoxville Knox County KUB GIS (KGIS) received a Special Achievement in GIS (SAG) Award at the 2009 ESRI International User Conference (ESRI UC) in San Diego, CA. The organization received this honor for its vision, leadership, and innovative use of ESRI's geographic information system (GIS) technology. KGIS was selected from more than 300,000 organizations worldwide and recognized during making extraordinary contributions to global society. KGIS serves more than 1,000 Knoxville, Knox County, and Knox-

ville Utility Board (KUB) employees across 30 government agencies and departments and provides an online GIS to the area's resident population of more than 400,000. The GIS database is the primary source for cadastral and parcel ownership transactions, site addresses and street names, utility assets and easements, jurisdiction boundaries, and emergency response zones.

LEBANON

Dell computers plans to sell its nearly 300-thousand square foot manufacturing facility in Lebanon to GENCO Supply Chain Solutions. Dell says in a statement GENCO will retain all employees and continue refurbishing computers at the plant for the next three years. The company says the outsourcing is part of a larger effort to improve efficiency and reduce costs. GENCO will take over in August.

NASHVILLE

Tennessee Department of Transportation Commissioner Gerald Nicely joined representatives from Anchor Trailways & Tours and the Metro Transit Authority at the Music City Star Donelson Train Station to launch a new intercity bus route from Lawrenceburg to Nashville. The new route will provide daily intercity bus services in Davidson, Lawrence, Maury and Williamson Counties. The service is funded by a federal grant administered by TDOT and will include stops in Lawrenceburg, Ethridge, Columbia, Spring Hill, Franklin, downtown Nashville, the Donelson Music City Star Station and Nashville International Airport.

OAK RIDGE

The notion of an Oak Ridge airport has reemerged now that suitable land is available at an abandoned uranium enrichment complex. The Oak Ridge City Council has asked for its support of a feasibility study for a 5,000-foot-long airstrip at the former K-25 site. That 1,200-acre Department of Energy complex has been renamed East Tennessee Technology Park. DOE is transferring that property to the Community Re-use Organization of East Tennessee, a nonprofit regional organization seeking new uses for surplus DOE land and buildings.

ROSSVILLE

Norfolk Southern has selected a site for a new intermodal terminal that will serve the Memphis area as the railroad company upgrades its Crescent Corridor that extends from New Orleans, through Tennessee to New Jersey. Norfolk Southern announced the Fayette County site and said it will build the \$129 million facility in which freight is transferred between trucks and rail cars on 570 acres. The operation is expected to be open in January 2012. Norfolk Southern also plans to build a smaller intermodal facility near the East Knox County line.

SHELBYVILLE

Shelbyville has been awarded a grant to get rid of blighted structures around town. The \$326,023 grant is from the National Stabilization Program (NSP), part of Phase I of the Housing and Economic Recovery Act of 2008. The city will purchase blighted properties within specific guidelines, demolish them, and prepare the lots for other homes to be built. Partnered with the Shelbyville Housing Authority, the property is turned over to the Authority. Then, the Shelbyville Housing and Development Association (SHDA) will buy the cleared lot at a discounted rate. The NSP grant calls for placing families whose financial status meets the criteria of earning 120 percent or less of the average median income. Working along with Habitat for Humanity, SHDA would build a residence and help the families acquire the needed financing.



The Tennessee Aquarium's penguin exhibit is quickly becoming a nursery as another newborn penguin was welcomed into the world in July. The tiny bird is the aquarium's first baby gentoo penguin. Gentoo penguins have a wide white stripe that goes across the tops of their heads from one eye to the other and have a very bright orange beak. There are two other gentoo pairs with eggs that could hatch around the first week of August.



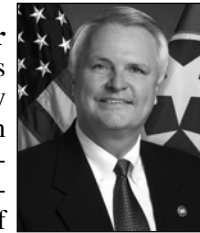
PEOPLE

BY TML STAFF REPORTS

Lt. Governor

Ron Ramsey

has been honored by DNA Saves, an organization devoted to increasing the use of DNA samples to fight crime. John Walsh, host of "America's Most Wanted" and co-founder of the National Center for Missing and Exploited Children, presented the award to Ramsey for the Johnia Berry Act of 2007, which requires all individuals arrested for violent felonies to provide a DNA sample to the TBI. The law is named for a Johnson City native and ETSU graduate murdered in Knoxville. Prior to the Act, Tennessee law required a person to provide a DNA sample only after they had been convicted and sentenced for certain violent felonies. In 2006, Ramsey worked to get more funding and staffing to eliminate the DNA backlog and prepare the data bank program for a vast expansion.



Ramsey

Major General

Gus L. Hargett, Jr.

will retire as Tennessee's Adjutant General and Commissioner of the Tennessee Department of Military effective on December 31 culminating a military career spanning almost 47 years. He will become president of the National Guard Association of the United States (NGAUS) in Washington, D.C. on Jan. 1, 2010. Gen. Hargett has the distinction of being the first National Guard officer to attend the resident NATO Defense College in Rome, Italy. He served the Tennessee National Guard as the Assistant Adjutant General, Army from 1994 through 2002 before being appointed the Adjutant General. In 2004, he completed a two-year term as the Chairman of the Board of the National Guard Association of the United States. He served a six-year term as a member of the Army Reserve Forces Policy Committee and recently completed a two-year term as a member of the Department of Defense, Reserve Forces Policy Board.



Hargett

Soddy Daisy's fire chief, **Hardie Stulce**, has stepped down to become city manager. Stulce, a former employee with Norfolk Southern, also served as Soddy Daisy's city manager from 1997 through 1999.

Humboldt

Mayor, Allen

Barker

has been appointed by Gov. Bredesen to the state Petroleum Underground Storage Tanks Board.



Barker

William Witcher

, native son of Bristol and Thompson & Litton design engineer, has recently attained professional licensure as an engineer in Tennessee. Witcher joined T&L in 2007 and has been a major contributor to the engineering design of various architectural, engineering, and transportation projects. He is a member and current president of the American Society of Civil Engineers, Holston Branch, where he has served since 2007. He is also a member of the East Tennessee Engineering Association Council and the ETEAC Scholarship Committee.

Decatur Alderman Jeff Landrum

resigned to prepare for an upcoming deployment to Iraq. Landrum, 58, is a member of the 252nd MP Company from Cleveland. The 252nd will deploy for a one-year stint away from home. It will be the second tour of duty in Iraq for Landrum, who previously had been deployed with the 278th Armored Cavalry Regiment from Athens. The unit will spend 11 months training Iraqi police officers and offering assistance to them.

Athens attorney

and community

leader Donald B.

Reid

has passed away at the age of 64. Reid was the principal partner of Athens-based



Reid

law firm Reid, Winder and Green. He served as Meigs County juvenile judge from 1982 to 1991 and was also a municipal judge for the cities of Athens, Niota and Englewood. In Athens, Reid served more than 24 years as city judge.

Former state senator John Rucker

of Murfreesboro died at age 93. Rucker served from 1976 through 1988 and was a lawyer and former general sessions judge.

Retired Tennessee Ridge City Manager

Larry Laxton passed away July 3. Laxton was city manager from 1993 to 2009 and a board member since 1989. Former commissioner Kenneth Dunavant has resumed Laxton's duties.

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The tremendous tenures of Haley, Thornton come to a close

BY VICTORIA SOUTH
Communications Coordinator

"They don't make em' like that anymore."

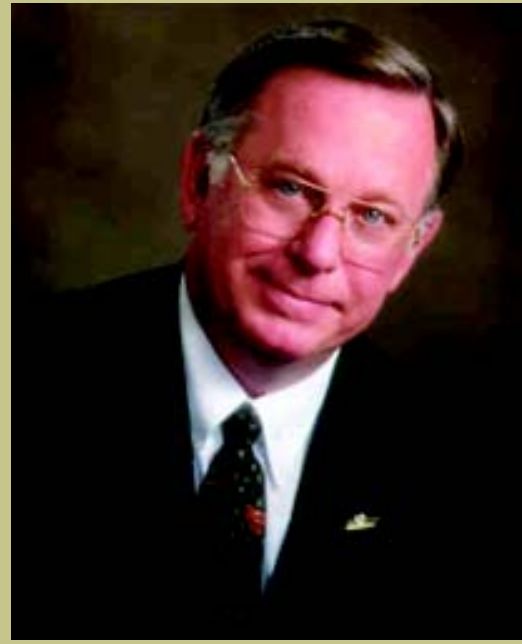
Tears and fond farewells marked the retirements of two legendary longtime city managers, Roger Haley, Murfreesboro and Don Thornton, Union City. Haley's exit became effective August 3 and Thornton's July 31. Both men, having collectively accumulated 50 years of municipal government experience, have achieved unprecedented results garnering the respect of their staff and peers from across the state as well as the people they've served so well.

