



Make plans to attend TML District Meetings

When the final session of the 106th TN General Assembly convenes in January, state government leaders will address numerous issues of interest and concern to Tennessee's towns and cities.

To educate our membership on the potential impact these issues might have on municipalities before lawmakers begin their deliberations, TML has scheduled district meetings across the state beginning in December.

TML staff will be on hand to present updates on the latest events and news affecting municipalities at the state and national levels, as well as present the League's 2010 legislative agenda.

It is vital that municipal officials take this opportunity to attend these meetings to prepare for the upcoming session.

The following district meetings have been scheduled

District 1	Dec. 1, 2009	Johnson City Public Library	9:30 - 11:30 a.m.
District 2	Dec. 2, 2009	Gatlinburg Mills Conference Center	11:30 a.m. - 2 p.m.
District 3	Dec. 3, 2009	Collegedale City Hall	9 - 11 a.m.
District 4	Jan. 8, 2010	Livingston City Hall	11 a.m. - 1:30 p.m.
District 5	Jan. 11, 2010	Hendersonville Public Library	10:30 a.m. - 1 p.m.
District 6	Jan. 15, 2010	Brentwood Public Library	10 a.m. - 1 p.m.
District 7	Dec. 9, 2009	Humboldt General Hospital Conference Center	9 - 11 a.m.
District 8	Dec. 8, 2009	Bartlett Performance Arts Center	10 a.m. - 12 noon

FCC approves shot-clock in cellular tower sitings

The Federal Communications Commission (FCC) unanimously adopted an "shot-clock" order that effectively preempts local zoning of cellular towers.

On Nov. 18, the FCC unanimously adopted an order establishing presumptive deadlines of 90 days (for co-location applications) and 150 days (for all other wireless siting applications) within which a local government must act on wireless companies requests for siting of new towers or co-locating on existing towers.

If the local government fails to act before that deadline, then the local government is presumed not to have acted within a "reasonable period of time" within the meaning of Sec. 332(c)(7)(B)(ii) of the Communications Act, and the wireless applicant is entitled to take the local government to court. As a standard operating procedure, the FCC made clear that once in court, the local government is entitled to prove that its failure to act within the

FCC's deadline was reasonable and thus not contrary to Sec. 332(c)(7)(B)(ii).

The proposal requested by the cellular telephone industry originally asked for a 45 and 75 day "shot clock" for municipalities to act on local zoning applications concerning the siting of cellular towers.

The National League of Cities (NLC), U.S. Conference of Mayors (USCM), the National Association of Counties (NACo), and the National Association of Telecommunications Officers and Advisors (NATOA) filed joint comments in opposition to the petition submitted from CTIA, The Wireless Association.

In their statements, the organizations stressed that the FCC's proposed action directly violates the Telecommunications Act Congress passed in 1996 which preserves local zoning of cell towers and directed the FCC to dismiss proceedings that would have restricted local
See CELL TOWER on Page 6

Transportation stalemate continues in Congress

BY LESLIE WOLLACK
Nation's Cities Weekly

The stalemate over extending the nation's surface transportation laws continued in Congress and the future remains uncertain.

The Senate Environment and Public Works Committee earlier this month abandoned plans to send a six-month extension of the expired surface transportation bill, which ran out on Sept. 30, to the Senate floor in hopes of reaching an agreement with the House. Instead, transportation funding for state and local governments will be continued through a continuing resolution extending funding for other federal programs through Dec. 18.

The House earlier passed a three-month extension of surface transportation programs while House Transportation and Infra-

structure Committee Chair James Oberstar pushed for Congressional action on a six-year bill.

Long-term prospects for the legislation and increased revenues to support an expanded program for federally funded transit, highway and bridge programs are unclear.

The Oberstar proposal would expand transit funding, establish performance measures for states and local governments, require more intermodal planning and decision-making by the U.S. Department of Transportation to encourage a more livable communities approach, establish a national infrastructure bank and establish a limited metropolitan mobility program to provide more authority to local governments.

While several Senate committees have adopted an 18-month ex-
See TRANSPORTATION, Page 6

Hoping for rain is not a plan

State agencies pushing for drought plans for community water systems

BY CAROLE GRAVES
TML Communications Director

In the wake of the state's most severe drought in Tennessee history, a special study committee for water planning is exploring how to manage the state's water supply to meet future demands and to better prepare for another emergency situation.

The summer of 2007 marked the driest and hottest on record, with one community water system running completely out of water, while about 75 systems imposed some type of water restrictions that affected more than 500,000 people.

And although state officials praised communities for their inter-governmental cooperation in averting what could have been a crisis, the 2007 drought helped highlight many of the difficulties and inconsistencies of managing resources among the 490 public water systems in Tennessee.

Some of the observations made during the 2007 drought included: water use restrictions were not enacted and enforced with consistency; conservation goals were not always met; and the burden to provide services was not spread evenly across public water systems.

One of the issues before the Special Joint Study Committee for Wa-



With record rainfall shortages combined with unusually high temperatures at or above 100°F, water in some community retention ponds were nearly dry during the 2007 drought.

ter Planning is consideration of whether or not community water systems should be required to adopt drought management plans with specific guidelines for all water systems, including how to enforce those plans in times of a drought.

"I just want some consistency

when dealing with a drought," said Rep. Bill Harmon, study committee chairman. Harmon said that during the 2007 drought, some communities in his district enacted conservation measures from limiting lawn watering to shutting down public
See WATER on Page 7

State Fire Marshal's Office seeks input on residential sprinklers

BY RAY CROUCH
MTAS Fire Management Consultant

The 2009 session of the Tennessee General Assembly amended current law so that the building code now applies to one- and two-family homes. This was done primarily to bring Tennessee homes to a higher energy code standard. Tennessee ranks number one out of the 50 states in energy consumption per household.

In addition to energy, one- and two-family homes will be subject to inspection by either local or state inspectors with regard to plumbing, mechanical, and general construction standards. This process will ensure that the homeowner lives in a well-constructed house.

The General Assembly specifically exempted one- and two-family homes from having to meet the residential sprinkler requirements in section 19 (8) of Public Chapter 529. However, they required the Department of Commerce and Insurance, [Section 19 (9)], which has building code enforcement authority within the State Fire Marshal's Office, to seek public input on whether residential sprinklers are cost effective and to report the results of such analysis to the General Assembly on

or before May 1, 2010.

It is the official position of the U.S. Fire Administration that all Americans should be protected against death, injury, and property loss resulting from fire in their residences. All homes should be equipped with smoke alarms and automatic fire sprinklers, and families should prepare and practice emergency escape plans.

The Department of Commerce and Insurance has called for input from anyone interested in this topic and specifically from the Tennessee Fire Chiefs Association and the Home Builders Association. All written materials must be provided to the Department by Dec. 31, 2009.

Materials should be sent to: Jim Pillow, Assistant Commissioner Dept. of Commerce and Insurance ATTN: Residential Sprinkler Analysis 500 James Robertson Pkwy



It is the official position of the U.S. Fire Administration that all homes should be equipped with automatic fire sprinklers and smoke alarms.

3rd Floor, Nashville, Tenn, 37243.

A rule making hearing on the adoption of rules to implement a residential building codes program in Tennessee, as well as make changes to the rules for the Fire Prevention Division's Codes Enforcement Section is scheduled for Jan. 6, 2010 at 1 p.m. in the Tennessee Room at the Snodgrass Tower in Nashville.

New open meetings forum through the Internet not used by city officials

BY MELISSA ASHBURN
MTAS Legal Consultant

This year, the General Assembly adopted Public Chapter No. 175 which permits local government officials to participate in meetings via Internet forum, but the requirements that must be met may discourage cities from availing themselves of this option.

This law expands a recent pilot project in Knox County by making the option available to all local governments. Codified at T.C.A. § 8-44-109, the law permits governing bodies to "allow electronic communication between members by means of a forum over the Internet" only if specific requirements are met.

Before permitting such Internet discussions, the governing body must:

- Ensure that the forum be "available to the public at all times other than that necessary for technical maintenance or unforeseen

- technical limitations;"
- Provide "adequate public notice" of use of the forum;
- "Control who may communicate through the forum;"
- "Control the archiving of the electronic communications to ensure that the electronic communications are publicly available for at least one (1) year," and access to the archived communications must be "user-friendly for the public;" and
- "Provide reasonable access to members of the public to view the forum at the local public library, the building where the governing body meets or other public building."

The law further requires that such Internet forums "shall not substitute for decision making by the governing body in a meeting."

Before city officials may hold such Internet chats, the governing body must file a plan with the Office of Open Records Counsel. The plan

is then evaluated by Open Records Counsel, who will report within 30 days whether or not the plan complies with the requirements. If the plan fails to comply, Open Records Counsel will provide written comments to the governing body. No Internet forums are allowed under the law until the office issues a report of compliance.

Open Records Counsel Elisha Hodge reports that no such plans have been approved for cities at this time. The submissions she has received so far lack the specificity required by law, and further lack documentation that the governing bodies are committed both to submitting a plan for her review and to maintaining the forum in accordance with the requirements.

For that reason, Hodge requests that plans submitted to her office contain a resolution, stating that the governing body approves of the plan and the submission of the plan to the
See FORUM on Page 4

NEWS ACROSS TENNESSEE



BY TML STAFF REPORTS

BARTLETT

The city held a ribbon cutting for their new \$420,000 fire department administration building which will bring the fire department's administrative staff together under one roof. The Administration had previously been housed in three different fire stations. The building features more than 2,800 square feet for offices, a conference room, and a plan review room.



Fire Chief Terry Wiggins, Mayor Keith McDonald and Shelby County Mayor Joyce Avery celebrate the grand opening of Bartlett's new Fire Administrative Building.

CLEVELAND

Municipal buildings here have almost reached the city's goal of a 15 percent energy reduction about eight months ahead of schedule. Last year the council set a goal of reducing energy consumption in city buildings and vehicles. The deadline is June 30, 2010. Department heads each have had their own goals to reach, with regular reports to the council on progress. Cleveland Fire Chief Chuck Atchley said all five city fire stations are examples of energy savings. The Tennessee General Assembly last year passed a resolution, applauding the effort as an example of what municipalities can do to conserve.

