

IN THE COURTS

TN court ruling shifts burden to employers in fired worker case

BY JOSH JONES
MTAS Legal Consultant

On Sept. 20, the Tennessee Supreme Court issued an opinion in *Gossett v. Tractor Supply Co., Inc.* greatly increasing a discharged employee's ability to bring a case for retaliatory or discriminatory discharge to trial. Going against decades of precedent this 3-2 split decision will almost certainly result in increased legal expenses for employers across the state.

Gossett, an Inventory Control Manager for Tractor Supply Company, brought suit against his employer for alleged retaliatory discharge. He asserts that his discharge was predicated upon his refusal to participate in an allegedly illegal activity, to wit, accounting practices in violation of the Securities Exchange Act of 1934. Subsequently Gossett was terminated. Tractor Supply contends the sole reason for dismissal was to reduce its workforce and thus legitimate and not retaliatory.

The trial court granted a summary judgment on two grounds. First, Gossett failed to report the alleged illegal activities to anyone as required by *Collins v. AmSouth Bank*. Second, because Tractor Supply presented a legitimate reason for the dismissal. The Court of Appeals reversed and that decision was affirmed by the Tennessee Supreme Court.

In Tennessee, a summary judgment is granted where no issue of material fact exists. Before Gossett when an employer defendant moved for summary judgment against an employee plaintiff in a discriminatory or retaliatory discharge suit, the burden was on the plaintiff to show a prima facie case that he or she was fired for illegitimate cause. Commonly known as the McDonnell Douglas framework, this line of reasoning based on a line of federal cases they have been in place for decades. The court in Gossett abandons this framework and shifts the burden to the employer to show that the employee's allegation is false. The reasoning being that merely because the employer can show a legitimate reason for the dismissal does not preclude the existence of another illegitimate reason.

While this ruling may not have a substantial impact on the percentage of cases employees win, it will certainly increase the number of these cases that go to trial. Regardless, the costs to employers will be significant. More cases going to trial means more settlements and more legal fees. Municipal employers will not be spared.

Tennessee's public infrastructure needs continue to grow, \$37.3 billion and climbing

According to a new report released by the Tennessee Advisory Commission on Intergovernmental Relations (TACIR), Tennessee needs at least \$37.3 billion of public infrastructure improvements to be in some stage of development during the five-year period of 2008 to 2013.

The current report, which is based on information provided by state and local officials, shows an increase in needs of \$23.6 billion since the 1999 report was published and an increase of about \$3.1 billion (9 percent) from the September 2009 report. These needs fall into six general categories:

- Transportation and Utilities: \$18.9 billion
- Education: \$7.7 billion
- Health, Safety, and Welfare: \$7.1 billion
- Recreation and Culture: \$1.8 billion
- Economic Development: \$1.0 billion

BY RAY CROUCH
MTAS Fire Management Consultant
and JOSH JONES
MTAS Legal Consultant

During this most recent legislative session, the General Assembly passed Public Chapter No. 529, the Tennessee Clean Energy Future Act of 2009. Central to the bill, which amends T.C.A. § 68-120-101, are authorization for adoption of energy efficiency standards and implementation of the broadened statewide building standards that took effect July 1, 2010.

Currently, the state requirements apply only to municipal, county, state and certain private buildings and include regulation of various structural and safety factors. This legislation broadens the applicability of these standards to cover newly constructed one- and two-family dwellings.

Applicability of the new standards, however, is not absolute as this legislation effectively creates three classes of code enforcement across the state:

1. **Exempt** – Cities where local

Meth Task Force trucks takin' it to the streets

BY VICTORIA SOUTH
Communications Coordinator

At the Vanderbilt Hospital Burn Unit, a video crew from *National Geographic* follows the center's Director, Dr. Jeffrey Guy, as he treats a meth burn victim from Tennessee. Suffering burns over 60 percent of his body when his meth lab exploded, the man has been in intensive care for 53 days with no health insurance. Victims of exploding methamphetamine labs make up about a quarter of the unit's patients.

"I'm going to tell you the rest of this story that you're not going to see on the video series," says Tommy Farmer, director of the Tennessee Methamphetamine Task Force. "It cost about a million to save this man's life. He was released from the hospital in March and we arrested him again a month ago for the manufacture of methamphetamine. We arrested him a second time while he was still in hearings from the first time we arrested him."

It's a tired saga for state and local law enforcement officials struggling to stop the flow of meth production in Tennessee. But for every lab closed, a Clandestine Lab Response truck is waiting to roll, 24/7 at a moment's notice, a welcome sight for officers working the scene. Federally funded, and stocked with a surplus of specialized equipment from oxygen masks and bio-hazard suits to ion scanners and bottled water, the 13 response trucks manned by retired police officers, can be at any spot in the state in less than an hour, traveling to all 95 counties in Tennessee. The trucks are a component of the support and educational services provided by the Task Force,



This new legislation covers newly constructed one- and two-family dwellings.

building codes and local code enforcement meet state minimum standards. These cities will continue to adopt and enforce their own building codes.

2. **Nonexempt state enforcement** – Cities where local residential building codes and local residential code enforcement do not meet minimum state standards.

Here, at the request of the city or upon the department of commerce and insurance's own initiative, the state will enforce state-adopted building codes.

3. **Opt-out** – Cities that have passed a resolution exempting their jurisdiction from the applicability of minimum state standards for one and two-family dwellings.



Thirteen task force trucks manned by retired police officers cover all 95 counties in Tennessee, bringing vital equipment that officers at a meth lab scene will need for support when investigating and dismantling labs.

which funded by a federal grant, carries an operating budget of about \$3 million per year.