ROGER HALEY

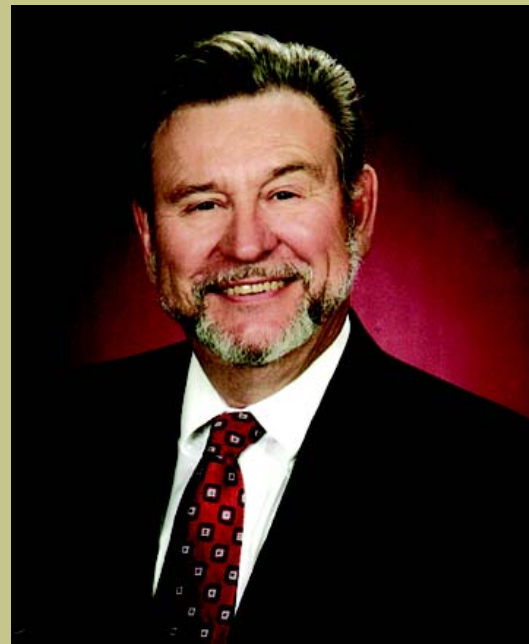
It hasn't been long since Roger Haley received a standing ovation at TML's Annual Conference in Chattanooga as he was presented the coveted TCMA City Manager of the Year Award. Haley was recognized for his outstanding 20-year run and for a leadership style that is nothing short of dynamic.

Described as a "visionary" by his peers, not afraid to risk mistakes, he has been lauded for transforming Murfreesboro into one of the fastest growing cities in the state, increasing from 44,000 residents when Haley took office to a whopping 100,525. Haley's Top 10 List is impressive.

Responsible for leading a team effort for building and improving educational facilities, recreational and commercial development all around the city, Murfreesboro's new Civic Plaza, which houses city hall and the Linebaugh Library was built during his tenure, as well as the 40-acre Gateway District, located only 1.6 miles from I-24, along with at least six area schools. Murfreesboro's Fire Department attained a Class 2 ISO rating,



Haley



Thornton

Municipal Bond Fund and the staff at TMBF enough for all they have and continue to do for the cities and counties of Tennessee," he said.

"Because of the outstanding program of providing financing for public projects, Murfreesboro realized a savings of more than \$63 million in interest cost during the past 15 years. A lot has been written about the TMBF program over the past few months. I would encourage the leadership of the cities and counties to compare the TMBF program with any other organization, evaluate the differences, and make financing for local projects and needs based on what is best for your

the extra mile. I will miss being around such an outstanding group."

For now, Haley is ready to explore the challenges of fly fishing, travel and relaxation with his wife. "Holly and I are looking forward to traveling a great deal for the first five or six months of retirement," said Haley. "We were married last October and decided that with retirement not too far off, we would wait and take an extended trip. Over the years I have only been able to fly-fish on two trips, but now Holly and I would like to try some of the many streams and rivers in the mid-west during our travels."

When asked if there was anything left unsaid, Haley said "I want to send my thanks to all the wonderful folks at the Tennessee Municipal League. Each is so dedicated to providing the cities of this state with services unsurpassed by any other state association, and I wish everyone the best in the future."

DON THORNTON

A former foreman with the Brown Shoe Company in his earlier days, after 30 years, Don Thornton has left some pretty big shoes to fill in Union City. Multi-talented, Thornton, by his own admission, "floated around a lot" selling life and health insurance and assorted things. He also worked as the city police dispatcher and office manager finishing his Bachelor of Science degree in Industrial Management from UT Martin. But, in a *Tennessee Town & City* interview from the 90s, Thornton had discovered his passion in city management in 1979, unwittingly tackling the role as the future longest serving city manager in the state.

Known by all as a gentleman scholar and friend, Thornton has left an indelible impression on everyone he has worked with and served throughout Tennessee. Modesty, fairness, hard working is just some of the qualities Thornton is known for.

In 1986, Thornton implemented the city's new wastewater treatment plant, a \$4.3 million undertaking and as vivid as yesterday in his memory.

"At that time, the amount of money was considered a monstrosity," he said. "The saying goes you could hit water anywhere around here with a shovel, but when the engineers began to dig, the first well we sank went in 400 feet and no water, then 800 feet, nothing. I thought we had picked the only place in Obion County

without water. We finally hit water at 900 feet. It's been 25 years and the plant is still in operation."

Thornton was also instrumental in wooing Tyson Foods, the county's second largest employer, the award-winning Turf Management department, purchasing a 550-acre tract to become Northwest Tennessee Regional Park, facilitating numerous water and infrastructure improvements and developing the future Discovery Park of America, a work currently in progress.

A member of the TML Risk Management Board of Directors for 15 years, and former president of the Tennessee City Management Association (TCMA) in 1986, Thornton says he just "did what he was told to do."

"I've known Don as long as he's been a city manager and as the president of TCMA," said Mike Tallent, executive director of UT's Municipal Technical Advisory Service. "He's done an outstanding job as city manager. His term of 30 years is a testament to that. Union City has been most gracious in sharing Don's skills and abilities with other cities across the state on the TCMA and on the board of the TML Risk Management Pool. He's been a fixture of municipal government for many years and he'll be greatly missed."

"Don has an unselfish commitment to performing his job right," says Randy Williams, TML Risk Management Pool director of client services. "He and I became city managers at the same time. In the early 80s, when I was city manager of Paris, a tornado swept through the city leaving significant damage from debris. Don had ordered some new brush collection equipment and sent it to Paris before he had even used it in his own city."

"He is so good with the public," said Thornton's personal secretary Carolyn Moran, an employee of 14 years. "He's a good boss and if someone's made a mistake, his favorite saying is 'It can be fixed.' Communication is important to him and he lets the departments know how important they are too."

"I will miss the people," Thornton said. "I have had such good support from my staff. Having grown up here, I know the majority of residents and have made such good friends."

As for Thornton's retirement plans, he might now find the time to discover more talents and interests.

"I've been concerned about retiring as I have no hobbies," he said. "I'm hoping to develop some, while tackling my wife Veronica's honey-do list. But, I'm sure I'll see everyone again when I pop in every now and then to pay my light bill."



Murfreesboro City Manager Roger Haley and his wife Holly following his acceptance of the TCMA City Manager of the Year Award at TML's Annual Conference in Chattanooga.

ranking it within the top one percent of fire departments in the nation, crime has decreased as Haley placed more officers on the streets, and the city implemented the first Closed Circuit Television (CCTV) in the state for use in maximizing traffic signal efficiency. Murfreesboro received eight consecutive "Front Door" Awards from the Tennessee Department of Economic and Community Development for their Municipal Airport.

Haley's strong and frugal financial management skills have also been credited as the reason the city's tax rate decreased from a high of \$2.30 to its current level of \$1.407 in spite of rapid growth and economic development. Residents have been heard to remark that they have never seen so many services and opportunities in a city while enjoying such small town friendliness and hospitality.

"I hope Murfreesboro will continue to be the little-big city that will attract the jobs folks are looking for," Haley says fondly. With the love for cities clearly emblazoned upon his heart, he looks forward to channeling his knowledge and relationships developed throughout the years into consulting work.

"I cannot thank my friend Charles "Bones" Seivers, President/CEO, Tennessee

community. I know what Murfreesboro has experienced in savings."

As customary with visionaries, Haley's comrades know the most vital part of the process for Haley is bringing others on board with him.

"He always said he wanted to get more people in the boat," said former Deputy City Manager Rob Lyons, Haley's friend, colleague and the man chosen to fill Haley's position. "He wanted to get everybody around the table at the same time, the staff, the community, working side-by-side rather than piecemeal."

"People would say, 'Has he lost his mind?'" said Murfreesboro Mayor Tommy Bragg affectionately at Haley's recent farewell roast. "After all his accomplishments, I believe now the question is, 'Where would we be if Roger Haley hadn't lost his mind?'"

"The department heads of this city are the best you could ever hope to assemble and all are dedicated to doing the best job possible," said Haley, remembering the many employees and friends throughout the region and state he has worked with throughout the years.

"They made my job much easier because of the skills, dedication and willingness to go



TCMA Executive Director David Angerer presents Don Thornton with a TCMA plaque at his retirement party.

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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\$1 Billion in Recovery Act Grants for COPS

BY STACEY LEVITT
and MITCHEL HERCKIS
Nations' Cities Weekly

New Community Oriented Policing Services (COPS) grants to support efforts of law enforcement agencies has been allocated to each of the 50 states, totalling \$1 billion.