CLINTON

A U.S. company involved in the solar energy industry is eyeing Clinton for a \$400 million plant that would employ 500 people. Clinton is one of three finalists nationwide and the only Tennessee prospect for the project, code-named "Project Diana" by the state. The City Council voted unanimously to reduce the price of 40 acres of land in its I-75 Industrial Park to help recruit the solar company. Tim Thompson, the county's industrial recruiter, said the company is expected to decide where to build within the next two months.

FRANKLIN

The first of 15 regional trails was formally opened in Franklin as part of a project designed to bring tourist dollars off interstates and onto local streets. Gov. Bredesen unveiled the

the city doesn't have. The purchase comes as crews continue work on the Columbia Avenue police headquarters — a \$36 million project that will house the new equipment.

GATLINBURG

A National Park Service study has ranked the Great Smoky Mountains National Park as tops in visitor spending. The study estimates the Smokies' nine million visitors in 2008 spent more than \$800 million on lodging, fuel, food, gifts and amusements in the park's gateway communities, including Gatlinburg, Pigeon Forge and Cherokee, N.C. That's nearly twice as much as the \$423 million spent by visitors to Arizona's Grand Canyon, which finished second behind the Smokies. It also means that each visitor to the Smokies is worth, on average, about \$88 to the local economy. The study said that level of spending supports some 14,569 jobs in Smokies communities.

LOBELVILLE

A \$500,000 Community Development Block Grant will assist in infrastructure improvements along the Deer Creek vicinity of Lobelville in Perry County. The funds will be used to construct water line extensions to serve 124 homes. Funding for the \$725,000 project will include \$225,000 in local funds. The grant dollars were provided by the U.S. Department of Housing and Urban Development and were allocated under a procedure authorized by the Tennessee General Assembly.

OAK RIDGE

Oak Ridge City Center LLC has been selected to receive a federal grant worth up to \$5 million for a large-scale geothermal demonstration project. The project would install a hybrid geothermal system in portions of a redeveloped City Center, commonly referred to as "the mall," and help lower operating costs, using the constant temperature of the Earth to help heat and cool buildings. A good portion of the U.S. Department of Energy grant — about 20 percent of the cost — will be used for research on innovative systems, said David Thrash of Hard Oak LLC, redevelopment manager for Oak Ridge City Center LLC. The federal award is a cost-shared grant and will require a 50 percent



Photo courtesy of The TN Dept of Tourism

Tennessee Gov. Phil Bredesen and Tourism Commissioner Susan Whitaker are surrounded by state and local officials at the unveiling of the Discover Tennessee Trails and Byways sign in Franklin.

match. The \$10 million project will include the geothermal heat pump, as well as construction, demolition and design work.

OAK RIDGE

An automotive manufacturer could be interested in building a large facility in Oak Ridge and the city's Industrial Development Board has agreed to help out by providing 20 acres of land at the Horizon Center industrial park on the west end of town. The city voted 7-0 to possibly spend \$190,000 of its own funds on land for the venture. But the board expects to replenish the funds fairly quickly, according to IDB Chairman Doug Janney. The unnamed company, which could employ 50 people in Oak Ridge, might need between 20 and 40 acres for the project and is apparently looking at several sites in Tennessee and other states.

PIGEON FORGE

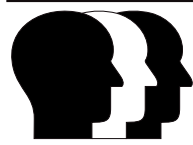
Retirement Lifestyles Magazine has picked Sevier County as one of the top 11 Southern retirement hotspots. The upcoming quarterly edition of the publication cites the county's stable to strong economy, the variety of activities, the moderate cost of living and the beauty of the Smoky Mountains. Editors said Gatlinburg, Pigeon Forge and Sevierville are great choices for relocating retirees from other states. The 10-year-old magazine has about 100,000 readers each issue. It focuses on communities and lifestyles for prospective retirees across the country

SMYRNA

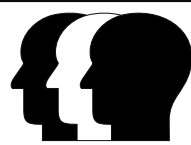
The Department of Veterans Affairs has announced the award of a 20-year lease for the Mid-South Consolidated Patient Account Center. The 60,250-square-foot call center will be located at 1412 Hazelwood Drive in Smyrna, home of the current Tennessee Expo Center. Renovating the building to VA specifications is expected to cost about \$5 million and construction of the facility is scheduled to be completed by August 2010. The call center is part of a Department of Veterans Affairs initiative to improve billing and collection activities throughout its network of 153 medical centers and more than 1,400 clinics across the United States. It will provide traditional revenue functions for all Veterans Health Administration treatment locations within Veterans Integrated Service Networks 9, 16 and 17.

TULLAHOMA

A Governor's highway safety grant of \$30,000 will support traffic control initiatives for the Tullahoma Police Department. The grant will be used to purchase five solar powered radar speed signs to be deployed in city school zones. They are portable enough to be moved to different locations. "This is part of our ongoing program to educate the public on traffic enforcement and encourage compliance and awareness," said Tullahoma Police Chief Paul Blackwell.



PEOPLE



BY TML STAFF REPORTS

Athens Director of Schools **Craig Rigell** has been selected as Southeast Tennessee's Superintendent of the Year. He has been Director of



Rigell

Schools for the Athens City School System since July 1, 2000. Before joining the system, he served 25 years with the Oak Ridge City School System, as a science teacher and then vice principal for 10 years at Robertsville Junior High School. He also served as principal for 12 years at Willow Brook Elementary School. He is married to Ann L. Rigell, Director of Employment Development and Performance for Oak Ridge Associated Universities.

Melinda Carroll has been appointed as assistant city manager by Cleveland City Manager Janice Casteel. Carroll has worked for the city since 1984 and has served as purchasing agent since 1992. Prior to that,



Carroll

she served as deputy clerk, business tax inspector, junior accountant and purchasing assistant. She has served as president of East Tennessee Purchasing Association and Tennessee Association of Public Purchasing.

Don Spain, 71, has died at his home in Nashville. Spain, a native of Old Hickory, produced *Legislative Report*, a weekly recap of activities in the Tennessee General Assembly broadcast statewide on public television stations since 1983. Spain previously worked for WSM-TV in Nashville and as a spokesman for the Tennessee Highway Patrol. He established Capitol Media Service in 1980 and served as president since that time. Spain is survived by his wife, Doris, and son Jason, a legislative liaison for Gov. Phil Bredesen.

Izetta Slade Municipal Technical Advisory Service Training Program Manager has retired with 10 years of service to the University of Tennessee. Her



Slade

husband, Larry Slade, accepted a position last year on the coaching staff at the University of Louisville, where the Slades will reside.

Dr. Tim Webb, Tennessee's commissioner of education has been selected as Cheatham County's new schools director. Webb



Webb

who is in contract negotiations with the school board, would start July 1. Webb became education commissioner in 2008.

Former Alderman **Don Weaver** has been hired as Bluff City's first city manager. According to the city's charter, the manager is responsible for handling many administrative duties, including supervising its employees, drafting its budget and seeing that laws are enforced. These duties fall to the mayor if there is no town manager.

Andrew Hyatt, of Etowah, has been offered the position of city manager by Fairview's Board of Commissioners. Hyatt will replace retiring City Manager Shirley Forehand.



Hyatt

Pegram firefighters lauded for heroism, exemplary duty



Photo by Randy Moomaw/The Times

Pegram Fire Chief Brent Stuart and Rep. Phillip Johnson honored two Pegram volunteer firefighters for bravery and exemplary duty in their Sept. 22 rescue of Julie Caruso from her burning residence in Kingston Springs. Pictured (left to right) Chief Stuart, Engineer Nathan Stanley, Lt. Michael Fennell and Rep. Johnson.

Lt. Michael Fennell and Engineer **Nathan Stanley** received three standing ovations as they were honored in a special ceremony during the monthly Pegram Board of Mayor and Aldermen meeting.

The firemen saved the life of Kingston Springs resident Julie Caruso on the morning of Sept. 22 when they pulled her from her burning home in conditions of extreme heat and zero visibility. Both

men had completed long shifts at their primary jobs prior to the incident.

Fennell and Stanley humbly accepted honors from their chief, Brent Stuart. "In the 10 years I've had the pleasure to be the fire chief here, it is men like these that make my job easier," Stuart said.

Rep. Phillip Johnson presented the men with a resolution from the Tennessee General Assembly.

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Cities coming around to roundabouts

BY VICTORIA SOUTH
TML Communications Coordinator

Will the circle be unbroken? It certainly looks that way as modern roundabout success stories sweep the nation. Conceptually different than the larger traffic circles constructed in the mid 1900s, modern roundabouts are more compact, one-way, circular intersections built around a raised center island that could feature statues, sculpture, flower beds or other visual elements.

A tighter radius and design features such as directional markings, splinter islands and entry deflection help moderate traffic flow and keep roundabout speeds low, about 15-20 mph in urban settings and 30-35 in rural areas.

Driving etiquette is pretty straightforward. Modern roundabouts require drivers to be responsible for their actions, reduce their speed upon approach and remain on the lookout for vehicles, bicyclists and pedestrians as they travel counterclockwise and proceed to the appropriate exit.

Drivers entering a modern roundabout always yield to the already circling traffic inside. "You are not in a

modern roundabout if you are expected to yield to entering drivers or if you encounter traffic lights or stop signs," notes *Slate Magazine's* Tom Vanderbilt in the article "Don't Be So Square: Why American Drivers Should Learn to Love the Roundabout."

Eliminating left turns against oncoming traffic, roundabout statistics reflect greater safety and efficiency than traditional intersections.

Statistics by the Federal Highway Administration (FHWA) as reported by the American Council of Engineering Companies (ACEC) of Tennessee, state that through the years roundabout intersections reduced injury crashes by up to 76 percent, pedestrian crashes by up to 30-40 percent and fatalities by up to 90 percent when compared to signalized and stop controlled intersections.