"Since we've been in existence, we've certified about 1,600 police officers across the state, teaching law enforcement how to go in, investigate, process and dismantle meth labs," said Farmer.

Officers completing the program are issued about \$2,000 worth of protective equipment such as air purifying respirators, boots and jackets. "It doesn't cost them a dime," Farmer continues, "but there's other equipment that we just could not afford to issue to every police officer across the state to help access these labs in a safer way."

The array of equipment aboard each \$75,000 custom built truck is beyond impressive: a communications platform is stationed up front with wireless Internet, printer, scanner, copier, everything needed to work the scene. There's also evidence collecting equipment, self-contained breathing apparatus,

about \$3,500 a piece, hazmat suits, \$40 apiece, air monitoring devices, a built-in generator with enough watts to power a house, exhaust fans, 100 gallons of water for a decontamination pool, and even snacks, bottled water and coffee for crews working long hours in the heat or in the middle of nowhere. Ion scanners, the force has six, a device so sensitive it can detect trace amounts of controlled substances or explosives in seven seconds, may be on board along with a global positioning system. One more truck is on order and should be ready by November.

"In five minutes, we dispatched four trucks out last night," said Farmer, noting that just the overtime expense alone could blast a rural

See **METH** on Page 3

Memphis and NLC partner to promote successful immigrant integration

To help promote citizenship and community integration among the city's immigrant population, the city of Memphis is partnering with the National League of Cities on the Municipal Action for Immigrant Integration (MAII) project. While immigrants increase the workforce, bring greater diversity and a new, world awareness to Memphis, the partnership will work to assist residents in experiencing a smooth transition to their new home.

Supported by the Knight Foundation, the MAII project is a resource for city officials and community-based organizations to address immigrant challenges in their community by promoting civic engagement and naturalization among immigrant communities. Memphis will participate in MAII's NewCITYzen Naturalization Campaign and the New Americans Citizens' Academy.

"We understand the face of Memphis is continually changing. As our city becomes more diverse, our role as government must also evolve to respond to the unique needs of every segment of this great

Cities can avoid state enforcement by adopting and enforcing codes that meet minimum state standards. However, where cities do not meet these state minimums, the state standards will apply as will state enforcement. Cities also have limited authority to opt out of the application of the state standards in their jurisdictions.

Exempt Cities

The aim of the legislation and the hope of the state entities charged with enforcing it are to encourage as many cities as possible to become exempt. Obtaining exempt status not only provides a city and its residents with the highest level of protection and safety in new home construction, it also allows a city to retain local control of its own development.

The designation "exempt" was already defined prior to passage of this legislation. Under that previous definition, an exempt city was one that had adopted the building and fire codes required by the state, was adequately enforcing those codes, and performing reviews of construction plans and specifications. Under this new regulatory scheme, however, the requirements for obtaining exempt status, and thus the definition of "exempt," has changed. For purposes of this article, "exempt" as defined by the new legislation is assumed.

The new legislation requires a city to adopt and enforce minimum building codes to become exempt. The specific prerequisites for exemption will be set out in the state fire marshal's rules and regulations; however, the general requirements are as follows:

State enforcement remains limited to state buildings, educational occupancies and any other occupancy requiring inspection for initial licensure if the local government has chosen to adopt and enforce building codes for construction of all buildings, for construction of all buildings other than one- and two-family dwellings, or for one- and two-family dwellings only; and:

1. For one- and two-family dwellings, it has adopted the International Residential Code;
2. For construction other than one- and two-family dwellings it has adopted a building construction safety code consisting of the International Building Code and either the International Fire Code or the Uniform Fire Code, if adopted on or after July 1, 2006; and
3. The city is adequately enforcing its locally adopted building code and performing reviews of construction plans and specifications and inspections required by the state fire marshal. Requirements

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community," said Memphis Mayor A C Wharton, Jr. "Our new partnership with National League of Cities is yet another step toward establishing Memphis as a more inclusive place to live, further championing it as a 'City of Choice' for all."

MAII's NewCITYzen Naturalization Campaign highlights the benefits of naturalization. MAII provides cities with a campaign toolkit, including outreach material and public service announcements, to help launch naturalization campaigns.

The New Americans Citizens' Academy assists municipal officials and community leaders to educate immigrant residents about local government, helping residents to fully understand how local government functions and how they can play an important role in their city. Participants in the Academy will learn about local government finances, structure and city services.

For more information on MAII, please contact Ricardo Gambetta, NLC's Program Manager for Immigrant Integration at 202-626-3153 or Gambetta@nlc.org or visit www.nlc.org.

NEWS
ACROSS
TENNESSEE



BY TML STAFF REPORTS

CHATTANOOGA

HomeServe USA, a provider of home warranty and repair services, has announced plans to establish a new customer care center in Chattanooga. The new facility, which will employ 140 people, will be located in an 18,000 square-foot space at The Pointe Centre, 1232 Premiere Drive. HomeServe is a provider of managed home emergency repair programs such as an emergency breakdown of water service lines, sewer lateral, internal plumbing, gas supply lines, or electrical wiring. Protection plans are also available for heating and cooling equipment breakdowns.

CHATTANOOGA

The city is offering one-gigabit-per-second internet upload and download speeds, a rate said to be the fastest in the United States — and 250 times the average internet speed in the nation. The move comes at a time when the U.S. is focused on broadband speeds. That plan would put 100-megabit-per-second connections in 100 million American homes by 2020. Those speeds would be a 10th as fast as those reportedly offered in Chattanooga. The faster speeds won't come cheap, however. EPB, the city-owned power company offering the one-gig speeds, will charge about \$350 per month for the ultra-fast service. The city says the move is an investment in the future.