Funding for the grants, meant to supplement funds already appropriated by Congress for crime prevention in the nation's cities and towns, was contained in a provision of the American Recovery and Reinvestment Act and will be administered by the U.S. Department of Justice's COPS office.

The COPS funding comes at a time when budget deficits are forcing many local governments to consider furloughing or laying off police officers. The three-year grants will enable 1,046 state, local and tribal agencies nationwide to retain 881 existing officers and hire 3,818 new officers.

"These Recovery Act funds will pump needed resources into communities through a program with a proven track record," the Attorney General said. "The tremendous demand for these grants is indicative of both the tough times our states and cities are facing, and the unyielding commitment by law enforcement to making our communities safer."

Tennessee Allocations

Alcoa	\$305,328	2
Bolivar	\$140,877	1
Bristol	\$171,297	1
Brownsville	\$111,762	1
Cleveland	\$642,284	4
Columbia	\$443,052	4
Dyersburg	\$365,949	3
East Ridge	\$316,432	2
Humboldt	\$135,148	1
Jackson	\$1,568,000	10
Jellico	\$103,740	1
Kingsport	\$939,012	6
LaFollette	\$133,907	1
Lawrenceburg	\$281,242	2
Lexington	\$167,493	1
Manchester	\$361,284	2
Memphis	\$6,345,093	37
Nashville	\$8,670,100	50
Ripley	\$319,764	2

Schools can use parks where guns are permitted

GUNS from Page 1

courts are required to interpret statutes of the same subject matter in harmony with each other, or *in pari materia*, the new legislation should not be read as to interfere with the applicability of T.C.A. § 39-17-1309.

While this reasoning is theoretically sound, its real world application poses some possible difficulties. Foremost among these is determining when an athletic field or recreation area is in use by a school. This determination will have to be made by law enforcement as well as carry permit holders. Furthermore, it will have to be made without the benefit of signage notification as T.C.A. § 39-17-1309(d) only requires postings about "the school", explicitly omitting recreational areas, athletic fields or other property used by a school. Take for example a large municipal park containing ball fields at one end and a recreational area at the other. As soon as a school baseball practice begins at one of the ball fields, firearms are prohibited in the entire park. For according to the Attorney General, "Tenn. Code Ann. § 39-17-1309 prohibits handgun carry permit

holders from possessing firearms in public parks during times when the athletic fields or other recreational facilities are actually being used by schools." *Id. Emphasis mine.* This places the burden on a carry permit holder of ensuring that no portion of a park is currently in use by a school before entering that park with a handgun. And as some of Tennessee's municipal parks are literally thousands of acres large, this burden is substantial. This same burden is placed upon law enforcement officers who are now, in order to regulate the lawful possession of weapons, effectively charged with knowing precisely when the parks in their jurisdictions are and are not being used by a school.

The Attorney General does go on to state in a footnote that a carry permit holder would not be in violation of the law to keep a firearm in his or her automobile so long as the vehicle is operated by the permit holder and no person handles the firearm. While a prohibition on guns in parks during their use by schools is sound public policy, the difficulty in enforcement is yet another problem the guns in parks legislation will cause for municipalities.

TML Policy Day set for Oct. 1

POLICY from Page 1

into three categories: "Non-Controversial," "Here and Now," and "Over-the-Horizon."

- **Non-controversial** are simple, straightforward changes that are unlikely to garner any opposition and that will not pass on costs to the state or counties.

- **Here and Now** are any initiatives that must be pursued this year/session to provide immediate benefit, assistance, clarification and/or relief from existing statutes or regulations or to avoid being harmed by impending statutory or regulatory action.

- **Over-the-Horizon** are issues that pose a future challenge or present a future threat to cities. Initiatives in this category are not intended for passage this year or next but legislation would be filed this year with the hope of initiating debate and raising the profile of such issues among TML members, the General Assembly, the press and the public.

Process for Submitting Initiatives

Only those initiatives sponsored by a city/town and submitted, in writing, to TML by Sept. 17 will

be considered by the policy committees. A city may either send its policy initiative directly to TML or submit its initiative to TML via an MTAS consultant.

Should you elect to submit your proposal to MTAS, policy submissions must be in by Aug. 14. Any proposals prepared after that must be submitted directly to TML by the Sept. 17 deadline.

Each submission must include a summary of the problem, a description of the proposed remedy, and a statement of the anticipated benefits to municipalities of pursuing the proposed action.

Presenting Initiatives

The sponsoring city must attend the policy committee meeting to present an initiative to the policy committee, without exception. If the sponsoring city is not present to explain the initiative, the committee will not consider the proposal. In such cases, the proposal will be forwarded to the TML Legislative Committee with a note that the sponsoring city was not present and the proposal was not reviewed, ranked or approved by the policy committee.

Connecticut city loses landmark Title VII battle

BY DREW FARMER
King & Ballou

In a ruling touching politics, race, employment opportunity, and industrial-organizational psychology, the Supreme Court, in *Ricci v. DeStefano*, has issued a warning. Neither a good faith desire to have a diverse workforce, nor a fear of litigation by minorities, automatically amounts to a "legitimate reason" for making an employment decision. This major decision already has had local consequences.

Title VII on internal collision course, or a collision course with Constitution?

Ricci concerns what some see as two conflicting components of Title VII, and what some see as an inevitable collision between Title VII and the Constitution.

Title VII prohibits "disparate treatment" of, or "intentional" discrimination against, an individual, "because of" race, color, religion, sex, or national origin. It also forbids some policies that have a "disparate impact" on members of a protected group, even if the policy in question is not devised "because of" any impacted individual's race, color, religion, sex, or national origin. Private and public employers must keep both principles in mind when making broad policies and individual decisions.

But devising a broad policy, such as a hiring policy, that does not disparately impact minorities naturally requires the employer to be conscious of, say, race. And being conscious of the races of both the potentially burdened and the potentially benefited individuals, as the disparate impact provision contemplates, may naturally lead to an employment decision "because of" race. The Court in *Ricci* said its "task [was] to provide guidance to employers and courts for situations when [the disparate treatment and disparate impact rules] could be in conflict absent a rule to reconcile them."

The federal Constitution also was in play. It forbids governments from purposefully discriminating. Some say there is thus a "war between" Title VII's disparate impact rule and the Constitution's equal protection component. A public employer may subject itself to constitutional liability if its benign but race-conscious efforts to avoid disparate impact deny equal protection to a member of the majority. A private employer facing a *disparate impact* suit by minorities may say the disparate impact rule in Title VII is unconstitutional as applied because it requires the employer to discriminate by government mandate.

Given these potentially wide-reaching implications, the decision in *Ricci* was highly anticipated, to say the very least.

The main facts in Ricci

A fire department had several vacancies for captain and lieutenant positions. The city contracted with a firm to design a merit-based promotional exam. Instead of an "assessment center process," the company produced the test by performing job analyses, identifying source materials, drafting multiple choice questions, and developing oral questions.

A critical feature of the test was its allocation of 60 percent weight to the written part as required by the city's labor contract with the firefighters' union. "Adverse impact in standardized testing has been in existence since the beginning of testing," and the record suggested this test's emphasis on the written portion may have exacerbated the risk. As it turned out, the black and Hispanic pass rate for this test fell well-below the Equal Employment Opportunity Commission's "rule of thumb" for identifying policies with a disparate impact. The test, combined with charter and civil service rules, produced a 10-person initial eligibility list for the lieutenant position that consisted of zero blacks and zero Hispanics, and a nine-person initial eligibility list for the captain position consisting of zero blacks and only two Hispanics.

The "raw racial result" became the predominant focus in the "rancorous" public debate that followed. The burdened black and Hispanic firefighters noted the disproportionate results of the exam, and, with many supporters, they threatened to sue under Title VII's disparate impact provision. But others, including a white, dyslexic firefighter who had spent more than \$1,000 in purchasing materials and between eight and 13 hours per day over three months studying, threatened to sue under Title VII's disparate treatment

rule and the Constitution unless the results were certified. After numerous meetings and hearings, the civil service board declined to certify the results.

The lower courts ruled the white firefighters who followed through with their lawsuit could not prevail. The Supreme Court not only reversed the lower courts' decisions, but also ruled there is no need for a trial because the white firefighters have already shown a violation of Title VII's disparate treatment provision. The Court avoided the constitutional issue.

The Court's "guidance" to public and private employers

The Court returned to a theme underlying its recent race jurisprudence, albeit some Justices criticize and say has not been consistently applied. That is, the Court rejected the view that, even if the city had no malicious motive toward the whites, its refusal to certify the test results could not be seen as discrimination against those whites "because of" their race. Instead, "however well-intentioned or benevolent" the city's motives, the Court found the refusal to certify the results was an adverse employment decision made because of race. Its view of this threshold issue set the stage, and required it to consider whether a race-conscious reason may ever be a legitimate reason for making an employment decision under Title VII.