"They reduce the number of

places where one vehicle can strike another by a factor of four," estimates Vanderbilt.

Eliminating idling time at traffic lights can also reduce vehicle emissions substantially as well as reduce fuel consumption by 30 percent, according to the Insurance Institute for Highway Safety.

However, with more than 20 modern roundabouts successfully installed at dangerous intersections in Tennessee, some states and cities have been slow to build roundabouts, and some are even opposed to building them, according to the Insurance Institute.

"The principal impediment is the negative perception held by some drivers and elected officials," the Institute says. This sentiment echoes a common thread shared by traffic engineers across the state—public opinion concerning roundabouts can be a "full circle" process—beginning with apprehension and ending with acceptance.

"For communities that haven't had them, there's a general concern

"I could never imagine how it would work. I would drive by while they were constructing it and I just couldn't visualize it." —Jennifer Green, Chattanooga citizen.

that people will not be able to understand how they operate or how to drive through them," said John VanWinkle, Chattanooga City Traffic Engineer. Chattanooga is currently a leader in roundabout development and implementation with approximately 12 completed roundabouts and four more in design. VanWinkle recalls a negative public opinion poll concerning two two-lane roundabouts installed at a high crash intersection at Chattanooga's Chickamauga Lock & Dam.

"There was a lot of bad publicity about it, a lot of hearsay," he said. However, public opinion swiftly changed once the roundabouts were in operation, according to VanWinkle. Man on the street comments sum it up succinctly: "It was much more efficient, no idling, no slow down... "People figured it out very quickly... "We don't have the same problems we used to since we



Photo by Victoria South

"Musica" installed at one of Tennessee's first modern roundabouts at Music Row in Nashville, is one of the more well known art works in Music City.

put it in... "There's almost no morning traffic anymore."

"Roundabouts, by their nature, and by their design, are the most

efficient form of intersection traffic control," said VanWinkle. "It's like a ballet, you just breeze in and breeze out and it just keeps moving, constant motion."

"What makes us unique is that back in the early 1900s, we had traffic circles in our original planned community," said Michael Thompson, Kingsport assistant Public Works director and former traffic engineer.

"While modern roundabouts may take up a larger footprint and are more expensive than signalized intersections, an estimate of \$623,000 as opposed to \$150,000, there is virtually no maintenance, no traffic bulbs and increased community safety," Thompson said.

The FHWA estimates the typical lifespan of a traffic signal to be 10 years, while the service of a roundabout is approximately 25 years, according to ACEC. The FHWA also estimates a roundabout saves about \$5,000 per year in electricity and maintenance costs.

Kingsport has high hopes that the second modern roundabout they are preparing to install as a gateway entrance to the riverfront district will not only provide added security at a difficult intersection, but will increase tourism in the area as well.

"People stop a lot at this intersection and we have a need for logical traffic flow," Thompson said. "We're in the process of buying the property and hope to break ground in the spring of 2010."

Kingsport's first modern roundabout has been working well, according to Thompson. The 5-street intersection



Kingsport's modern art sculpture, *Yo Yo's Muse*, is a \$30,000 piece purchased through public donations. Placed in the main center island of the city's first modern roundabout. The artwork turns and moves with the breeze.

formerly had traffic signals 75 feet apart where two roads triangled prohibiting traffic flow.

"It used to be backed up all the time," said Thompson. Now, the traffic flows as easily as *Yo Yo's Muse*, the modern artwork in the center island. The \$30,000 sculpture is designed to turn and bend with the breeze.

In his article, Vanderbilt notes that while the United States is home to roughly 2,000 modern roundabouts, the concept is still in its infancy when compared to European countries or Australia. In 2008, Australia built its 8,000th roundabout.

Ultimately, any future success of modern roundabouts in today's municipalities hinges upon design. An improperly designed roundabout can be as much of a liability as a deadly intersection.

"You don't want them to look as if someone simply traced a circle around a coffee can on a piece of paper," Vanderbilt writes.

"Since roundabout designs are still not common, it is important that engineers designing roundabouts have a thorough understanding of the critical (design) elements, explains Robert P. Murphy, PE, PTOE, RLS and Daniel Spann, PE, PTOE in the article *Modern Roundabouts a Growing Trend*. "Design features such as traffic deflection, geometric curvature, and proper consideration of site-specific variables are critical to the successful performance of the roundabout."

The Insurance Institute notes traffic signs, pavement markings and proper lighting as important safety factors as well. "Simply put, a properly de-

signed roundabout saves lives," said Murphy and Spann.

"While we have largely stayed out of this discussion, we certainly favor any engineering development that improves roadway safety," said Michael Fann, director of Loss Control, TML Risk Management Pool. "While the safety results appear to be very favorable, we leave this decision to the traffic engineers and the local officials."

Roundabouts do not work for every situation. Some intersections are simply too busy or are not suitable for them, yet a 2008 Proven Safety Countermeasures memo by the FHWA reminds city officials that "roundabouts are the preferred safety alternative for a wide range of intersections."

"The first one we put in, this guy became very upset about it and wrote a critical letter to the editor in our local newspaper, VanWinkle chuckles. "After the roundabout was opened and he saw the benefits, he sat down and wrote a second letter—one of apology — thanking me."

Roundabout Statistics

- According to the Federal Highway Administration, more than one-fifth of all traffic fatalities happen at intersections. Nearly 30 percent of intersection fatalities occurred at signalized intersections.

- A study revealed that four crash types occur in roundabouts, run-off road, rear-end, sideswipe, and entering-circulating. A common crash type at both single and double-lane roundabouts involve vehicles colliding with the central island.

- A study revealed that replacing traffic signals and stop signs with a roundabout reduced carbon monoxide emissions by 32 percent and nitrous oxide emissions by 34 percent, carbon dioxide emissions by 37 percent, and hydrocarbon emissions by 42 percent.

FHWA and the Insurance Institute for Highway Safety



Chattanooga's Chickamauga Dam area features two modern roundabouts

Roundabout Safety & Design

The U.S. would have to build roughly 148,519 more roundabouts to match Australia's rate per capita. States leading the way in roundabout construction include Colorado, North Carolina, Maryland, Washington, and Kansas.

According to the FHWA, education is vital to the acceptance and success of a roundabout. Navigating a roundabout is easy. But because people can be apprehensive about new things, it's important to educate your community about roundabout use.

There are just a few simple guidelines to remember: Slow down; Yield to traffic already

in the circle; Obey one-way signs at all times; and watch for pedestrians and bicycles throughout.

Left turns are completed by circling around the center island and then making a right turn to exit from the roundabout.

Books & Resources

- *Roundabouts: An Informational Guide* published by the U.S. Dept. of Transportation Federal Highway Administration. Visit <http://www.thrc.gov>

- The Modern Roundabout website: visit <http://roundabout.kittelson.com/>



Kingsport Roundabout

- Roundabouts USA: links to websites, books, publications, guidelines, and articles related to roundabouts in the USA. Visit <http://www.roundaboutsusa.com/>

- Book: *Roundabout Design Guidelines* by Leif Ourston

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STATE BRIEFS

BY TML STAFF REPORTS

Work is beginning on the first of more than 200 bridges to be replaced or repaired across Tennessee under the Better Bridges program. The Tennessee Department of Transportation launched the program at a bridge over Mill Creek in Nashville. The four-year program was approved by the Legislature this year and will use bonds to pay for \$87.5 million in the first year of the program. TDOT is seeking approval of about the same amount in the next fiscal year. The first bridge being replaced is on Murfreesboro Road in Nashville. It was built in 1942 and has been declared both structurally deficient and functionally obsolete. Transportation Commissioner Gerald Nicely said construction costs are now at their lowest in years.

Tennessee's subsidized health care plan will stop accepting new enrollment at the end of December because of budget constraints. The CoverTN program targets the uninsured who are ineligible for Medicaid. Under the plan, the state kicks in one-third of the monthly premium, while employers have the option of paying for another third. Each third averages about \$60 per month. CoverTN's recent enrollment period resulted in more than 2,500 new members. As of last month, CoverTN had about 21,000 enrollees.

Tennessee might release as many as 4,000 nonviolent felons, such as people convicted of drug dealing and robbery, under a plan outlined by the Department of Correction to deal with the state's budget crisis. Correction Commissioner George Little said the department would have no choice but to recommend early release of inmates if it were to implement the budget cuts. The department has already squeezed out savings by scaling back on roadside litter-removal crews and leaving about 400 positions unfilled, and it is relying heavily on federal stimulus funding in its current budget, he said. The early-release plan, which Little laid out on the first day of state budget hearings, is meant to show how the Department of Correction would proceed in the event of a cut of up to 9 percent from all state department budgets.

Tennessee manufacturing jobs fell 12.6 percent in the past two years. According to the Tennessee Manufacturing Register, 56,647 jobs were lost due to closures and layoffs.

Manufacture's News Inc. (MNI) a Chicago based manufacturer's directory publisher, released a report on the industrial jobs in Tennessee. A total of 15,110 jobs were lost between Sept. 2007 and Sept. 2008 and 41,537 jobs from Sept. 2008 and Sept. of this year. According to the MNI report, currently Tennessee's 7,711 manufacturers employ 403,030 workers compared to 547,494 workers in 2001. There was a 26.4 percent decline amounting to 144,464 job losses. MNI reports this year's 41,537 job losses is the sharpest decline in the past twelve years. The declining housing market contributed to the considerable job losses.

Three Bullseye awards are given out each year for immunization program strategies. Tennessee was the only one recognized this year for H1N1 vaccinations. Tennessee set up the Pandemic Vaccine Pre-registration System for health-care providers to streamline the H1N1 vaccine ordering process. It has become a model used nationwide. The public can view the site; though not access it, at <http://health.state.tn.us/twis>. This was new territory for the state with five manufacturers producing the H1N1 vaccine in nine formulations, each licensed only for certain populations. More than 1,500 health facilities in Tennessee want the vaccine. Among the challenges, add manufacturing delays and the Centers for Disease Control and Prevention's requirement for who gets the vaccine first. Plus, states' public health agencies have never distributed and managed flu vaccine programs this large for the private sector.