CLARKSVILLE

Clarksville is currently working on a new blueways project with the hope of providing new waterways for kayakers. The city council voted to accept 10 acres of land donated by a local resident. Clarksville Parks & Recreation is waiting for funding from the Tennessee Department of Environment and Conservation. The plan is to develop a parking area in addition to canoe and kayak access spots so that residents can float into the West Fork River.

CLARKSVILLE

The Clarksville Farmers Market was voted No. 1 in the state and No. 6 in the nation in the 2010 America's Favorite Farmers Markets contest. The online contest was a nationwide challenge to see which of the United

States' farmers markets can rally the most support from its community. The market is open every Saturday from 8 a.m. to 1 p.m. and features fresh produce, baked goods, home decor and more.

CLEVELAND

A federal program operated by the Environmental Protection Agency, known as "Brownfields and Land Revitalization," could become an integral first step in what is considered by some to be one of the largest redevelopment strategies in Cleveland history. The city, through its Community Development Program, is applying for a \$500,000 grant from the EPA division which would allow the city to bring in professionals who have worked in past Brownfields Program redevelopments. Planners, environmental consultants and other engineering professionals would work with the city, the company and others to begin a methodical analysis of the existing Whirlpool manufacturing site, as the Whirlpool Corporation constructs a new \$125 million manufacturing plant. If obstacles such as structural age, deterioration and historical use stand in the way of marketing the site, then planners will consider other options, such as building demolition and site preparation for new uses. At that point, anything from parks, housing, retail centers and public facilities could be considered as options.

FAYETTEVILLE

Conner Industries Industrial Wood Packaging Company based in Ft. Worth, TX, announced it is relocating and expanding its Fayetteville location by moving from its current location to 171 Industrial Blvd. Conner Industries has been at its current location, Old Lincoln Rd., since 2007. The company specializes in Industrial Lumber, Wood Packaging and Wood Crating.

FRANKLIN

The historic May floods closed one of Franklin's oldest parks for about five months for repairs, but Sept. 11, Fieldstone Athletic Park reopened to more than a thousand visitors. The city hosted a softball tournament and other activities for TVA employees and their families. Flood waters peaked in the park at more than two stories, ripping athletic

fences from their foundation and washing away any remnants of the softball fields. The park has been restored, including fencing, lighting, dugouts, infields for four fields, sod replacement, electrical work for restrooms, sports lighting and irrigation. The cost of the repairs was close to \$200,000 which was covered by insurance and FEMA reimbursement.

JOHNSON CITY

TSSAA and Keep Tennessee Beautiful have joined forces to encourage high schools across Tennessee to promote their championship games as "Litter Free" events. Toppers will take this concept to an even higher level, in cooperation with Keep Johnson City Beautiful, all home football games will be promoted as "Litter Free." Litter Free Event banners will be in place and announcements throughout the games will remind the fans of the Green Recycling Stations locations. Plastic and aluminum will be accepted at five stations — three are in place on the TOPPERS side two on the visitor's side. In addition, volunteers will be combing the bleachers for recyclables and garbage.

JOHNSON CITY

In a ceremony, the Carver Park Community Gardeners, in cooperation with Parks and Recreation and the United Religions Initiative Cooperation Circle of Northeast Tennessee, planted and dedicated a Peace Pole at Carver Park in observation of International Day of Peace. Peace Poles have been affiliated with the United Nations since 1990 and a Peace Pole dedication is an internationally recognized activity designed to bring together people from many sectors of the community. Carver's Peace Pole is inscribed with the phrase "May Peace Prevail on Earth" in four different languages which recognizes the diverse population of the local community. For information on the global Peace Pole Project, visit www.worldpeace.org

LEBANON

Simon Property Group Inc. announced the completion of the acquisition of Prime Outlets Acquisition Co., which includes an outlet mall in Lebanon. Indianapolis-based SPG also owns Opry Mills in Nashville, which remains closed after being damaged by May floods. Some of the stores relocated to Prime Outlets-Lebanon during the repairs. The current management will stay in place at the Lebanon mall but the name will change to



Tennessee Economic and Community Development Commissioner Matt Kisber and Nashville Mayor Karl Dean joined Loews Hotels Chairman Jonathan Tisch to cut the ribbon on the company's new 40,000 square foot Business Services Center located on two and a half floors of the Fifth Third Bank building in downtown Nashville. When fully furnished, the center will provide accounting, payroll, purchasing and reservations services for 19 Loews Hotels across North America, employing more than 200 people.



The UT National Forensic Academy was recently in the national spotlight in September. Film crews from Oprah Winfrey's Harpo Productions were in Oak Ridge to film a segment for the show, which aired Sept. 27, on Oprah. The theme of the show is "Celebrities Take on Their Dream Job." In this segment, actress Angie Harmon (formerly of Law & Order) says she would like to be a crime scene investigator. To help her fulfill that dream, she visited the National Forensic Academy. Pictured above is Angie Harmon (center) with members of the Oak Ridge NFA staff.

Lebanon Premium Outlets.

MOUNT PLEASANT

IB-Tech, a subsidiary of Japanese-owned auto parts manufacturer Imasen Electric Industrial Co., Ltd., will open a production facility in Mount Pleasant. IB-Tech will invest \$50 million to manufacture high quality seat adjusters, creating 385 jobs in Maury County. In addition to seat adjusters, Imasen Electric produces automobile lamps, relays and window regulators. The company manufactures a variety of products for the automotive industry and serves clients such as Honda and Mitsubishi. This will be their second manufacturing facility in the United States, with one previous operation in Bucyrus, Ohio.