In particular, the Court considered whether an employer's desire to avoid a disparate impact suit, which requires it to be race-conscious, is a legitimate basis to make an employment decision. The Court ruled such a desire is no defense to disparate treatment liability if the decision upsets the settled expectations of majority employees or applicants, unless the employer can meet the heavy burden of demonstrating a "strong basis in evidence that, had it not made the decision, it would have been *liable* under the disparate-impact" provision. To be "liable" under the disparate impact provision, moreover, it is not enough that an employer's policy has a disproportionately adverse impact; there must be a showing either that the policy cannot be justified by "job-relatedness" or that other job-related and equally effective alternatives are available that would not produce the disparate impact.

Under this demanding standard, the Court concluded, the city necessarily had no chance of successfully defending the white firefighters' suit. Although there was no dispute that the city's exam produced a statistically significant, substantial adverse impact on blacks and Hispanics, the Court found the evidence likewise undisputed that the tests, however imperfect, were "job-related and consistent with business necessity." Second, the Court did not believe there was any genuine reason to believe the city had a "strong basis in evidence" at the time of producing the test that there were available, equally effective and less discriminatory alternative testing mechanisms. According to the Court neither assigning lesser weight to the written exam, nor modifying the city charter to produce a different manner of ranking scores, nor using an "assessment center process," was an available alternative at the relevant time.

Because the Court believed the city had no "strong basis in evidence" to believe it *would be* liable under the disparate impact rule if it certified the test results, the Court ruled the refusal to certify the results constituted illegal discrimination

"because of" the white firefighters' race. The city's fear it *might be* liable, even if in good faith, was not justification to upset the successful test-takers' interest in certification and potential promotion.

Observations

The "strong basis in evidence" standard as "guidance" for reconciling Title VII's disparate treatment and disparate impact provisions may or may not have "staying power" given the current makeup of the Legislature and the Executive Branch. But in the meantime the *Ricci* decision, which divided the Court 5-4, could have serious practical consequences for public and private employers. Employers legitimately fear disparate impact lawsuits. Many voluntarily wish to comply with the spirit of Title VII by adopting proactive measures and policies designed to promote opportunity and diversity. Others may simply wish to please an influential political or business constituency by ensuring a certain level of minority representation. An employer in any one or more of these categories must now seek effective legal counsel regarding the implications of *Ricci*.

At least one Tennessee municipality already has been affected by *Ricci*. Back in 2005-2006, a group of police officers sued Memphis after it refused to accept the results of a promotional exam designed to produce a list of lieutenants eligible for promotion to major. Memphis had closed the promotional process after city officials determined the results showed a significant adverse impact on female and black applicants. A group of police officers who had done well on the exam filed suit under Title VII alleging the cancellation of the process amounted to disparate treatment of them "because of" race and gender.

The lower federal courts flatly rejected these claims in large part because they did not believe a motive to prevent disparate impact against blacks and females was the equivalent of intentional, disparate treatment of whites and males. In light of *Ricci*, this reason for Memphis' success in its suit has been seriously undermined if not invalidated. The city's good motive does not matter. Indeed, on the day *Ricci* was decided, the Supreme Court set aside the lower courts' rulings in *Oakley v. City of Memphis* and told the lower courts to reconsider.

While some may scoff, the Court in *Ricci* did observe that its decision was not intended to discourage voluntary compliance with Title VII or affirmative efforts to achieve diversity. But there can be no doubt that the Court has made it all the more important for employers to do these things in the right way. Knowing the right way requires understanding *Ricci*. For example, if the city in *Ricci* had paid *up front* attention to the well-known deficiencies in standardized testing, it could have opted for a different mechanism. And under *Ricci*'s rationale, the white firefighters would have had no case whatsoever unless and until they developed a "legitimate expectation" by investing time, money, and commitment to the chosen test. Had the city avoided producing the test altogether, the white firefighters could not have claimed to have been victims of an "adverse action" under Title VII.

Careful, well-advised employers, public and private, will thus be able to achieve their litigation-avoidance and diversity goals notwithstanding *Ricci*, but others may not be so fortunate.

Supreme Court rules against New Haven discrimination case

DISCRIMINATION from Page 1 also have no doubt that there is another group of firefighters today who feel that the rules are constantly stacked against them. And that when they finally do start to get ahead, the rules get changed."

Because state and local governments rely on civil service exams to hire and promote the vast majority of their employees pursuant to laws requiring merit-based hiring and promotion, the court's ruling could alter public sector employment practices nationwide, potentially limiting the circumstances in which employers can be held liable for decisions when there is no evidence of intentional discrimination against minorities.

"Fear of litigation alone cannot justify an employer's reliance on race to the detriment of individuals

who passed the examinations and qualified for promotions," the court held.

Joining Justice Kennedy in the majority were Chief Justice John Roberts and Justices Samuel Alito, Antonin Scalia and Clarence Thomas.

In dissent, Justice Ruth Bader Ginsburg said the white firefighters "understandably attract this court's sympathy. But they had no vested right to promotion. Nor have other persons received promotions in preference to them." Justices Stephen Breyer, David Souter — in his last case as a member of the court — and John Paul Stevens signed onto Ginsburg's dissent.

The International Municipal Lawyers Association and NLC participated as amicus curiae in the case supporting the city of New Haven.

STATE BRIEFS



BY TML STAFF REPORTS

Tennessee isn't doing a very good job of making life better for its kids, according to a new study on children's issues published by The Annie E. Casey Foundation. The state ranks 46th nationally in a 2009 Kids Count Data Book, an analysis of issues that can affect children's well-being. Since 2000, the state has improved on five of the 10 measures outlined in the report. On the other five, statistics suggest the state has worsened. Tennessee ranks in the bottom 10 in seven of the categories in the annual report. Though the report is grim, it does contain some bright spots for Tennessee. High school dropout rates — which have been targeted by local school districts thanks in part to federal No Child Left Behind standards — fell by 36 percent between 2000 and 2007. The state also saw above-average progress in reducing child death rates.

Tennessee will get \$4.6 million from the Environmental Protection Agency under the American Recovery and Reinvestment Act to clean up underground petroleum leaks from storage tanks. Nearly one-third of all Americans are threatened by leaking underground storage tanks that contaminate groundwater. The funds will help assess and repair damage at 44 sites with leaking underground storage tanks across the state. The program also hopes to generate jobs.

The U.S. Department of Labor recently agreed it would give Tennessee millions of dollars in aid to assist recent entrants to the workforce, workers seeking part time work and workers with children. The Tennessee Department of Labor and Workforce Development may use the funds to pay unemployment benefits, according to conditions of the federal Recovery Act. Also, the legislature may use them to administer its unemployment insurance program or deliver employment services.

Tennessee's unemployment rate grew slightly last month to 10.8 percent, but state officials said they were encouraged by such a minor increase. The rate increased one-tenth of a percentage point from the May rate of 10.7 percent, the highest since November 1983. The

state's rate continued to top the national rate of 9.5 percent in June. The state's rate continued to top the national rate of 9.5 percent in June.

The state Department of Revenue is rolling out a new vehicle title and registration system that all the state's counties will use to keep track of the 6½ million tags and decals issued each year. It is called TRUST, which stands for Title and Registration User System for Tennessee. Right now a few counties, including Davidson, offer residents a way to renew a vehicle registration online. The new system will have a state portal and statewide application for online renewals. The target for rollout is mid-August. The Revenue Department took over vehicle registrations three years ago from the Department of Safety. Updating the inventory system has been a goal because audits showed a lack of good internal controls on license plates and decals.

New Bureau of Labor Statistics data confirms that this summer, Tennessee ranks second in the country in teen unemployment. The bad economy and increasing federal minimum wage have had a disastrous effect on teens looking for jobs. The state's teen unemployment rate was 36.3 percent in May 2009. Tennessee's overall unemployment rate was 10.7 percent. By comparison, the state's overall unemployment rate was 6.2 percent in May 2008. The latest data continues to show an increase in unemployment for America's teens, which reached the highest rate in 17 years this spring and continued to climb over the summer.

A TVA-funded research program is open for business, spurred by hope that good ideas will emerge from last December's coal ash disaster. Oak Ridge Associated Universities is managing the research program and will solicit proposals for three areas of study: environmental effects of coal fly ash releases; alternative ways to contain, handle and process coal combustion products; and characterizing properties of coal combustion products to enable more of them to be reused. The research program is part of the response to the massive coal ash spill at TVA's Kingston Fossil Plant. ORAU's group manager of scientific and technical reviews said

funding for research on environmental effects is expected to be about \$1 million a year for three years.