The State and the U.S. Department of Energy (DOE) plans to prepare an Environmental Assessment (EA) for the proposed West Tennessee Solar Farm, in keeping with its responsibilities under the National Environmental Policy Act (NEPA). The West Tennessee Solar Farm, a five-megawatt multi-acre power solar array located in Haywood County, would generate renewable energy and serve as a demonstration site for educational purposes. Educational activities would occur at a welcome center that would be located directly on Interstate 40, adjacent to the Solar Farm. The state hosted a public scoping meeting to solicit comments on the proposed project. Comments may also be submitted in writing. Mail to: Ryan Gooch, Department of Economic and Community Development, 312 Rosa L. Parks Ave.,

10th Floor, Nashville, TN 37243. For more information, phone: 1-800-342-1340 or Email: ecd.energy.policy@tn.gov. Public input should be provided by Dec. 4, 2009. There will be an additional period for public review and input after the draft EA is released in 2010.

The editors of Site Selection magazine, one of the nation's premier economic development publications, have ranked Tennessee among the five best states in the U.S. for best business climates. The announcement marks the seventh time in the past decade Tennessee has been listed among the top ten states for business climate. The state has been ranked among the top five states in five of the past seven years. The closely watched annual rankings appear in the November 2009 issue. The annual business climate rankings are determined by the number of new and expanded business facility projects in each state as well as perceptions in a survey of corporate site selectors across the country. Site selectors were asked to rank the factors most important to them when determining a location for a new facility. Some of those factors included transportation infrastructure, existing work force skills, and state and local taxes. In the "executive survey" portion of the rankings, Tennessee ranked 5th.

Tennessee has received an additional \$12 million in federal funding from the U.S. Department of Labor to enhance the state's Trade Adjustment Assistance (TAA) Program. The money will be used for career retraining and other services and assistance to Tennessee workers. TAA is designed to help workers who have been affected by job loss or had their hours and wages cut because of increased imports or a shift in production to a foreign country. Earlier, the state received \$16 million for the program. In the past year, more than 1,500 Tennesseans have participated in TAA job training with an 88 percent completion rate.

The National Council of State Housing Agencies has recognized a partnership between the Tennessee Housing Development Agency (THDA) and the Tennessee Department of Revenue with an award for Tennessee's Community Investment Tax Credit. The award recognized the partnership for innovation and creativity in engaging the private sector in affordable housing. The special achievement category award was announced at the National Council's annual conference in October.

The Department of State's Tennessee State Library and Archives division has been recognized by the Tennessee Supreme Court Historical Society for its ongoing work on a Tennessee Supreme Court record preservation project. The project involves preserving, archiving and cataloging historical records of Tennessee Supreme Court cases going back to 1796. Those records were stored in the upper floors of the Capitol before eventually being moved across the street to the State Library and Archives. Since the project began in January 2008, a 20-person staff has cleaned, re-filed and entered into a computer database at least 9,672 Supreme Court records.



Photo courtesy of The State Photography Services

Gov. Bredesen addresses attendees of the Hemlock Semiconductor ground breaking in Clarksville. Bredesen said the decision by Hemlock to build the plant in Tennessee has laid the groundwork for the solar industry in the state.

Tennessee still trails the nation in anti-smoking policies, but those changes were significant for a Southern state. The South has the nation's lowest cigarette taxes and most lenient smoking laws. Residents who smoke dropped 1 percentage point to 23 percent in the year after the laws were passed, Department of Health statistics show. Legislation that forced restaurants to go smoke-free or ban patrons under age 21 passed easily, as did a 40-cents-a-pack increase in cigarette taxes. Selling tobacco also has become less important economically for the state. After a 2005 federal buyout program to cut tobacco production, Tennessee tobacco farmers went from earning a peak of \$307 million in 1982 to \$76 million in 2007.

The Tennessee Department of Transportation has installed new mile markers in the median along Interstates 26 and 81 in Sullivan and Washington counties in an effort to improve safety along the highway. The new mile markers were done in connection with TDOT's Emergency Reference Marker Program. The program calls for mile markers with more information to be installed every 2/10th of a mile (and sometimes every tenth of a mile) in an effort to provide emergency dispatchers, incident responders and motorists with readily identifiable location reference markers. Markers are expected to speed up the delivery of first responder service and provide quick clearance of traffic-related incidents.

A month-old stimulus program will bring \$20.3 million to Tennessee to give short-term assistance to those on the verge of homelessness and help the newly homeless rapidly get back into housing in the midst of the economic crisis. Nashville's \$3.1 million share should end up helping about 300 families and 200 individuals. Statewide, some 2,500 households, representing about 5,200 people, will get rental help. The program fills a niche for those who aren't a good fit for other government housing pro-

grams, like tax credits or subsidized housing, but are in crisis and need help paying for a place to live. It won't cover mortgage payments, but will pay for rent and utility deposits, moving costs, motel vouchers, and rent and utility payments for three months to a year. There is an income limit, and families must show they can take over paying the rent and utilities once their stimulus money runs out.

Hemlock Semiconductor Corp. and Tennessee officials broke ground on a \$1.2 billion plant and renamed the road leading to the sprawling facility "Solar Way." The plant will produce polysilicon, a raw material used to make solar cells and semiconductor devices. The plant is scheduled to be completed in 2012 and create more than 800 construction jobs and is expected to have about 500 full-time employees. Bredesen said the decision by Hemlock to build the plant in Tennessee has laid the groundwork for the solar industry in the state. Michigan-based Hemlock Semiconductor is a joint venture between Dow Corning Corp. and two Japanese companies, Shin-Etsu Handotai Co. and Mitsubishi Materials Corp.

Tennessee moved out of the bottom five most unhealthy states in the nation, thanks to residents' avoidance of binge drinking and willingness to be vaccinated and eat their veggies. Ranked 44th, Tennessee is out of the bottom five for the first time since 2003, a United Health Foundation report shows. Prevalence of smoking, obesity and violent crime are the biggest contributing factors to Tennessee's unhealthy ranking.

A new exhibit at the Tennessee State Library uncovers the truth about the state's best-known myths and tales. The Tennessee Myth and Legend exhibit runs through April in downtown Nashville and touches on topics like the Bell Witch, giant catfish, Elvis and other famous Tennesseans. The exhibit is free and open to the public at the Tennessee State Library and Archives building.

NATIONAL BRIEFS

BY TML STAFF REPORTS

Top officials from the National Governors Association (NGA) and the National Association of State Budget Officers (NASBO) have forecasted continued fiscal difficulties for state governments. "We are seeing the worst numbers and indicators that we've ever seen in terms of state fiscal conditions," NASBO Executive Director Scott D. Pattison said of a preliminary NGA-NASBO report of state fiscal conditions. States have been laying

off and furloughing employees, raising taxes, draining rainy day funds, and sharply cutting state spending as a result. In the 2009 fiscal year, states reduced general fund expenditures by 4.8 percent and are expected to cut those expenditures next year by at least 4 percent — marking the first time state spending has declined in back-to-back years. The NGA-NASBO report suggested revenues will likely continue on a downward trend for another one or two quarters before turning up slowly.



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Dec. 4: Cleveland
Carols in the City
 Bell-tollers lead visitors through historic downtown where churches sing their favorite carols. Visit Santa and Mrs. Claus in the bandstand. Enjoy free carriage rides and the traditional lighting of the community Christmas Tree. Begins at 6 p.m. For more information, call 423-479-1000 or visit the website at www.mainstreetcleveland.com

Dec. 4 Gatlinburg
Fantasy of Lights Christmas Parade
 Downtown at 7:30 p.m. With more than 100 parade entries including marching bands, millions of lights and giant helium balloons with special guests Santa Claus and his elves. For more information, call 800-568-4748.

Dec. 4-5: Knoxville
Emporium Holiday Extravaganza
 The Arts & Culture Alliance is pleased to sponsor downtown Knoxville's most affordable holiday shopping event with unique gifts and live performances. This free two-day celebration features fine crafts and other handmade gifts by local artists and museum gift shops as well as live music and dance. Event hours are Dec. 4, 11 a.m.-9 p.m. and Dec. 5, 10 a.m. - 5 p.m. The Extravaganza continues until 9 p.m. as part of "First Friday" downtown with live entertainment by a string quartet of the Knoxville Symphony Orchestra, sweet treats, and warm drinks.

Dec. 4-5- Elizabethton
Christmas at the Carter Mansion
 Held at the Broad Street Extension from 6pm-9pm. Spend the evening in this 18th century home built on the frontier around 1775 featuring the beautiful interior craftsmanship decorated for Christmas in the style of 1780. Costumed interpreters,

MTAS Elected Officials Academy Level II

An Elected Officials Academy Level 2 is being offered in Spring Hill in 2010. The Elected Officials Academy (EOA) is a program designed exclusively for municipal elected officials. The course content covers various aspects of municipal leadership. The program is composed of two levels. The first level consists of five, two-hour sessions. The second level offers 12 two-hour sessions, of which city officials only need to complete eight of the 12 sessions.

Time
 Each class begins at 5:30 p.m. and ends at 7:30 p.m.



Photo by Victoria South

The clowns always steal the show at Gallatin's Annual Christmas Parade, held this year on Dec. 5.

candlelight, refreshments, and music highlight the evening. For more information, call 423- 543-5808 or visit the website at www.sycamoreshoalstn.org/2

Dec. 5: Clarksville
Downtown for the Holidays
 Holiday festivities will begin on the Public Square kicking off with the Jingle Bell Jog at 8 a.m. and pre-parade activities in the parking lot of City Hall at 4 p.m. At 5 p.m., see Downtown illuminated by thousands of lights at the city's 50th annual lighted boat parade.