NASHVILLE

The city announced plans to create a new police precinct and DNA crime lab at the former Peterbilt facility in Madison, a suburb of Nashville. The new Madison Precinct is one of two new police precincts funded in the capital spending plan. The other will be located in South Nashville. The Peterbilt facility would also serve as the new home of the Police Department's Special Operations Division, which is presently dispersed among three facilities. The Traffic and School Crossing Guard components, which are presently housed at Metro Southeast near the airport, and the Hazardous Devices, SWAT and Emergency Contingency components, which are presently housed on Donelson Middle School property, would all move to the Peterbilt site at a cost of \$25.5 million.

PORTLAND

The Macy's Department Store chain is expanding its regional distribution facility in Portland by 375,000 square feet and adding 250 more jobs. The 600,000 square foot facility was built by Macy's, Inc. and opened in spring 2007. Construction is expected to begin this fall so the 974,000 square foot expanded facility can be operational in fall 2011. An additional 600 seasonal associates are hired at the facility each year to handle a higher volume of online orders from customers during the holiday shopping season.

SPRING HILL

Some 480 workers are thrilled to be recalled to build four-cylinder engines at Spring Hill's General Motors plant. GM will invest \$483 million to build the next generation of the Ecotec four cylinder-engine. The plant currently builds four-cylinder engines for the Chevrolet Equinox and Malibu, GMC Terrain and Buick LaCrosse. Production will likely start in early 2013.

WHITE BLUFF

The first in a series of murals planned for businesses in downtown White Bluff will give drivers on U.S. Highway 70 a window into the past. The first mural, depicting a street scene in White Bluff as it was in 1939, is set to be painted by artist Peggy Snow, whose work appears in museums and Union Station. Joanna Swiger, who is coordinating the effort, said she hopes the murals will provide the town a boost in tourism and a face lift. Future projects will be funded by volunteers.



PEOPLE IN THE NEWS

BY TML STAFF REPORTS

Tennessee Treasurer

David H. Lillard Jr.

has been elected the southern regional vice president for the National Association of State Treasurers (NAST) next year and will represent the southern region on the NAST executive board. NAST develops standards of excellence for state treasurers regarding ethical conduct, policy guidelines and accountability. Also, NAST develops model legislation and guidelines and monitors pending federal legislation and regulatory guidelines that affect state treasury departments. Treasurer Lillard will begin his term Jan. 1, 2011.



Lillard

Sutton Mora Hayes, a native of Collierville, has been selected as the new state leader of Keep Tennessee Beautiful (KTnB). With a masters degree in city and regional planning,

Hayes previously directed a community development corporation in Memphis with a mission to improve neighborhoods and provide housing to low income families. She also served as a volunteer commissioner with Memphis City Beautiful.

State Sen. Thelma Harper

was re-appointed to the Executive Committee of the National Conference of State Legislatures (NCSL) at their recent annual meeting in Louisville, KY. Harper, who serves on the Programs and Strategic Planning committees, has been involved with NCSL for seven years.



Harper

Algood Police Chief Jim Eldridge was sworn in as interim city manager. Eldridge, who will continue his duties as police chief, will remain as interim until the position is filled. The council also appointed longest

serving council member, Loyd Norris, as vice-mayor.

Mountain City alderman

Willis Walker

has passed away following a brief illness. Best known in Johnson County as a radio personality for WMCT, Walker was also an active community volunteer and regularly attended meetings of the Tennessee Municipal League in Nashville.



Walker

Nashville attorney

Charles Trost

was sworn in as the new head of the Department of Revenue. Trost, a lawyer and registered lobbyist with the firm Waller Lansden Dortch & Davis, takes over as revenue commissioner for Reagan Farr, who resigned Sept. 1 to return to the private sector.



Trost



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Energy code and its effects on cities

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vary depending on the type of construction.
Furthermore, an exempt city’s building code edition for one- and two-family dwellings must be current within seven years of publication unless otherwise approved by the state fire marshal. If your city meets and adequately enforces the aforementioned standards then you will retain local control and be exempt from statewide codes and enforcement.

According to these requirements, a city may choose to adopt and enforce codes for specific buildings, and state enforcement will apply where the city is not regulating and enforcing. Hence, within the exempt city classification, there will be a further breakdown of groupings. They are:

1. Cities that adopt and enforce codes for buildings other than one- and two-family dwellings. Here, the state will regulate residential construction with enforcement by deputy building inspectors.
2. Cities that adopt and enforce codes for one- and two-family dwellings only. Here, the state will regulate buildings other than one- and two-family dwellings.
3. Cities that adopt and enforce codes for both one- and two-family dwellings and other buildings. Here, the state will not regulate within the city’s jurisdiction except state buildings, educational facilities, etc.

Nonexempt Cities

If, however, a city cannot or chooses not to adopt and enforce the minimum standards, the state will enforce the applicable statewide codes in the city. The commissioner of Commerce and Insurance is authorized to contract with local governments to use their employees for inspections of one- and two-family residences. These contracts can allow inspectors to charge a fee as set out by the state fire marshal’s soon-to-be-developed fee schedule. Deputy building inspectors must be state certified as a:

1. Licensed building inspector;
2. Licensed plumbing inspector; or
3. Licensed mechanical inspector.

Opt-out Cities

Whether or not it is enforcing a locally adopted code or has no code at all, a city can completely avoid state regulation of one- and two-family dwellings in its jurisdiction by opting out of the statewide standards. This can be accomplished by a specific and recurring resolution process. This requires a city to pass a resolution by a two-thirds vote of the governing body exempting one-

and two-family dwellings in its jurisdiction from the applicability of the statewide standards and to forward the resolution to the state fire marshal. The resolution, however, expires 180 days following the date of the next election. Hence, each new governing body must pass a subsequent resolution to continue avoiding applicability of the state standards.
What is the state of Tennessee currently doing regarding this energy code?