Billboards are beginning to appear across the state promoting arts education in Tennessee schools. Made possible through a partnership between the Tennessee Arts Commission (TAC), Tennesseans for the Arts (TFTA), and the Outdoor Advertising Association of Tennessee (OAAT), the billboards encourage Tennesseans to become involved in supporting the arts in schools. Twenty-five billboards are being strategically placed in Knoxville, Chattanooga, Nashville, Memphis, Jackson, and the Tri-cities area, with more to be added. The billboards are approximately 14' x 48' and made of vinyl so they can be moved and relocated to other areas.

The Tennessee Department of Transportation (TDOT) has been awarded an \$800,000 stimulus grant to help train more women, minorities and disadvantaged populations to work in the transportation industry. It was part of \$6.7 million in job training grants awarded to 14 state programs, and the Tennessee award will double the normal amount of federal funds available to the transportation department's civil rights office for its On The Job Training program, aimed at broadening the pool of employees qualified to work on highway projects. According to TDOT, contractors need more trained and qualified employees due to the influx of stimulus funds, which has increased the number of state highway contracts.

The U.S. Department of Labor has released nearly \$142 million to the state to help pay unemployment benefits and offer services to the jobless. Tennessee qualified for its full share of the unemployment insurance modernization incentive funds under the federal stimulus program because of its family friendly provisions in helping new workers, workers seeking part-time jobs and workers with children, according to the labor department. The state Department of Labor and Workforce Development can use the money for unemployment benefits or, if approved by the state Legislature, to administer its unemployment insurance program or deliver employment services.



Greenhouses and plastic "high tunnels" helped protect some growers from a deluge of rain, while permitting them to plant crops directly into the ground producing crops earlier than a traditional season. Pictured: The UT Organic Crops Unit includes three recently constructed high tunnels, or framed, unheated greenhouse-like structures covered in plastic.

More cases of Rocky Mountain spotted fever are being found statewide this summer over last year. The Tennessee Department of Health reports 65 confirmed cases of the tick-borne disease in the first half of 2009 — up from 46 a year ago. Dr. John Williams at Vanderbilt University's Monroe Carrell Children's Hospital said parents should check their children routinely for ticks and tell their doctor if a child who had one develops a fever, headaches and, sometimes, a rash.

Walmart joined the state's agriculture commissioner to present plans to stock more locally grown fruits and vegetables at its Tennessee stores. The retailer also plans new eco-ratings of all its products under a new program that informs buyers as to whether the product has been shipped in from another country or is locally grown.

More than 55,000 people die in Tennessee each year and medical experts agree that at least a third of the time, the cause written on every Tennessean's death certificate is dead wrong. A seven-month investigation into 4.9 million death files provided by the Centers for Disease Control and Prevention, found significant disparities in mortality rates for big killers such as heart disease, stroke, and even cancer. These often-irrational variations are found from state to state and among counties within the same state. Overburdened doctors and coroners routinely stamp "cardiac arrest" or one of a variety of heart diseases onto death certificates for dead people they haven't examined or even seen. Because of funding limitations, Tennessee has one of the nation's lowest rates of autopsy —

the physical examination that usually determines the true causes of death.

Training is underway across Tennessee for home energy auditors and contractors, as part of the federally funded Weatherization Assistance Program. This year the state received \$99 million — roughly 15 times the normal amount, which means lots of extra to work to ensure the money is spent responsibly over the next year. Last year the Department of Human Services oversaw upgrades to insulation and energy efficiency for about 2,600 houses across the state. This year they're expecting to do about four times as many. DHS says the program increased the amount that can be spent on an individual job, up to \$6,500. It also expanded its eligibility threshold from 125 to 200 percent of the poverty level.

Plastics have helped many Tennessee and Kentucky growers plant early and engage in a form of intensive production. Greenhouses in Tennessee and "high tunnels" in Kentucky helped protect some growers from a deluge of rain, while also permitting them to plant their crops directly into the ground protected by the plastic high tunnels producing crops earlier than a traditional season. The high tunnels are similar to unheated greenhouses where plants grow directly in the soil rather than hydroponically or in pots. Some growers are able to do high tunnel production 10 months out of the year. The high tunnel system is a much more intensive production system where growers don't have to worry about utilizing heavy equipment and it will not be quite as impacted by rain.

NATIONAL BRIEFS



BY TML STAFF REPORTS

The postal service is considering closing as many as 1,000 local offices as it battles staggering financial problems. The post office has been struggling with a sharp decline in mail volume as people and businesses switch to e-mail both for personal contact and bill paying. The agency is facing a nearly \$7 billion potential loss this fiscal year, despite a 2-cent increase in the price of stamps in May, cuts in staff and removal of collection boxes. Also on the block are branch offices across the country and postal officials sent a list of nearly 700 potential candidates to the independent Postal Regulatory Commission.

The economy is reining in plans for back-to-school spending with the average family expected to spend almost 8 percent less this year on school merchandise than in 2008. According to a survey by the National Retail Federation, the 2009 Back to School Consumer Intentions and Actions Survey found that the average family with students in kindergarten through 12th grade is expected to spend \$548.72 on school merchandise in 2009 compared with \$594.24 in 2008. Total back-to-school spending is expected to reach \$17.42 billion. The survey found that 85 percent of Americans are changing their back-to-school spending plans because of the economy.

Grant Writing Best Practices Training

For Public Safety Agencies, First Responders, Emergency Services Providers, State & Local Governments and Equipment Suppliers

Nashville -Aug. 20-21 at The Courtyard Nashville Vanderbilt/ West End. Daily schedule: Aug. 20: 8:30 a.m. - 5 p.m., Aug. 21: 8 a.m. - 4 p.m.

This interactive and comprehensive training was developed for First Responders and Emergency Services Providers and is specifically focused on the skill sets needed to properly research, develop and apply to grant funding streams specific to those career fields. Laptops are encouraged.

Course Description:
This course covers the skills and strategies essential to any

grant writing process with heavy emphasis on First Responder grant programs. It teaches the basics needed to successfully compete for funding streams available from corporate, nonprofit or governmental entities. Specific emphasis is placed on researching and writing grants associated with the Departments of Homeland Security, Justice and those associated with the First Responder community.

Topics Include:
Preparatory steps to apply for grants, types of grants, the relevance of community partnerships, 10 most common reasons grant applications are rejected, and alternative funding

methods.
Who Should Attend:
First Responders or emergency services providers with interests in accessing grant funding streams; regional, state and local public safety and emergency management employees; state and local grants personnel interested in updating grant writing skills; both novice and seasoned grant writers; city managers and local governing board members. To register or for more information, visit www.publicsafetyagencygrants.com/ or contact the instructor, Kurt Bradley at kurt.bradley@homelanddefensejournal.net

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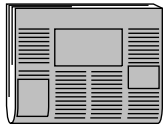
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ASSISTANT CITY TREASURER/PERSONNEL DIRECTOR

MURFREESBORO. The city is seeking qualified applicants for the position of Assistant City Treasurer/Personnel Director. Bachelor's degree in Human Resources, Business Administration, Public Administration, Accounting or closely related field, and at least 5 years of management experience (preferably in government) required; or, any equivalent combination of education, training and experience which provides the requisite knowledge, skills and abilities for this position. Knowledge of personnel and accounting rules and procedures, FLSA, recruiting, compensation, classifying, interviewing, placement techniques, performance evaluations, benefits, ADA, FMLA and other employment law and practices. Excellent human relation skills with the ability to communicate effectively with the public, elected officials, department heads, employees and the media. Salary: \$4,705.08 to \$5,121.75 monthly DOQ&E Excellent Benefits. Required application form and job description available at: www.murfreesborotn.gov or Personnel Department, 111 West Vine Street, Murfreesboro, TN 37130. Phone 615-848-2553, TDD 615-849-2689, Fax 615-904-6506. Must submit resume, cover letter, professional references, and complete the city's full-time job application by Fri., August 21, 2009. EOE.