Dec. 5: Dayton
Old Fashioned Christmas
 Held at Downtown Dayton/Centennial Park, the city kicks off the holidays with an old fashioned Christmas parade. The Christmas Arts Showcase for artists and crafters will open their downtown shops from 10 a.m. to 2 p.m.; chili and pictures with Santa at Centennial Park from 12 p.m. to 3 p.m.; Pet pageant at 3 p.m.; horse and carriage Christmas parade at 5 pm; and caroling at the historic courthouse after the parade. For more information, call 423-775-1817 or visit the website at www.mainstreetdayton.org

Dec. 5:Gallatin
The 2009 Christmas Parade
 Presented by the Gallatin Chamber of Commerce and Greater Gallatin This year's theme is *A Christmas Hit Parade*. Held at Noon rain or shine. For more information, contact the Gallatin Chamber of Commerce at 615.452.4000 or by email at info@gallatintn.org.

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 Bonnie Jones MTAS HR Consultant
Jan. 21- Legislative Issues
 Josh Jones. MTAS Legal Consultant
Feb. 11- Fire Service
 MTAS Fire Consultant, Ray Crouch
Feb. 18- Police Service
 Rex Barton, MTAS Police Consultant
March 11- Risk Management
 George Dalton, TML Risk Pool
March 18-Planning & Zoning
 Tennessee State Planning Office
April 15-Water/Wastewater
 Steve Wyatt MTAS Utility Consultant
April 22-Council at Work
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COMING UP

Dec. 9: The Fiber-to-the-Home Council North America Telecom Service Providers' Workshop

Open to non-members, the workshop will be held at the Hilton Downtown Hotel, Atlanta. Join the FTTH Council, a non-profit organization dedicated to the advancement of fiber to the home networks, for a one-day workshop for service providers, municipalities, utilities and network operators. The program will offer an interactive format for discussion and the sharing of best practices and lessons learned in ongoing FTTH deployments. To register or for more information, call the FTTH Council Secretariat toll free at 866-320-6444 or go the website at <http://www.ftthcouncil.org/>

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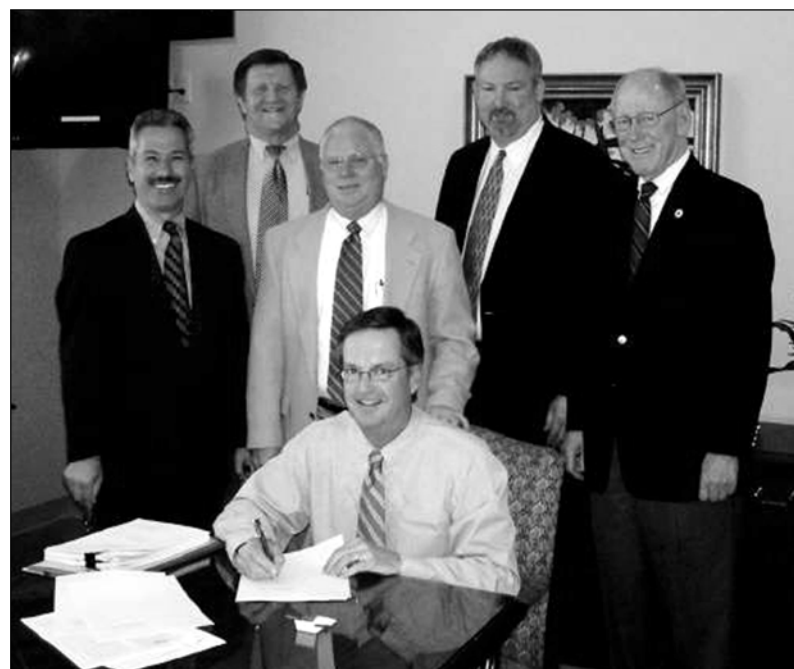
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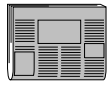
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CITY ATTORNEY

FRANKLIN. The city is seeking applicants for the position of City Attorney. Under general administrative direction of the City Administrator, the city attorney performs professional legal and administrative work, providing legal services and legal representation to the city. Provides general support to the Board of Mayor and Aldermen, City Administrator, board committees, commissions, staff, and to city advisory boards. The city attorney plans, organizes, and directs the activities in the Office of the City Attorney; assigns/reviews the work of the professional legal staff; recommends/makes arrangements for retention of a private counsel in cases involving extensive or specialized litigation; supervises preparation/review of contracts, deeds, bonds, ordinances, resolutions, and agreements for the city; renders opinions relative to substance, form and propriety of such documents; attends Board of Mayor and Aldermen meetings and committee meetings; provides legal counsel as required by proceedings; provides legal advice/assistance to the mayor and aldermen and city administrator, department directors, boards, commissions, committees, and other city officials regarding legal rights; provides representation of the city in litigation against the city; renders opinion on employment law issues; employment law background essential; prosecutes on behalf of the city involv-

ing violations of state/local laws/ordinances when necessary; participates in representing the city in major litigation; manages real estate transactions; records deeds; forwards as appropriate; tracks, researches, interprets and applies local, state and federal legislation; represents the city in legal issues at administrative hearings and meetings with government officials; assists in development of administrative policies, rules and regulations. Law degree and license to practice law in Tennessee required, with at least five years of experience in a similar law environment, preferably within a local government (or related); or any equivalent combination of education, training, and experience which provides the requisite license knowledge, skills, and abilities for this position. Apply on-line at: www.franklintn.gov. Must complete application. Obtain application on-line or from HR Dept., City of Franklin, PO Box 305, 109 3rd Ave S., Franklin, TN 37065, tel. 615-791-3216, fax 615-791-3297, e-mail tracyh@franklintn.gov. Deadline to apply: 12/15/2009. Salary: DOE/Q EOE/Drug-free Workplace. The city of Franklin does not discriminate based on race, color or national origin in federal or state sponsored programs, pursuant to Title VI of the Civil Rights Acts of 1964 (42 U.S.C. 2000d).

TOWN RECORDER

JONESBOROUGH. The town is seeking applicants for the position of Town Recorder. This position is the town's authority on all aspects of financial management and requires a comprehensive understanding of city government finance. Director manages the accounting, accounts payable, tax collection, debt service and cash management functions of the town and participates in certain aspects of the payroll process and purchasing. A bachelor's degree in Accounting or Finance supplemented by three (3) years previous experience and/or training that includes management and supervisory experience preferably in the area of governmental accounting are required. Preference will be given to candidates with professional certification such as Certified Public Accountant (CPA), Certified Municipal Finance Officer (CMFO), or Certified Governmental Financial Manager (CGFM). If not certified, must be able to attain compliance with the provisions of the Municipal Finance Officer Certification and Education Act of 2007 within 18 months of hire. Salary \$50,000+ - dependent upon qualifications; comprehensive benefit package offered, including TCRS pension. Applications will be accepted until position is filled. Application and position description may be accessed at www.jonesboroughtn.org. Mail completed applications to: Town of Jonesborough, Attn: Town Administrator, 123 Boone Street, Jonesborough, TN 37659. EOE. Information about the town can be obtained from the tourism website www.historicjonesborough.com or the website above.



Photo by Victoria South

The Board of Directors of the Tennessee Government Finance Officers Association (TGFOA) met at the Fall Conference held Oct. 7 in Franklin. Pictured left to right: Daisy Madison, 1st vice president; Carson Swinford, treasurer; Marylou Piper, secretary; John Troyer, GFOA representative; Sandra Allen, 2nd treasurer; Mark Brown, TGFOA president and Lisa Nolen, 2nd vice president.

TDEC proposes revisions to water quality standards

The Federal Clean Water Act requires states to examine water quality standards at least once every three years, a process called triennial review.

As part of this review, the Water Quality Control Board has authorized the Division of Water Pollution Control within Tennessee Department of Environment and Conservation (TDEC) to conduct a series of public hearings on newly

proposed revisions to water quality standards beginning in December.

The proposal includes changes to levels of selenium, silver, ammonia, and lead; revisions to the procedures for prohibiting deterioration where pollution levels are above the legal, or anti-degradation; and updates to stream use classifications.

The Environmental Protection Agency requires opportunity for

public comment on the proposed changes. The review is intended to ensure that standards meet public concerns, reflect new scientific and technical information, and follow EPA guidelines.

A redline version of the proposed changes as well as a schedule of the rulemaking hearings may be accessed at www.tn.gov/environment/wpc/ppo/ph1200_04_03_and_04amd_redline.pdf.

Transportation stalemate continues in Congress

TRANSPORTATION from Page 1
tension of the program, as favored by the Obama Administration, and to give lawmakers more time to develop a comprehensive, new transportation program for the nation, no specific proposals have been developed. Many lawmakers and the Administration are concerned that a major new program would require new revenues and are reluctant to press for funding in this economic climate.

NLC favors a new comprehensive transportation program that provides great local authority and decision making over transportation programs, ensures equity and connectivity among transportation programs, provides adequate and sustainable funding, a streamlined regulatory review process and is based on the principles of sustainability, innovative technology and regional decision making.

A new report, "Making the Case

for Transportation Investment and Revenue," highlights 11 case studies in which transportation departments sought additional funding and summarizes lessons learned from these campaigns, winning messages, ideas for marketing and other tips for agencies considering a transportation funding initiative.

Requested by the American Association of State Transportation & Highway Officials, the report is available at www.transportation.org.

FCC approves shot-clock in cell tower sitings

CELL TOWER from Page 1
zoning of cell towers.

The rule is contrary to Congress' findings in the 1996 act that

said that the time for municipalities to act on cellular zoning requests are the "generally applicable time frames for zoning decisions," taking into account the "nature and scope of each request," and without giving "preferential treatment" to the cellular industry.

The new order ignores local zoning procedures, such as the need to notify area residents, scheduling and notice requirements for municipal meetings, the fact that zoning bodies don't meet daily or weekly, and people's ability to appeal decisions from, for example, a zoning commission to a board of zoning appeals or to a city council. In fact, the FCC's deadlines provide incentives for cell companies to delay and appeal zoning matters within a municipality so as to ensure that a deadline is not met.