The Department of Commerce and Insurance already is in the process of complying with the new law. A survey of local governments relating to the enforcement of one- and two-family residential codes shows that many local governments have adopted versions of a residential code but that some have adopted the old Southern Building Code, which is no longer in print and whose publisher is out of business. Some cities have decided, either consciously or unconsciously, not to adopt or enforce codes at the local level.

The State Fire Marshal’s Office of the Department of Commerce and Insurance currently is drafting a proposed set of rules and regulations that will apply codes to newly constructed one- and two-family residential properties and provide for statewide enforcement. The State Fire Marshal’s Office is conducting four public hearings (in Knoxville, Chattanooga, Jackson and Nashville) to discuss recommendations for code adoption. Further information on these hearings is available at www.tn.gov/commerce/sfm/index.shtml. These hearings are part of the formal rulemaking process, which also includes a determination of legality by the attorney general and the filing of a final rule, which takes effect 90 days after filing with the secretary of state. This process occurred in 2009 and the law takes effect July 1, 2010. This gives local governments and other interested parties the opportunity to participate in the decision of which code is adopted prior to any determination of what, if any, action the local government needs to take.

It should be noted that there is no need for a city to opt out at this time since the act is not self-executing. Each municipality will have until July 1, 2010, or 90 days from the date any rules are filed with the secretary of state, whichever is later, to opt out. If a city determines that it does not want to have a minimum one- and two-family residential code in its jurisdiction, there will be plenty of time to exercise the opt-out

provisions. One consideration to think about before taking any action to opt out of the law is that the one- and two-family homes built in your community will be much less energy efficient than the homes in cities that are in the program. Incentives are another consideration.

The Department of Economic and Community Development (ECD) is administering a \$500,000 appropriation from the General Assembly that was budgeted for “start-up costs” associated with this new legislation. The \$500,000 will be used to aid state and local governments in training, purchasing code books, and supporting cities that do not exercise the opt-out provision of the new law. Also, Governor Bredesen announced a \$9.3 million energy initiative incentive that will be available for small- and mid-sized cities in grants of up to \$100,000, with a preference for local governments planning to enforce or have the state enforce one- and two-family residential codes.

The Tennessee Valley Authority (TVA) will be another important partner in the energy code process. TVA supports energy codes and is a reliable source of information about effective enforcement. At this time, the specific program that TVA will offer to cities is unknown, but we anticipate some very helpful and accommodating programs may be offered either directly or through local power distributors.

Again, with the financial assistance available and since the state codes have yet to be adopted, it is prudent for local governments to wait to consider any opt-out resolutions until all information is available.

How is MTAS going to help cities with this energy code legislation?

In addition to the efforts of the aforementioned state agencies, MTAS is taking a proactive approach to assisting municipalities. The first step, this writing, hopefully has provided some clarity and alleviated some concerns, and as the state releases more information MTAS will continue to keep cities updated. MTAS also will develop and distribute the requisite legal documents cities will need to exercise their choice of the three energy code options. Finally, as part of our annual Municipal Administration Program (MAP), we developed a comprehensive course covering the energy code legislation and the requirements for cities delivered in six cities across the state in early 2010. If you have questions, please contact your MTAS consultant.



Police officers disassemble a meth lab with assistance from a Tennessee Task Force Clandestine Lab Response truck. The trucks are stocked with a surplus of specialized equipment from oxygen masks and bio-hazard suits to ion scanners and bottled water and can be at any spot in the state in an hour or less, traveling to all 95 counties.

Meth Task Force trucks takin’ it to the streets

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agency’s overtime budget to smitherenes. Overtime is covered by the task force as long as funds are available and the right paperwork has been submitted by a state or local agency.

“We probably have reimbursed tens of thousands in overtime to McMinn county, who have already worked 152 meth labs themselves,” said Farmer. “Your major metropolitan areas Nashville, Knoxville, Chattanooga, Memphis, those are very large agencies and probably could come up with the means to do what we do. But sustainability is what’s very difficult for those areas. We are absolutely critical to the other 92 or 93 counties across the state that it would bankrupt if our services were not available.”

Often referred to as ambassadors by the task force, the retired police officers that drive the trucks are much more than drivers to the task force and those they serve. “The drivers enjoy it because it’s an opportunity to give back to their patrolmen,” said Farmer. “We roll up and it’s like Christmas to some of these young men in the departments that don’t make much money. It brings them even with a lot of the big departments. They have access to the same equipment the big departments have, a \$65,000 piece of equipment that can swab and check for trace amounts of drug residue.”

As a 30-year veteran of the Tennessee Bureau of Investigation drug division and now a driver of a meth task force truck, retired officer Joe Copeland is still fighting on the front lines. “I was here in the early 90s

when the meth epidemic first hit us, one of only about five agents in the state who was certified. We were running from one place to the other all the time. You got in bed long enough to wrinkle your sheets and then you were back out working another lab.” Although the suspects have been removed and the area secured before the trucks arrive, Copeland still knows the dangers. “There is still as much work to do with the one pot method as the other labs, you just respond to a lot more of them,” he said. “Each lab takes about 3 1/2 hours to work. There are fire dangers. A lot of these chemicals are flammable and not compatible so if you get one knocked over into the other, you’ve got a fire. It’s all contaminated. You can’t just take it to a landfill. You have to bury it in a secure area.”