ENGINEERING TECHNICIAN COLLIERVILLE. The town has an immediate opening for the position of Engineering Technician, Development Services (Engineering). This position will perform technical functions ensuring that various construction activities meet Town regulations and provides general engineering and technical support. Requires an Associates Degree with major course work in Civil Engineering or Drafting or related field; plus five years experience and/or training as a professional draftsman with knowledge in construction, storm water drainage, roadway construction, erosion control, and estimating; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills and abilities for this job. Applicant must have experience using AutoCAD, ArcGIS, MS Word, MS Excel, and MS PowerPoint. Must also have the ability to process and analyze survey field data. Must possess a valid motor vehicle operator's license at time of hire. Salary range is \$32,799.00 - \$51,944.00 (DOQ) annually plus full benefits package. Applications may be obtained at the H.R. Department, 500 Poplar View Parkway, Collierville, Tennessee, 38017, M-F, 8-5. Applicants must fill out the official Town of Collierville application to be considered for this position. Applications and resumes are subject to disclosure. Applications will be accepted until August 14, 2009. EOE

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FINANCE DIRECTOR/CITY RECORDER

FAIRVIEW. The city is seeking applicants for the position of Finance Director/City Recorder. This position is the city's authority on all aspects of financial management and requires a comprehensive understanding of city government finance. Director manages the budgeting, accounting, accounts payable, debt service management functions of government and participates in the cash management, pension, investments and certain aspects of the payroll process and purchasing. Position serves as city recorder working closely with the Board of Commissioners. A bachelor's degree in Accounting, Finance, Public Administration, or closely related field supplemented by three (3) years previous experience and/or training that includes progressive management experience involving governmental accounting and budgeting is required. Preference will be given to candidates with professional certification such as Certified Municipal Finance Officer (CMFO); Certified Governmental Financial Manager (CGFM); or Certified Public Accountant (CPA). Salary: DOQ; comprehensive benefit package including TCRS Pension. Applications will be accepted until position is filled. Submit a letter of interest, current resume, salary history and a list of three professional references to: City Manager, City of Fairview, 7100 City Center Circle, P O Box 69, Fairview, TN 37062. Email: cm@fairview-tn.org.

IPS CONSULTANT III/ MUNICIPAL MANAGEMENT CONSULTANT

The University of Tennessee Municipal Technical Advisory Service has an opening for a Municipal Management Consultant in our Knoxville office. Provides professional advice and technical assistance primarily to elected and appointed municipal officials. Develops and instructs multiple training courses for city officials. Position researches, drafts, and maintains publications on critical issues. Develops and teaches multiple municipal training courses. This organization is one of a kind in the nation serving Tennessee cities by providing elected & appointed officials one-on-one help with all facets of local government. The municipal management consultant serves as key contact for 30-40 cities. The job involves answering questions from city officials, frequently traveling to cities in the consultant's territory, performing research, conducting training sessions, writing publications, attending occasional council meetings, and requires some overnight trips. No two days are the same and independent judgment is a must. This position requires a Master's Degree in Public Administration or equivalent degree and at least five years employment in local government and including three years as a city manager or six years as an assistant city manager. Preference is given to experience as a city manager or assistant city manager in a city with a minimum of 10,000 in population. Position is located in Knoxville. Please send letter and resume to: Municipal Management Consultant Search; UT-MTAS; 120 Conference Center; Knoxville, TN 37996-4105 or email to: teresa.davis@tennessee.edu. Position open until filled. All qualified applicants will receive equal consideration for employment without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or covered veteran status. The University of Tennessee is an EEO/AA/Title VI/Title IX/Section

504/ADA/ADEA institution in the provision of its education and employment programs and services. For more about MTAS and the position, visit the website: www.mtas.tennessee.edu.

IPS CONSULTANT II/TRAINING CONSULTANT

The University of Tennessee Municipal Technical Advisory Service has an opening for a Training Consultant in our Knoxville office. Conducts formal and informal needs assessments, meets with customers and subject matter experts to develop course content and determines the best methodology for delivery of courses to appointed and elected municipal officials throughout the State of Tennessee. This organization is one of a kind in the nation serving Tennessee cities by providing elected and appointed officials one-on-one assistance with all facets of local government. The training consultant conducts needs assessments, develops courses, and determines delivery methodology for municipal training programs. No two days are the same, independent judgment is a must, and travel is required. Creates training classes from conception by conducting research; exploring resources; developing exercises, course content, PowerPoint presentations, and student manuals. Curriculum development includes classroom versions and web-based versions. Ensures quality control of all curriculums that are developed by implementing standard formats for lesson plans and course material. Assures that courses comply with International Association for continuing Education and Training (IACET) standards. Meets with MTAS subject matter experts to ensure standards

are understood and met. Occasionally facilitates training classes or programs. Also, serves on IPS CEU accreditation committee as an approving member. This position requires a Master's Degree in Adult Education, Human Resource Development, Organizational Development, or a related field. This position also requires a minimum of five years in developing curricula, needs assessment, evaluating training programs, performing logistical development, and delivering training programs is essential. Prefer three years in a local government environment. Also requires thorough knowledge of training methodology, techniques and principles, a thorough knowledge of Adult Learning techniques, knowledge of research methodology as applied to adult education and training, ability to write clearly and concisely, ability to use teaching aids and techniques, ability to coordinate multiple programs simultaneously, ability to speak effectively before groups, ability to work effectively with colleagues, city officials and university staff, and ability to obtain certifications through American Society of Training and Development or other related professional organizations. Position is located in Knoxville. Please send letter and resume to: Training Consultant Search; UT-MTAS; 120 Conference Center; Knoxville, TN 37996-4105, or email to: teresa.davis@tennessee.edu. Position open until filled. The University of Tennessee is an EEO/AA/Title VI/Title IX/Section 504/ADA/ADEA institution in the provision of its education and employment programs and services. All qualified applicants will receive equal consideration for employment without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or covered veteran status. For more about MTAS and the position, visit the website: www.mtas.tennessee.edu. All

qualified applicants will receive equal consideration for employment without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or covered veteran status. The University of Tennessee is an EEO/AA/Title VI/Title IX/Section 504/ADA/ADEA institution in the provision of its education and employment programs and services.

MTAS LEGAL CONSULTANT

The University of Tennessee has an opening for a Legal Consultant for the Municipal Technical Advisory Service (MTAS), Knoxville. MTAS serves Tennessee cities by providing municipal officials one-on-one technical assistance. Position provides advice and technical assistance in municipal law to various municipal and state entities. Position develops and maintains technical reports and publications on critical issues. Develops and teaches municipal training courses, and assists others at MTAS. Independent judgment is a must, and minimal travel is required. Requires a JD degree and admission to the Tennessee Bar — prefer up to two years experience in government law or related private law experience. Experience in municipal or state government with Tennessee relevant experience is preferred. Legal Consultant Search, UT-MTAS, 120 Conference Center, 37996-4105; e-mail, teresa.davis@tennessee.edu. The University of Tennessee is an EEO/AA/Title VI/Title IX/Section 504/ADA/ADEA institution in the provision of its education and employment programs and services. All qualified applicants will receive equal consideration for employment without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or covered veteran status.

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2009 Summary of Public Acts

BY JOSH JONES
 MTAS Legal Consultant

Building, Utility and Housing Codes
Chapter No. 114 (SB2048/HB0310). Suspended or abandoned construction. Amends T.C.A. Title 13, Chapter 21, Part 1 by creating a pilot project for cities in Williamson and Montgomery counties lasting until July 1, 2012. This project allows those municipalities, via ordinance, to find a structure unfit for human occupation or use due to suspended or abandoned construction. Abandoned construction is where no good faith effort has been made to complete the construction for 180 days, and suspended construction is where the same is true for 60 days.

Upon an officer's finding that a structure's construction is unfit for human occupation or use due to suspended or abandoned construction, the municipality can use the procedures outlined in T.C.A. § 13-21-103, which include adopting an ordinance authorizing the repair, closure or demolition of the structure. However, if the public officer determines that the suspended construction creates conditions that are dangerous to the health or safety of neighboring residents, the general public or nearby structures, then the public officer is limited to ordering construction resume or that the structure be boarded up and debris removed and otherwise neutralizing any hazards. If the owner does not take action within ten (10) days, the municipality may cause the structure to be boarded and debris and hazards removed at the owner's expense. *Effective May 5, 2009.*

Chapter No. 237 (SB2113/HB2041). Changes to rental properties unfit for habitation made permanent. Amends T.C.A. § 68-111-109 by making the 2008 changes to the provisions governing rental properties unfit for habitation permanent. The 2008 provisions included:

- Extending the time period from 10 to 14 days within which a building inspector or representative of the public health department is required to inspect a building immediately following the filing of a complaint alleging that premises are unfit for habitation.
- Complaint must be forwarded to tenant's landlord or landlord's agent via certified mail.
- Defining 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.
- Removing the condition that a tenant be current on rental payments to file a complaint.
- Specifying 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 20, 2009.*

Chapter No. 268 (SB0059/HB0867). Certain signs exempted from architect requirement. Amends T.C.A. § 62-2-102 by exempting certain signs from the requirement of having a registered architect or engineer prepare the plans and specifications. To be exempt, a sign must not exceed either of the following limits:

- Any portion of the sign is twenty feet (20') or more above the ground level; or
- Any portion of the sign is fifteen (15') or more above the ground level if the sign has more than one hundred twenty square feet (120 sq. ft.) in total sign face area.