It also ignores the wide variation in 35,000 municipalities nationwide, and the fact that each cell

tower zoning application is unique. Complex or contentious applications may need more time to resolve. This is particularly the case for cell towers in residential areas where it takes time to conduct the engineering studies necessary to see whether there truly is a "gap" in service that needs to be filled, how tall a tower must be to fill the gap, what alternative solutions are available, and (if a tower in fact is needed) whether it needs to be camouflaged in a sign or as a tree to preserve the character of the neighborhood.

"Zoning is - - and always has been - - a matter of uniquely local concern," the joint comments stated. "The FCC cannot be the local zoning board for cell towers nationwide. Congress recognized this when in 1996 you preserved local zoning of cell towers and told the FCC to get out of the cell tower zoning business. The FCC proposal ignores this Congressional direction."

Scholarship program announced for state's engineering students; application deadline is Jan. 29, 2010

The American Council of Engineering Companies of Tennessee (ACEC of Tennessee) is currently accepting applications from engineering students in Tennessee for the 2010 national ACEC engineering scholarship program, which will award several scholarships totaling \$20,000, and for the 2010 national Council of Structural Engineers scholarship program, which will award a \$5,000 scholarship to a structural engineering student.

In addition, ACEC will award a \$1,000 state scholarship to a stu-

dent who is studying at a Tennessee university or college. The Tennessee state scholarship winner will be announced in March 2010; winners of the national scholarships will be announced in October 2010.

Applications for the scholarship programs must be submitted to ACEC of Tennessee by Jan. 29, 2010. Application forms and complete information can be obtained at <http://www.acectn.org/Scholar.htm>

ACEC of Tennessee has awarded a scholarship to a Tennessee engineering student for the past eight years. To qualify, a student

must be a U.S. citizen pursuing a Bachelor's, Master's, or Doctor of Philosophy degree in an engineering or land-surveying program in Tennessee approved by the Accreditation Board for Engineering and Technology. Students must be entering their junior, senior, fifth or graduate year in the fall of 2010.

The application process includes writing an essay on the role of the consulting engineer or surveyor in shaping and protecting the natural environment. Grade point average and college activities are also factors in the evaluation.

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 including 6,450 firefighters (2,263 full-time, 240 part-time & 3,947 volunteers), representing more than \$951.7 million dollars in annual payroll exposures; and provides liability coverages for some
- 18,960 municipal vehicles with total insurable values of some \$350 million.



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State agencies pushing for drought, regional water plans

WATER from Page 1

water washes, while others did not initiate any conservation measures.

State officials say that one of the most significant components of having a preparedness plan is to better regulate water use during drought conditions by designating trigger points for when conservation efforts are switched from voluntary to mandatory. According to the Tennessee Department of Environment and Conservation (TDEC), the plan should also include drought monitoring, define the roles and responses of agencies under water shortage conditions, and suggested programs and activities that would limit vulnerability to drought-prone regions.

Following the 2007 drought, TDEC updated the state's drought plan that spells out what TDEC's and other state agencies' responses will be should drought conditions once again threaten the state's water supplies. The agency now wants to turn its attention to community water systems, targeting the high-risk areas first, to help them develop drought preparedness plans with a goal of having their plans in place by summer 2010.

The water study committee is considering whether TDEC's authority to approve drought plans should be strengthened, including the authority to mandate implementation of drought response actions as designated by the plans' trigger points.

"We will work with each community to establish the proper responses," explained TDEC Commissioner Paul Sloan. "But in times of a crisis, communities have to implement what they agreed to do in the plan. This is a partnership with local water systems."

Two of the committee members, Bartlett Mayor Keith McDonald representing the Tennessee Municipal League and Douglas Cameron appointed by the Governor to represent the residential customer, both voiced concerns over TDEC issuing mandates.

"Sometimes our partnership consists of these taskforces coming up with great ideas and then local governments have to fund and implement what they initiate," said Mayor McDonald.

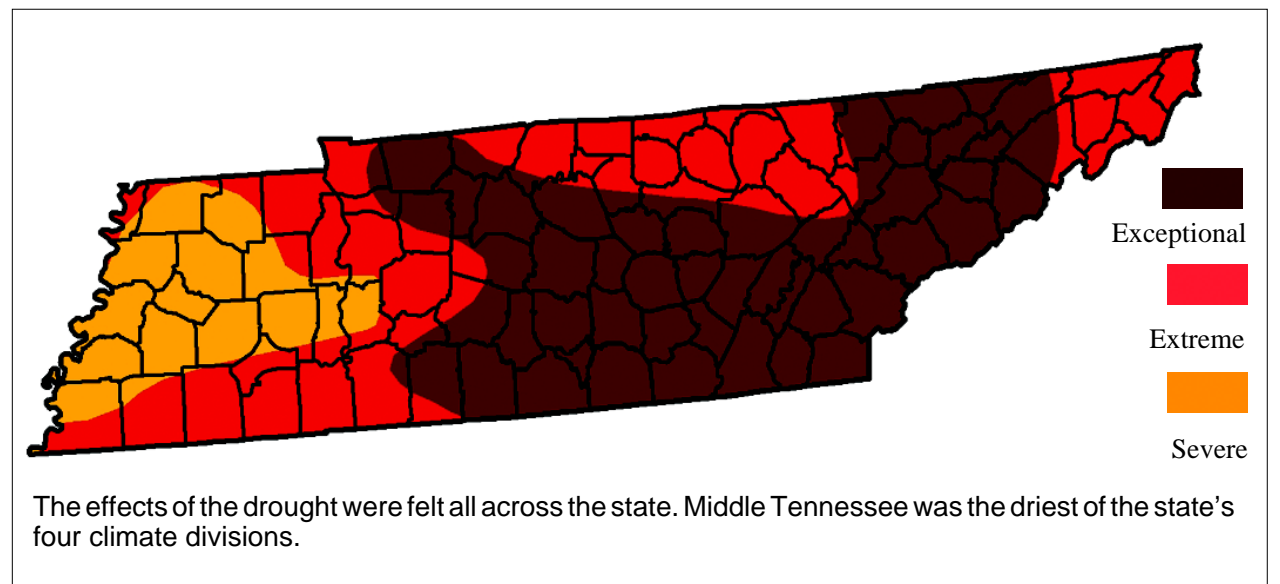
"We need to think about offering some incentives and not just handing down mandates, because ultimately it is the ratepayer that ends up paying for that," said Cameron.

Regional Water Plans

Another issue the water planning committee is studying is whether to require drought-prone areas not only to develop a drought preparedness plan, but to also develop and adopt regional management water plans that projects what the regions' water needs will be over the next 20 years.

Sloan said that the drought raised important questions about the state's ability to ensure an adequate and reliable water supply that meets the needs of a growing population. "What happened in 2007 is a picture into the future," said Commissioner Sloan. "Increases in demands in five years, will be like what we just experienced. It's a call to action to plan for usage and demand."

According to the Tennessee Advisory Commission on Intergovernmental Relations, Tennessee's 2000 population of nearly 5.7 million people is expected to reach 7.6 million by 2025, an increase of 33 percent. As the population and economy continue to expand, de-



The effects of the drought were felt all across the state. Middle Tennessee was the driest of the state's four climate divisions.

mands on the state's water supply will only increase.

"Regional water resource planning is essential for meeting current and future demands," said Commissioner Sloan.

He said that some of the benefits of regional planning include that the various utilities within that region will work together to address water and supply issues; the needs of the region will be addressed while minimizing the demand on resources; response to a drought will be more efficient; information collected for the plan will be useful for development and growth decisions; and it will serve as a model for regional planning statewide.

"Another benefit is that it helps communities invest wisely on their infrastructure and when seeking capital support for their projects," said Sloan.

Under consideration by the study committee is whether to base eligibility for state grants and loans to community water systems that are in drought-prone areas on whether

or not they have a regional water plan. And, if so, is the proposed project consistent with the plan.

Currently, the development of two regional water management plans are underway as part of pilot projects for two of the state's drought-prone areas: the Northern Central Pilot Area that encompasses Portland, Westmoreland, Castalian Springs, White House, Hartsville/Trousdale County, and Lafayette; and the South Cumberland Plateau that encompasses Sewanee, Tracy City, Monteagle, and Big Creek Utility.

The components of the regional plans include:

- collecting current water source information including ground-water, reservoirs, streams and connections to other utilities;
- current water use information: the population served, number of connections, percentage of water produced that is billed;
- available resource information: factors that affect the existing sources such as scenic waters, wetlands, potential environmental threats;
- projected water demand information; and
- alternative source information and analysis.

Sloan said that a multi-agency team has been working on the two plans. The baseline study has been completed. Information on alternative resources is still needed before the final plans will be completed.

"Success of the regional planning is dependent on those community water utilities to come up with a plan and a solution," said Sloan.

Portland Water Sources

In Portland, Mayor Ken Wilber said that the city has already spent more than \$1 million on engineering fees identifying an alternative water source.

Beginning in the late 1990s, the city realized that in order to grow, Portland needed another water source. Three options were identified, each with pretty hefty price tags to implement: develop a man-made lake (\$12 to \$15 million); run waterlines to Gallatin to access Old Hickory Lake (\$20 million); or purchase water from nearby White House that would involve upgrades to White House's system (\$20 million). After considering all of the alternatives, Portland began moving forward on developing a man-made lake – the least expensive of the other alternatives and one that also offered local autonomy, which is important when recruiting new industries to the city.

The city obtained the proper permitting from TDEC, purchased the land, and paid the money to relocate three homeowners. After five years of making slow, but steady progress on the project, the state permit had expired. TDEC would not renew the permit due to environmental regulations, which had changed since when the project was first initiated.

"We already had \$2 to \$3 million in the project when TDEC pulled the plug on it – when they were aware of what we were trying to do," said Mayor Wilber. "For a community our size, that's a pretty big loss."

"I think it's great that the state realizes that there are communities out there that need alternative water sources," said Wilber. "But TDEC is a regulatory authority and we basically have to do what they tell us to do."

No formalized recommendations have been determined yet by the water planning committee, but they are required to submit their recommendations to the legislature by Feb 1, 2010.