The task force also serves as a clearinghouse for tips leading to busts across the country. The Tennessee Methamphetamine Intelligence System tracks pseudoephedrine purchases across the state and the ready-made database is available to other states for free. “We’ve shared our program with 11 states at no cost,” said Farmer. “The taxpayers already paid to develop it. They shouldn’t have to pay for it again.” But Farmer knows the fight against meth has just begun.

“We’ve given Meth Free Tennessee every opportunity to work and we controlled pseudoephedrine sales by limiting them to pharmacy only. We had a pretty dramatic decrease, 57 percent initially. Like all things, it has driven them further underground, they’ve got this new one-pot method of production. Now, there’s a whole new cottage industry that’s doing nothing but smoking pseudoephedrine. So, we think it’s time to revisit the control aspect of returning pseudoephedrine to a controlled substance like it was prior to 1976. There’s a lot of industries that do not want us to do that. They’re saying it’s not a public health threat, but labs were up 40 percent last year we’re already 50.15 percent and we’re projecting a bumper crop of 2,000 lab seizures. That is a cost to cities and counties and communities.”

“We’ve got to look at other areas and we submitted a request to the state health and human services to control pseudoephedrine as a matter of public safety by rule. And yes, we are going back to our legislators.”



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STATE BRIEFS

BY TML STAFF REPORTS

Tennessee’s unemployment rate has dropped at the second-fastest pace in the nation over the past year, according to data released by the U.S. Department of Labor. From August 2009 to this year, unemployment dropped from 10.9 percent to 9.6 percent. Only Alabama lowered its rate faster, going from 10.6 percent unemployment in August 2009 to 9.2 percent last month. While most states saw their unemployment rates decrease year-over-year, the improvement stalled out in most of the nation last month, with just 13 states — Tennessee among them — seeing improvement.

A growing number of college graduates are defaulting on their student loans, and Tennessee has one of the highest default rates in the nation. New data released from the U.S. Department of Education shows the fiscal year 2008 national default rate was 7 percent, up from 6.7 percent a year earlier. The default rate increased from 5.9 percent to 6 percent for public institutions, from 3.7 percent to 4 percent for private institutions, and from 11 percent to 11.6 percent for for-profit schools. In Tennessee, the overall default rate was 8.8 percent — which is the eighth-highest default rate in the country. The default rate represents borrowers whose first loan payments came due between Oct. 1, 2007, and Sept. 30, 2008, and who defaulted before Sept. 30, 2009.

Tennessee officials unveiled a statewide obesity plan aimed at making residents healthier over the next five years. The strategy, dubbed “Eat well, play more,” will focus on nutrition and physical activity and is supposed to serve as a roadmap to reduce chronic disease and obesity in the state. The project will focus on policy and environmental changes where people live, work and play. Tennessee is tied with Alabama as the second most obese state in the nation. More than 31.6 percent of adults are obese and about 17 percent of teens. For information about the initiative, visit

www.eatwellplaymoretn.org

Teachers in some of Tennessee’s toughest schools will win bonuses of up to \$10,000 under a federal grant aimed at rewarding effective educators willing to take on a challenge. The state won \$35 million for the effort, one of 32 groups picked by the U.S. Department of Education for a payout from the \$1.2 billion Teacher Incentive Fund. State officials say that the grant will help them better understand what kinds of programs are useful to recruiting and retaining good teachers. The state’s program also will include teacher training. The grant dollars are to be distributed over five years.

The Three-Star program is celebrating its 30th anniversary this year. Beginning in 1980, the program has been revamped to include a benchmarking system for community excellence which raised the bar for performance. The program has now grown to 89 programs certified, representing more than 340 Tennessee cities and towns.

Tennessee’s home loan industry, once awash with small operators, has lost more than 60 percent of the mortgage companies making loans to prospective homeowners over the past three years. Such a sharp decline, which state officials attribute to the recession and increased regulations, has changed how the mortgage business operates in Tennessee. The change has some banks hoping to leverage mortgages as yet another door into the local lending market, while other independent companies hold on. Excluding banks, the number of mortgage companies operating in Tennessee stands at about 600, compared to 1,600 in 2007. Individuals who originate mortgage loans through such companies saw an even sharper drop of nearly 80 percent, from 17,000 to 3,600.

Tennessee benefited from \$391 million in homebuyer tax credits, according to a Government Accountability Office report. The re-

port states more than \$20 billion was claimed in homebuyer tax credits nationally. Tennessee ranked 13th nationally in total tax credits received. Tennessee also ranked 13th nationally in tax credit dollars claimed per resident based on 2009 population figures at \$62.16.

Tennessee is set to launch a digital 911 system to allow text messages, photos and videos from cell phones, though the upgrades won’t be available for 12 to 18 months. Dispatch centers have begun upgrading equipment through the state’s \$25 million Next Generation 911 project, the largest overhaul of state emergency communications since 1998. Every 911 district in the state will receive at least one digital Next Generation 911 receiver. The technology should allow dispatchers to locate cell phone users much quicker than the current system.

A consortium of 11 Tennessee universities has won a \$20 million grant from the National Science Foundation for energy-related research where a coalition of scientists, faculty and students will be grouped together into “network nodes” for conducting research, mentorship and outreach. The group will use the money, which will be distributed over five years, to study solar power, energy storage and nanotechnology. The consortium includes Fisk, Middle Tennessee State, Tennessee State, Tennessee Tech, and Vanderbilt, as well as universities in East and West Tennessee.