The exemption does not apply if in the opinion of the local government building official, failure of the support system for the sign is likely to cause harm to people or property. *Effective May 21, 2009.*

Business Regulation

Chapter No. 149 (SB2107/SB2110). State preemption of the regulation of veterinary medicine. Amends T.C.A. Title 63, Chapter 12, by stating the intent of the general assembly to preempt the entire field of veterinary medicine. Local governments' regulations of the time and place of business operations generally still apply to veterinary businesses. *Effective May 5, 2009.*

Chapter No. 179 (SB1160/HB1108). Recyclers exempted from scrap metal regulation. Amends T.C.A. § 38-1-201 by exempting any person, firm or corporation dealing solely in coins or recyclable aluminum cans from the regulations governing scrap jewelry and metal dealers. *Effective May 7, 2009.*

Chapter No. 269 (SB0582/HB0618). Social Security Numbers on badges prohibited. Amends T.C.A. § 47-18-2110 by prohibiting any person or entity engaged in business from requiring a consumer's social security number be printed on any card, badge or identification in order to receive a benefit, good or service. Where this is already required, entity will issue a new card, badge or identification at no charge. *Effective May 21, 2009.*

Chapter No. 282 (SB0913/HB0218). Further regulation of scrap jewelry and metal dealers. Amends T.C.A. Title 38, Chapter 1, Part 2 by imposing new regulations on buyers and dealers of scrap metal and jewelry. Prohibits buying from any person under eighteen (18) years of age, any person who appears intoxicated, or any person known to be a thief or to have been convicted of larceny, burglary or robbery, without first notifying a police officer. Requires dealers to keep a log in duplicate recording the details of each item purchased, information on the buyer as verified by a govern-

ment-issued identification, and the amount paid for each item. Transactions as reported in the log must be transmitted daily to the sheriff and the chief of police of each county or municipality in which the business is conducted. Person selling items must sign statement verifying that he or she is the lawful owner.

If party reports stolen item within thirty (30) days of incident and has proof of ownership, law enforcement will take possession of item from dealer and return item to party showing proof, unless dealer has proof of ownership offered by seller. If party has proof of ownership and dealer has proof of ownership provided by seller, law enforcement will not take possession of item and will inform party of right to commence civil action. *Effective July 1, 2009.*

Chapter No. 465 (SB0651/HB0792). Regulation of private protective services. Amends T.C.A. Title 62, Chapter 35 by requiring private protective service licensees to submit a form to local law enforcement where they are providing services. Form must include name, license number and armed status of each security guard and name of each client in the jurisdiction. Local law enforcement must report violations of licensees to the Commissioner of Commerce and Insurance. *Effective June 23, 2009 for purpose of promulgating rules. Effective January 1, 2010 for all other purposes.*

City Courts

Chapter No. 128 (SB0805/HB1554). Creation of city courts in Home Rule municipalities. Amends T.C.A. Title 16, Chapter 17, Part 1 by stating that in each home rule city without a city court established by the general assembly, a city court is established. Calls for an initial mayoral appointment of a judge who will serve until the next general election, when a judge will be elected. Clarifies that home rule municipalities with city courts whose divisions have been increased by governing body, and the new divisions have the same power as the previously existing divisions. Furthermore, new districts are under the same direction and control as provided in state law and local charter. *Effective May 5, 2009.*

Chapter No. 144 (SB2020/HB2015). Creation of City Courts. Amends T.C.A. § 16-18-302(a) by creating a city court in any city that does not have such a court that was established and ordained by the general assembly. *Effective May 5, 2009.*

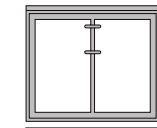
Chapter No. 146 (SB1810/HB1405). Creation of city court in cities with modified city manager-council charter. Amends T.C.A. § 6-33-103 by legislatively creating a city court in every city with a modified city manager-council charter. Previously, such city courts were created by ordinance. *Effective May 5, 2009.*



Aug. 15: Dennis Ferguson's Fishing Rodeo for Kids
 Roane County Park, Harriman. Registration begins at 9 am. Three age groups: 5-7, 8-10, 11-14. Trophies will be awarded to 1st, 2nd & 3rd places winners in each age group. A copy of each child's registration form will be placed in a container for a drawing for prizes. Each child participating will receive a cap and T-shirt. Lunch provided. For more information, contact Vickie Watts 865-354-9380.

Sept. 7: Harrogate Labor Day Celebration
 Harrogate City Park at 3 p.m. with kids' games, live bands, food, crafts and business fair. Spectacular fireworks display. For more information call Harrogate City Hall at 423-869-0211.

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Oct. 22-23: Urban Forestry Conference
 presented by the Tennessee Urban Forestry Council at Lipscomb University, Nashville. Features expert presentations, panel discussions, and hands-on demonstrations about greening your community with urban forestry. Who should attend: Arborists, foresters, consultants, tree board members, landscape architects, developers, builders, city planners, urban foresters, and tree lovers. Keynote speaker: Alice Ewen Walker, executive director, Alliance for Community Trees. For a complete schedule of activities or to register, visit the website at <http://www.armor-armor.com/tufc/schedule.html>

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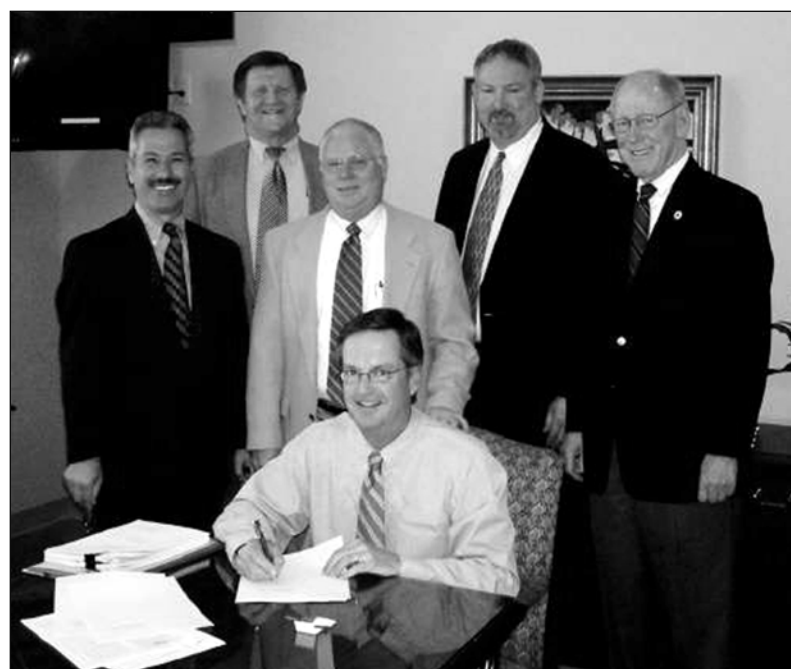
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The city of Murfreesboro closes a \$103 million loan, the largest in TMBF history.



The town of Nolensville closes a \$21,000 loan.

Mountain City offers timeless simplicity

BY VICTORIA SOUTH

TML Communications Coordinator

If the phrase "Everywhere you go, there you are," rings true, it can be said of Tennessee. As rich and varied as the human psyche, each region lends an air of historic, geographic and cultural identity that makes the south uniquely its own.

Whether in Memphis, the furthest city to the west along the banks of the Mississippi, or Mountain City, the furthest city to the east and the county seat of Johnson County, someone is certain to rosin up a bow and the refrain will always be the sweet sounds of home.

Unlike its western cousin, you won't find any movie theaters or big box retail stores, but Mountain City, (pop 2,500), a peaceful little town near the tri-cities area of Bristol, Johnson City, and Elizabethton, has an aura of timeless simplicity plus 49,512 acres of pristine playground at its own backdoor.

The Cherokee National Forest offers endless hiking, camping, hunting, fishing, tubing, horseback riding and picnicking opportunities, while the forest is teeming with fish, wildlife, fertile valleys and breath taking mountain ranges near the spectacular Watauga Lake.

The county, bordering Virginia and North Carolina, is dotted with



Mountain City, (pop. 2,500) established in 1836, is the county seat of Johnson County and is surrounded by miles of Cherokee National Forest.

churches.