Issues before the Special Joint Study Committee on Water Planning include:

- Eligibility for any available state grants and loans to community water systems should be based in part on whether they are in an area that needs a regional water plan and if so, whether the proposed project is consistent with a regional plan;
- TDEC's authority to approve drought plans should be clarified and strengthened, including the authority to mandate implementation of actions identified in drought plans at different levels of seriousness of drought;
- During the 2007 drought, restrictions on water use were not enacted and enforced evenly across water systems using the same source with the result that conservation goals were not met and the burden was not spread evenly across all people drinking water from the source; therefore community water systems must be required to adopt drought plans with the necessary elements consistent with all systems using the same source(s) and enforce those plans in times of drought; and
- When it is feasible, funding should be made available for water systems to develop drought plans and for regional water planning.

2009 Public Acts of interest to Tennessee municipalities

BY JOSH JONES
MTAS Legal Consultant

TAXES/PROPERTY

Chapter No. 111 (SB0804/HB0643). Property tax exemption for nonprofit housing. Amends T.C.A. § 67-5-207 by allowing nonprofit, group housing for the elderly and disabled currently receiving financial assistance from certain federal grants to retain their property tax exemptions if the property is refinanced under a comparable federal program.
Effective April 30, 2009.

Chapter No. 478 (SB1166/HB1387). Sale of property purchased at a delinquent tax sale. Amends T.C.A. § 67-5-2508 by stating that upon the purchase of property by a municipality at a delinquent tax sale for municipal taxes only, and after the period of redemption has lapsed, the municipality may, upon majority vote of the governing body determining it impracticable to sell the property for the full amount of the taxes, penalty, costs and interest, sell the property for less than this amount.
Effective July 1, 2009.

TORT LIABILITY

Chapter No. 206 (SB1327/HB1409). Certain community action agencies and nonprofit corporations included in tort liability act. Amends T.C.A., Title 29, Chapter 20, Part 1 by including community action agencies and nonprofit corporations that administer Head Start or community service block grants as "governmental entities" who are covered under the governmental tort liability act.
Effective May 13, 2009, and applies to all causes of action accruing on or after this date.

UTILITIES

Chapter No. 72 (SB2049/HB1979). Financially distressed utilities. Amends Title 7, Chapter 82 and Title 68, Chapter 221. Lowers, from three to two, the number of consecutive years that a municipality must have a negative change of assets in order to be considered financially distressed.
Effective April 6, 2009.

Chapter No. 74 (SB0811/HB0956). Public works improvements. Amends §§ 7-34-105 and 9-21-107. Allows a local government to make improvements to existing public works system outside of their jurisdiction without the consent of the governing body where the system is located.
Effective April 6, 2009.

Chapter No. 224 (SB2047/HB1981). Local development authority fees. Amends T.C.A. §§ 68-221-1004 and 68-221-1204 by allowing the Tennessee local development authority to collect administrative fees from local governments participating in the wastewater facility revolving loan fund and the drinking water revolving loan fund. These fees can include, but are not limited to, reimbursement of all costs of financing by the authority.
Effective May 18, 2009.

Chapter No. 316 (SB1539/HB0875). Supplemental petition filing. Amends T.C.A. § 7-82-302(e) by requiring that supplemental petitions filed with county mayor(s) must be simultaneously filed with Utility Management Review Board, however, provision requiring board's review and comment is removed. Also allows county mayor to exclude territory from the order granting a supplemental petition if that territory is already receiving the services referenced in the order.

Effective May 27, 2009.

Chapter No. 321 (SB2288/HB2330). Amendments to motor carrier provisions. Amends T.C.A. Titles 55 and 65 by removing the discretion of a court to require a driver education course in lieu of any portion of other penalty imposed for persons charged with any motor vehicle or traffic violation while operating a commercial motor vehicle. Also requires the Department of Safety to keep a record of convictions, disqualifications and other actions for violations (excluding parking) of persons holding or required to hold commercial driver licenses. Makes other various changes to motor carrier provisions.
Effective November 1, 2009.

Chapter No. 388 (SB1685/HB0980). Mutual aid assistance agreements. Amends T.C.A. Title 58, Chapter 8 by authorizing reimbursement of response costs for utility systems and nongovernmental agencies entering into mutual assistance agreements for the purpose of providing aid or assistance to one another.
Effective June 9, 2009.

Chapter No. 409 (SB2038/HB1976). Tennessee Local Development Agency loans. Amends T.C.A. Title 4, Chapter 31 and Title 68, Chapter 221 by clarifying that for purposes of the Tennessee Local Development Act, a local government unit, eligible to apply for loans, includes any water or wastewater authority or energy authority created by an act of the general assembly. For purposes of the Wastewater Facilities Act, a local government, eligible to apply for loans, includes any water or wastewater authority or energy authority created by the general assembly; has the authority to administer a wastewater facility; or

whose residents are served or are eligible to be served in whole or in part by a wastewater facility operated by another local government. For purposes of the Drinking Water Revolving Loan Fund Act, a water system, eligible to apply for loans, includes the community public water systems of any water or wastewater authority or energy authority.
Effective June 11, 2009.

Chapter No. 423 (SB0660/HB1779). Utility Management Review Board review. Amends T.C.A. Title 7, Chapter 82 by authorizing the utility management review board to review and conduct a hearing on any decision of a utility district. Review must be preceded by the written request of a utility district customer or an affected developer. The request must be filed within thirty (30) days after the utility board has taken action upon a written complaint to the board of commissioners of the utility district. Changes the composition of the Utility Management Review Board by replacing one of the four seats that are currently held by experienced utility district managers with a consumer who is a Tennessee resident and who may have experience in residential development but is not engaged in utility district management or operation. The consumer member will be appointed to a four-year term at the expiration of the term of office of a utility district manager that first occurs after the date that this bill becomes a law. States that the Utility Management Review Board may conduct a contested case hearing based on the reports of a comptroller investigation or audit of a utility district. Utility Management Review Board will issue an order removing a member found to have failed to fulfill his or her fiduciary responsibility.
Effective July 11, 2009.

Chapter No. 472 (SB0973/HB1673). Utility districts may own and operate natural gas vehicle fueling stations. Amends T.C.A. Title 7, Chapter 82, Part 3 by authorizing utility districts to own and operate natural gas vehicle fueling stations. This authority may not be franchised to another entity.
Effective June 23, 2009.

Chapter No. 475 (SB1089/HB1518). Electric generation and transmission cooperatives. Amends T.C.A. Title 48 by authorizing the creation of non-profit generation and transmission (G&T) cooperatives to: supply or furnish wholesale electric power services; to own, lease, construct, acquire, operate and control plants, equipment, facilities, lines, etc.; to supply, furnish or exchange wholesale electric power with other entities; and to provide management services to any distribution cooperative, energy acquisition corporation or governmental electric system. Cooperative cannot provide power, telephone, cable, video, internet or telecommunications to customers in the TVA area. No more than one person per associated municipality or municipal utility may serve on a cooperative's board at any one time.
Effective June 23, 2009.

WEAPONS

Chapter No. 288 (SB1992/HB1778). Confiscation of firearms during emergencies prohibited. Amends T.C.A. Title 58, Chapter 1, Parts 1 and 2 by clarifying that the Governor's authority to regulate and control the possession, storage, display, sale, transport and use of firearms, other dangerous weapons and ammunition during a state of martial rule does not authorize confiscation of lawfully possessed firearms and ammunition.
Effective May 21, 2009.

Livingston Mayor Curtis Hayes is an historical first in many roles



Curtis Hayes, Jr.
Livingston Mayor/Recorder

BY GAEL STAHL

Tennessee has yet another politician to add to its abundant share who have made history in international, national, state, and local governments. The latest, William Curtis Hayes Jr., has featured new and unexpected ways. He started early. Born July 9, 1974, he was 11 when he got his first job hauling hay during the summer months for a local farmer. A mere 15 years later, in 2000, he was elected the first African-American alderman in Livingston history. Elected mayor six years later, in 2006, he became not only the town's first black mayor and city recorder, but also its youngest.

There are fewer than 60 African Americans in Livingston, a town of 4,000 about 20 miles northeast of Cookeville. For the community to elect Hayes mayor/recorder wasn't as incredible as it might seem. When the whole story emerges, his progress to elective office could seem, if not inevitable, a natural progression from alderman at 26, to mayor at 32, and a board member of the Tennessee Municipal League board at 35.

At the age of five years, his father, William Curtis Hayes Sr., left his mother Christine Copeland Hayes. She raised the children alone, first in the housing projects on Preston Street for nearly three years after which they moved in with her mother, Hettie Ann Copeland. Hayes grew up there along with his sister Crystal, three years behind him, and his brother, Michael, 11 years younger. His grandmother's home was a single-wide trailer about two miles from where he now works. She worked at Lady Ann Hospital and Hayes' mother worked at a shirt factory.

Among Hayes many jobs were as a city police officer, a sheriff's deputy, working part-time as a contract painter for Tennessee Technological University, briefly as a laborer for W&O Construction Company, and for Eagle Medical, a company that delivers hospital beds, oxygen tanks, wheel chairs, walkers, and other medical or health items that doctors prescribe for use in the home. He also had his own business, Hayes Painting.

When he was about 10, a Livingston couple invited the family to attend Grace Baptist Church services in Alpine, a small community just west of Livingston. It had a private school that Hayes attended for a year. Hayes transferred to public school after he was recruited to play football.

On graduating from Livingston Academy High School in 1993, he attended Roane State Community College at the Crossville branch for a year, then became the city's first full-time African-American city policeman. He did that for five years and later became the first full-time black sheriff's deputy in Overton County in the late 1990s. His law enforcement roles kept him in the public eye as did working four years as a Comcast Cable camera man filming all municipal events including city council board meetings, school board meetings, county commission meetings, bluegrass festivals and basketball games.

For 16 years, starting when he was 18, he coached youth football and baseball for children ages six through 11. The parents of those 1,500 kids he coached and mentored didn't forget him when he later asked for their votes. Hayes now says coaching wasn't the secret to his political success but that was a contributing factor.