A federally funded program is making it easier for low-income households to obtain and pay for land line services at a discount price. Local and state officials gathered in Clarksville to kick off the “Tennessee Lifeline and Link-Up Telephone Discount Awareness Week.” The Lifeline program provides a monthly credit of up to \$13.50 on a monthly telephone bill and Link-Up gives eligible participants a credit of one-half of the cost of the installation charges for a new or transferred service installment up to \$30. Recipients of federal public assistance such as food stamps, Medicaid, Section 8 or federal housing are eligible for the Lifeline and Link-Up programs. Also house-



The city of Middleton closed a \$2 million loan with the Tennessee Municipal Bond Fund for the purpose of installing natural gas lines. Pictured at the closing are: (L to R) Middleton City Recorder Jerry Mills, Middleton Mayor Vernon Henderson, TMBF Marketing Director Linda Mooningham, and TMBF Representative Tommy Green.

holds with students who receive free school lunch will qualify.

The Fiery Gizzard Trail on the Cumberland Plateau will be buffered by 6,200 rugged acres soon to be protected in an \$8.1 million public-private effort. The slow economy helped make it possible after a developer had to give up an option to buy the land and the price came down. As a result, the path that winds past massive hemlocks, waterfalls and rock chimney statuary will no longer be at risk. Another 1.5 miles of the popular 17-mile trail, also, will be in public hands after an expected closing of the deal next month. The state has committed about \$4 million to buy 2,900 acres, with money from a state lands acquisition fund for wetlands, parks and natural areas along with federal Land and Water Conservation Fund money.

Lawmakers passed a bill that will require some drivers convicted of a first DUI to install alcohol-detecting ignition devices to stop their cars from starting if they’ve been drinking. Last year, police made 27,775 driving-under-the-influence arrests in Tennessee. Of those, about one-third will net a second DUI charge in three years.

Tennessee’s public infrastructure needs continue to grow

TACIR from Page 1 had this to say about the report: “One of the advantages of having this type of report was our ability to respond quickly for ARRA funding. Many states do not have this resource available.” The 2009 ARRA included a significant amount of funding for public infrastructure to meet needs like those in this inventory and to stimulate local economies. Jobs created to build public infrastructure are largely private sector jobs. According to Mark Zandi, chief economist and co-founder of Moody’s Economy.com, estimated in a January 2009 report that a dollar spent on public infrastructure boosts gross domestic product (GDP) \$1.59,

making investment in infrastructure one of the best ways to create jobs and stimulate the economy. This inventory of Tennessee’s public infrastructure needs is the only source of statewide information on the condition of public school buildings and what it would take to get them all in good or better condition, and the news here is good: According to local school officials, 91 percent of local public schools are now in good or excellent condition. However, they estimate the cost to put the remaining 9 percent in good or better condition at \$1.6 billion, which is a \$79 million increase from the cost reported in the previous report.

Other Highlights from the report

- Total Education infrastructure needs increased from \$6.8 billion to \$7.7 billion (about 14 percent) since the last report. This was the second largest increase among the six categories. This increase can be attributed to \$1 billion in new needs at the state’s public post-secondary schools.
- Education is the category with the greatest unfunded need. Sources are known for only a quarter of the need reported. The funding analysis does not include needs at existing schools or institutions of higher learning.
- Health, Safety, and Welfare at \$7.1 billion is the third largest

cost category and accounts for 19.2 percent of the state’s public infrastructure needs. Water and wastewater needs alone total almost \$4.2 billion or over 11 percent of the grand total and 58 percent of this one category.

- Water and wastewater, transportation, and local public education combined represent more than 70 percent of total needs.

The report is available on TACIR’s website at <http://www.tn.gov/tacir/infrastructure.html>. For more information, contact Catherine Corley, senior research associate at catherine.corley@tn.gov or call 615.253.4240

COMING UP

Oct. 22: Meeting of the Tennessee Renewable Energy and Economic Development Council (TREEDC). From 9 a.m. to 2 p.m. at Roane State Community College Theatre, 276 Patton Lane in Harriman. A one day TREEDC regional conference held in East Tennessee. Hosted by TREEDC, Roane Alliance, the Tennessee Valley Authority (TVA), The University of Tennessee Municipal Technical Advisory Service, and the Tennessee Soybean Association. Network with industry leaders and gain insight on green jobs, best local government management practices, and renewable energy technologies relating to transportation fuels and power systems. For information and registration, visit the website at <https://utconferences.outreach.utk.edu>.

Oct 26–29: 2010 NLC-RISC Staff Conference, Loews Vanderbilt Hotel, Nashville. Session topics include today’s new era of jury communications, and building safer and more productive workplaces. Conference content, hotel information and registration information can be found at <http://content.nlc.org>. For more information, please contact Corey Dixon of the NLC-RISC Program at Dixon@nlc.org, or at 202-626-3181

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



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Tax caps have big consequences

BY DAVID HARRISON
Stateline Staff Writer

Nestled in a 224-page gubernatorial campaign agenda from New York’s Andrew Cuomo this spring was a call for a cap on local property taxes. The proposal didn’t take long to attract attention. The state teachers’ union, often friendly with the Democratic attorney general, withheld its endorsement. Cuomo had proposed to cap all local tax increases at 2 percent per year in an attempt to ease the burden on taxpayers and force governments to slash spending. Even though traditional Democratic constituencies don’t like it, the idea has appealed to New Yorkers increasingly frustrated with their tax burden.

Candidates of both parties have had the same idea. Property tax caps, freezes or cuts have appeared in campaign agendas in at least a half-dozen states. The issue appears as a ballot initiative in Indiana, Colorado, Missouri and Louisiana. It’s not unusual for office-seekers to tout lower taxes, and statewide limitations on local taxes have been a continuing part of American politics since 1978, when California voters passed Proposition 13. But this year, denunciations of property taxes have grown sharper, as voters, stung by the recession, struggle to pay their bills.