"About seven years ago, my husband and I picked up a newspaper in North Carolina and saw an ad for property in Mountain City," said Rita Hewitt, a former Floridian turned advertising manager for the local newspaper *The Tomahawk*.

years, sponsor the downtown Sunflower Festival each year, which is always well attended. This year, some 80 vendors displayed a variety of the finest crafts and food the state has to offer, with delectable items like homemade yeast rolls, Shoo Fly pie, barbeque, handmade soaps, candles, quilts, and hand carved walking sticks among the offerings.

The adopted newcomers have had no problem adjusting to Tennessee culture, according to Judy Hotchkiss, a native of Atlanta who runs Prospect Hill Bed and Breakfast with her husband Robert and is a member of the downtown association.

"You find out quickly who always brings the green bean casserole to the funeral home, so you don't take a green bean casserole," Hotchkiss chuckles.

Like most areas, Mountain City, the former "Green Bean Capitol of the World," is facing its share of tough economic challenges as big names in the area such as Levi Strauss, Timberland Boots, Bike Athletic and Burlington have become distant memories. Several downtown businesses have given up the ghost as well and Parsons is actively seeking other avenues to attract new business and revenue to his community. He regularly visits similar cities to observe what's working keeping up with best practices and benchmarking measures.

"Our downtown committee was recognized several years ago by the town council to revitalize our city with ideas on how our area could grow. My hope is to work with our volunteer residents to revitalize our downtown to the thriving business community it once was and I believe it can be done," he said.

The committee has concluded that what is missing in Mountain City is big box retail stores and popular chain restaurants.

"We wanted to offer on-premise consumption of alcohol to any restaurant that would like to serve it," Parsons explains. "This would encourage our residents and neighboring communities to eat and shop in town along with creating a profitable market for those items currently not available in our county."

The town's first "liquor by the drink" proposal got struck down by the election committee by a vote of 60 percent. Working through the disappointment, Hotchkiss says she and Parsons have retained their sense of humor. "We had a coffee mug printed up as 'The official wine glass of Mountain City,'" she laughs. The push for "Plan B" could prove to be even more challenging, according to Parsons—encourage everyone in the county to only purchase items available in Johnson County or wait until a profitable market for everything currently unavailable can be found within the boundaries of Mountain City.

Voluntarily serving on several local and regional boards, including the First Tennessee Development District, Upper East Tennessee Regional Services Agency, the First Tennessee Human Resources Agency, the Mountain City Plan-

ning Commission and the Johnson County Economic Development Partnership, Parsons has also enjoyed the victories, the town's new disc golf course, the popular "Scarecrows on Main" where businesses create designer scarecrows to place in front of their shops during the week leading up to the annual Pumpkin Festival, and Mountain City's first movie under the stars, which drew more than 130 spectators the first night.

Citizens are especially proud of Heritage Hall Theater, a beautifully revitalized 1923 High School auditorium, where it is believed some of

the first country music ever broadcast took place. The theater showcases first rate performances every weekend from concerts to plays and musicals.

Every Friday night, neighbors gather at the local community center as local musicians engage in a Tennessee mountain jam session.

"When I think about Mountain City, it reminds me of the big granite ball outside the Ripley's Believe it or Not Museum in Gatlinburg," says Hotchkiss. "It's already lifted by water from a fire hose, but as people pass by and place their hands upon it, it rises even higher."



Photo courtesy of *The Tomahawk*

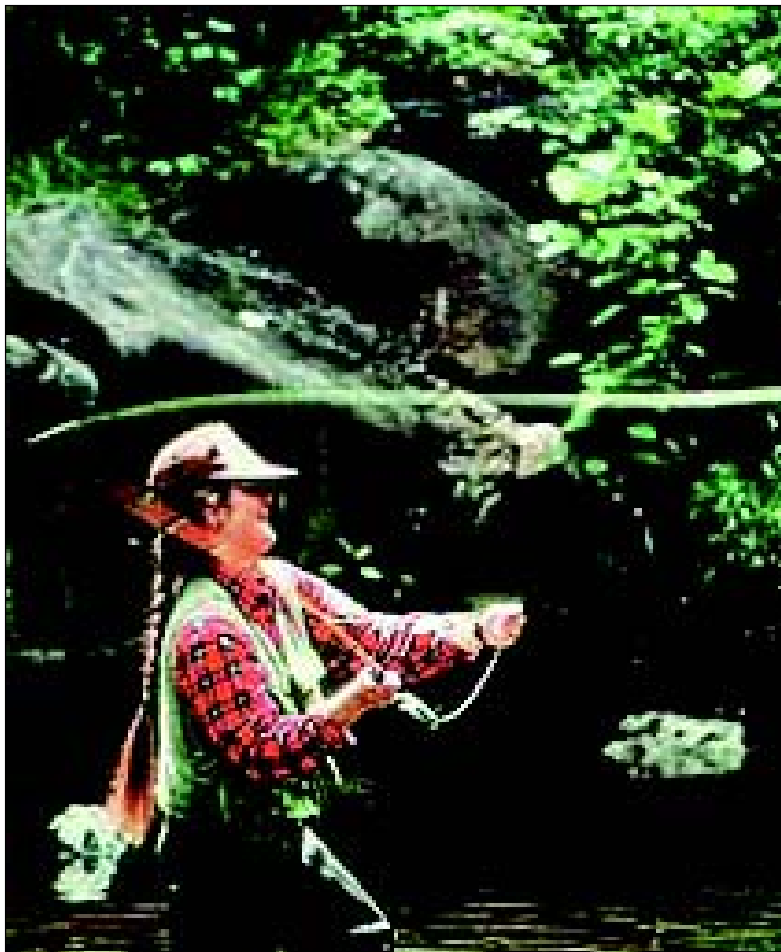
"The Young at Heart" square dancers are in full swing at the 5th annual Sunflower Festival

picturesque old barns and green pastures, while the drive along Highway 67 toward Mountain City features the Appalachian Trail overlooking the city and nearby Butler, Doe Valley, and Shady Valley.

The Johnson County Welcome Center and Museum on Shady Street provides plenty of information for travelers and facts about the area's local history. Trivia notes that

"We ended up signing the papers right away on the hood of our car."

"There's an acceptance here," agrees Mountain City Mayor Kevin Parsons, as he fries chicken at his restaurant, *Bizzies*, home of the best fries in town. A lifelong resident of Johnson County, Parsons formerly hosted *The Good Morning Show* on WMCT-AM Radio in Mountain



The Cherokee National Forest is well known for its fishing. There are 60 species of fish within forest boundaries.

singer/songwriter/ Dave Loggins, of *Please Come to Boston*, fame was born in Mountain City and the subject of Steve Earle's song *Copperhead Road* takes place in the county. The area is so far east, it's where the sun supposedly rises every morning over Tennessee.

A campground directly across the street from the welcome center has full hook-ups and tent sites. Quaint downtown shops, antiques and local eateries are a delight for visitors and locals to browse and enjoy.

It's not unusual to see eight generations from Johnson County sitting alongside transplants from cities as far away as California, Florida, New York and Illinois at one of Mountain City's area

City and *The Best in Bluegrass* Sunday evenings on WMMY-FM radio in Boone, NC.

"Everyone talks to each other on the street and my wife knows that when I say I'm just going to run in to the grocery store and will be back in a minute that I will NOT be back in a minute."

It's the same for Jim Coyne, 71, who with his wife Barbara, owns and operates the *Victoria Rose* home decorating shop downtown. "We love it here," said Coyne. "It's like nowhere else in the world. If I sit outside on the bench in front of the shop, nearly everyone that drives by will wave and honk their car horn at me. It's like one big family."

The Coynes, who have lived in Mountain City for more than 10



Mountain City Mayor Kevin Parsons (R) poses with Lt. Gov. Ron Ramsey, Johnson County's State Senate representative.



The town's annual Pumpkin Festival featuring live music, free hayrides, pumpkin carving and prizes is enjoyed by all ages.

Things to do in Mountain City

If you go:

Mountain temperatures are a delightful 80 degrees in the summertime, with nighttime lows in the 60s.

- Annual Pumpkin Festival Oct. 17-19;
- Heritage Hall Theater, 211 N. Church St. Performances each weekend. Visit www.heritagehalltheater.org for schedule and showtimes;
- Mountain Jam: Mountain City Recreation Center, College St. Friday nights 6-10p.m.

• Rogers Ridge Trail hiking along ridgetops;

• Red Tail Mountain Golf Course located at the edge of the city.

For more information, contact the Johnson County Welcome Center, 716 South Shady Street, Mountain City Tenn, at 423-727-5800 or visit <http://pages.preferred.com/~jcwcc> or Mountain City Town Hall, 210 S. Church Street at 423-727-8005.