When he came to run for public office in 2000, he was elected to a



"I have a love and passion for kids. I have enjoyed coaching football for kids ages 6-11 for 16 years."

— Curtis Hayes, Jr.

four-year term as alderman on the Livingston city council with a 75 percent vote. Two years after that history-making event, he ran for mayor in mid-term. His opponent was a 24-year incumbent who defeated Hayes by 96 votes. Hayes was re-elected alderman in 2004. He received the highest vote total on the slate.

Thus encouraged, he ran for mayor in 2006 against three challengers: the new incumbent mayor, a former mayor, and a female candidate. He won 150 more votes than the three combined. The governor has since appointed him a member of the state Homeland Security Council, and last June, he was elected a TML board director.

He was the first mayor to install a computer in the mayor's office. His staff, of course, had computers much sooner. Now, as city recorder, he is able to stay in better contact with his staff, other local governments, state officials, and with state-wide and federal organizations.

Hayes is a graduate of numerous courses of the University of Tennessee's Municipal Technical Advisory Service. Among the courses he took were Certified Public Administrator, Certified Policy Maker, Elected Officials Academy—Levels 1 & 2, and the Local Government Leadership Program. He's a graduate of the TN Economic Development Course and a Certified Municipal Recorder by the TN Association of Municipal Clerks & Recorders. He's also served on the executive committee of the Overton County Chamber of Commerce, the Upper Cumberland Development District, and the Upper Cumberland Human Resource Agency.

TT&C: What was it like growing up without a father?

CH: I was raised by my mother who worked long hours in a factory to make sure we children had a hot plate on the table. We never went without those things. Make no mistake, at the time it was a test. My mother missed a lot of my games because she had to work overtime. She did it all by herself.

My working became a kind of habit to try to help her out. My not having to ask her for money helped her and my brother and sister because they didn't have to worry about me. I always had side jobs when not playing football. For four years, in the summer, I worked full-time doing maintenance at the city park. In the winter, when the park was shut down, I sometimes worked in the city garage mainly changing oil and tires and things like that.

TT&C: Did you have any father figures that helped raise you and

influence your upbringing?

CH: After my mother, the parents of my three best friends helped more than anyone. They shaped my life and helped me become who I am. I hung out with these three white pals so much that we became known as "The Crew." Ever since, those guys have been brothers to me just as much as my younger brother Michael. Not a week goes by that I don't pick up the phone or have lunch or get together with them on weekends. Even the one I see the least, who is in the Marines, stays in contact by phone. Don't get me wrong. My mother did a fine job raising me. But those three families were inspirations to me.

TT&C: When did you marry?

CH: I married a girl two years ahead of me in school, Julie Hill. She's the daughter of Jerry and Linda Hill and is now the business office director at Livingston Regional Hospital. We knew of each other in grade school and high school but didn't really get to know one another until after we graduated. We got married when I was a city policeman, not long after I graduated. While ours is not the first racially integrated marriage in the community, it's close. We have two handsome sons, Creed 15 and Carter 11. They are our pride and joy and of my mother and of Julie's parents.

TT&C: You won big majorities in all your campaigns but one. How do you account for that, for Livingston electing someone so young and a minority as an alderman and mayor/recorder?

CH: First of all, remember my family and I were born and raised in Livingston and Overton County. We have always been treated fair and equal. Probably, the stepping stone to my career has been my longtime involvement with the community as a city policeman, sheriff's deputy, a long-time football and baseball coach of 1,500 kids, and a cable camera man working city and county events. As a 16-year-old, I never had an ambition that I know of to be the mayor of Livingston. But my work led me in that direction, and my heart's always been in my hometown. I'm the biggest Livingston fan there is.

TT&C: What does Livingston have or do that makes you love it so much?

CH: Livingston has special attractions starting with the gorgeous rolling hills you see driving into town from Cookeville, Gainesboro, Celina, Byrdstown, Jamestown, or Monterey. Our nearby Dale Hollow Lake is the cleanest, most fun water venue for miles around. The annual

Rolley Hole Marbles Tournament at Standing Stone State Park in September is the world's most challenging marble tournament. It's been featured by ESPN, ABC News, *Sports Illustrated*, Charles Kurault on CBS, *Smithsonian Institution*, CNN, *National Geographic*, *Southern Living*, and in many state newspapers. Livingston and its historic town square have unique antique stores, adding to the small town atmosphere. Our town square symbolizes a community that works together toward a common goal to keep what we have while also working to expand. We work hard. Livingston represents family, truth and togetherness, especially in hard

times. Our infrastructure is set. The future is bright. The best is yet to come. What helps is that few cities our size can compete with the educational opportunities we offer.

T T & C : What are those educational opportunities?

CH: One of our major assets is our education opportunities starting with our great high school, our Tennessee Technology Center that is one of the best in the state. It's a

skilled-trade school offering vocational programs such as auto mechanics, LPN nursing, and cosmetology. Another is our expanded branch of Volunteer State Community College that was built with town, county and private monies matched by state funds. It offers two-year degrees. Those seeking four-year degrees have Tennessee Technological University just 25 minutes away.

TT&C: Did you have a particular reason to run for office?

CH: Specifically, we had a water problem, a great shortage of raw water that I, like anybody, went around talking about. I thought I'd make a stab at running for city council. I was probably 25 years younger than anyone else on the board but felt I could help in some way and knew what I wanted to do. One of the council's first items of business that year was to find a permanent water supply for the town. The man-made lake that was engineered in 1963 was drawn up to serve about 2,000. We currently have about 6,000 water customers. Our water service extends outside the corporate limits. The solution we chose in 2000 was to go to the Cumberland River. It took us nine years to run a 20-inch raw waterline from the Cumberland River at Butler's Landing in Clay County, but I'm proud to say that as of just over a month ago, we began pumping raw water 19 miles cross-country from the Cumberland River to the Livingston Water Treatment Plant.

TT&C: What are your goals or initiatives dealing with this downturn in the economy?

CH: Our goal is first, keep what we've got. Do we want to grow? Absolutely. I'm big on positive change. We are still looking for the big box store that we don't have yet — a K-Mart, Wal-Mart, or Target, for example. Emotions are mixed about that. On one hand, the town's revenues can use every penny of sales tax revenue that we can generate. On the other, some of the Moms and Pops stores may close their doors. Still, the town would be more secure since our budget is made up primarily of state-shared taxes and property taxes. With every state talking of cutting some portion of state-shared revenues, we small towns would be hurt.

TT&C: Do you have any long-term goals as mayor/recorder? By the way, what does that title mean?

CH: As to goals, the goal is simple for me. I don't have any intention to be in office 20 years from now. There are a lot of easier jobs than this

one. Being mayor isn't my primary function. Livingston is unique in the way our charter is set up. Not only am I the mayor, I'm also the recorder. We don't have a city administrator or manager, so I wear many hats. I have more than 80 employees and about eight department heads for water plant, sanitation/sewer, water filtration, water distribution, natural gas, streets, parks, police and fire.

I suppose I do the mayor's job when I get my picture made. I don't have a vote on the board of aldermen except in the case of a tie. In that case I vote as a councilman. Managing the city is the big job. The council, not the mayor/recorder, hires and fires department heads. I draw a good salary as the city recorder, not as mayor.

We've been able to sustain city services so well because my great staff acts as a team. Our employees are some of the strongest assets of Livingston. One lady in this office who has worked here for more than 30 years has played a major role in keeping us straight.

TT&C: You are saying that the council, not the mayor/recorder determines municipal initiatives such as getting a new city dump? Then you make it happen?

CH: Yes, my council sets policy for the future and controls the purse of the city. I set the budget; they approve it. The council gives me its blessing most of the time. I'm in charge of the day-to-day operations. There is a certain amount of dollars for each department. I manage it, and when you're out of money, you're out. It's all determined by the budget.

Like many small towns, this recession/depression hit us pretty hard. We lost two furniture manufacturers that together employed 600-700 people. Other factories had massive layoffs. The odd thing about this is that we didn't lose a dime of sales tax collection. My theory on that is gasoline prices during that time hit an all-time high. People started shopping at home more. When the gasoline price hit \$3.50 to \$4 a gallon, our neighboring counties saw their sales tax drop because people were staying at home instead of going to other places, especially Cookeville — the biggest city in our region.

TT&C: Your mother's family has been around a long time. The history section of the Livingston web site says the 40-acre tract for Livingston was purchased Aug. 10, 1833. And, the intriguing obituary in the Livingston Enterprise of Sept. 13, 1935, says your great-great-grandmother Vestine, was born in 1844, before the city was established?

CH: Yes, Ronald Dishman researched my ancestors back six generations to Vestine Capps Copeland who died at age 92. She was the last surviving slave in Overton County. She was, indeed, born in the early days of Livingston. Her mother, Emily Capps, was a slave of Doak H. Capps, a pioneer merchant of Livingston.

TT&C: You and your sister Crystal were three years apart but your brother was 11 years younger, a whole different K-12 school generation?

CH: Michael and I are probably closer now than we have ever been. He lives in Livingston and for the last six months has worked for the town's wastewater distribution services. I didn't hire him. The council hires personnel. I can recommend but at the end of the day, unless there is a tie, I don't get to vote. Generally what happens is supervisors recommend somebody and that is who the council goes with.

TT&C: Do you have any hidden hobbies that people don't know about?

CH: Not hidden. My life is pretty much an open book. I do have a love and passion for kids. I enjoyed coaching football and some baseball, too, for kids ages 6-11 for 16 years. I love to fish, but I don't get to do it a lot, and I enjoy being out on the lake and near water. Right now, one of my biggest hobbies has been watching my older son play high school football. Creed is 14, a starting running back for Livingston Academy High School. The team won in the first round of the playoffs but was defeated in the second round. My other son Carter is 10 and is probably in the top five of his fourth grade class. His math scores are off the scale. He has tested at the seventh and eighth grade levels. Creed and Carter have both been selected to the All Star baseball team every year they were eligible.