This trend has alarmed local governments and school districts, which rely primarily on property tax revenue to pay for services, especially now that state aid and other forms of income are down sharply. Unlike other tax cuts, property taxes are unusual in that the state government has the authority to make the cuts but doesn’t suffer their direct effects. Bearing the brunt instead are local services, parks, fire and police departments and schools.

“You really do see calls for property tax reform in particular during down economic times,” says Joseph Marbach, provost of LaSalle University. “We had a rash of them in the 1970s when California spearheaded everything and then Massachusetts followed and a wave struck the country. It was quiet for a while and now we’re seeing it.”

[Prop. 13’s legacy]-B

In 1980, two years after California’s Proposition 13 dramatically reduced property tax bills, Massachusetts voters opted to limit their annual property tax in-

creases to 2.5 percent. In 1992, Colorado voters approved the Taxpayers’ Bill of Rights, which capped governments’ revenue increases at the rate of inflation plus population growth. Subsequent legislation and initiatives have weakened TABOR but a measure on the Colorado ballot this year would reinstate the caps and make them stricter. Today, roughly 40 states have some sort of property tax restriction on the books. But few of them set the tax limits low enough to inhibit local governments’ ability to raise revenue.

Illinois Governor Pat Quinn, a Democrat running for reelection, also wants property taxes to go down in exchange for an increase in the state income tax. School officials in Illinois are leery about becoming more dependent on a state government that already is months behind in paying its bills. In New Jersey, Chris Christie was elected governor last year in part thanks to his promise to cut property taxes. As governor, he was able to persuade the Democratic Legislature to pass a measure capping annual increases in local tax bills at 2 percent. GOP candidates Rick Scott of Florida, Terry Branstad of Iowa and Paul LePage of Maine all have advocated property tax caps or cuts. LePage even calls for the tax to be phased out completely.

Property taxes are one of the most reliable sources of local government revenue, since property values generally remain relatively stable, unlike income and sales taxes, which vary widely depending on the state of the economy. Local governments, as a result, use property taxes to fund services when state budgets are cut and other tax sources are drying up. Census data show that property tax collections were the only major form of state and local tax revenue to increase in every quarter throughout the recession.

“Local governments often feel a squeeze because everything rolls downhill,” says Doug Roscoe, a political science professor at the University of Massachusetts. “The federal government is going to reduce its transfers of aid to states, and the states in turn slash their aid to localities, and localities have to turn to other sources of revenue, which is the property tax.”

In Massachusetts, local governments that want to raise more money from property taxes than allowed under the 1980 cap have to ask voters for approval. The number of override requests jumps dramati-

cally during economic downturns.

This recession differs from past ones in that property values have dropped much more sharply, forcing local governments to raise property tax rates to make up the difference, angering voters, and handing candidates an issue to campaign on. The debate over property taxes also reveals just how constrained local governments are. When it comes to raising money, they are entirely dependent on the will of the legislature and statewide officials.

“In most states, you have relatively limited local autonomy in terms of just about everything to do with government,” Roscoe says. “There’s really no federalism within the states. Often, state policies affect taxation at the local level.”

Reduced resources

In Indiana, representatives of local government have warned that voting for this year’s property tax cap amendment would result in fewer services, but public opinion in support of the ballot measure is strong. Governor Mitch Daniels, who is pondering running for the GOP presidential nomination in 2012, is one of the proposal’s strongest backers. He says local governments will still be able to increase their property tax receipts under the proposed amendment as long as they get voter approval first.

Indiana’s Legislature already has capped residential and commercial property taxes, but this November’s ballot initiative would put those caps in the state constitution. To pay for them, the Legislature increased the state sales tax and took over school funding, police and firefighter pension payments and other expenses that were once the responsibility of local governments. School districts say their resources have already been cut.

“There’s really very little way for us to make up the shortfalls,” says Matt Greller, executive director of the Indiana Association of Cities and Towns, adding that local officials rely on property taxes for 55 and 70 percent of their spending. In Muncie, Ind., tax caps were partly why the city had to cut its budget by roughly \$6 million over three years and lay off dozens of employees. The city has also turned to fees to make up some of the money lost. Residents now pay a few dollars more on their water bills to finance the upkeep of fire hydrants, a \$650,000 expense that used to come out of the city’s general fund.



BY TML STAFF REPORTS

Federal law enforcement and national security officials are preparing to seek sweeping new regulations for the Internet, arguing that their ability to wiretap criminal and terrorism suspects is “going dark” as people increasingly communicate online instead of by telephone. Essentially, officials want Congress to require all services that enable communications — including encrypted e-mail transmitters like BlackBerry, social networking websites like Facebook and software that allows direct “peer to peer” messaging like Skype — to be technically capable of complying if served with a wiretap order. The mandate would include being able to intercept and unscramble encrypted messages. The bill, which the Obama administration plans to submit to lawmakers next year, raises fresh questions about how to balance security needs with protecting privacy and fostering innovation. And because security services around the world face the same problem, it could set an example that is copied globally. James X. Dempsey, vice president of the Center for Democracy and Technology, an Internet policy group, said the proposal had “huge implications” and challenged “fundamental elements of the Internet revolution.”

Americans’ stronger appetites for imported goods, especially cars and computers, lifted the broadest measure of the U.S. trade deficit in the second quarter to its highest point since late 2008. The current account trade deficit grew to \$123.3 billion in the April-to-June period, a 12.9 percent increase from the first quarter, the Commerce Department said. It marked the fourth straight quarter that the deficit has increased. That could be viewed as a healing sign for the U.S. as Americans slowly regain their appetite to spend. The current account is the broadest measure of trade because it tracks the flow of goods and services as well as investments between the United States and other countries. Exports of U.S.-made goods to other countries totaled \$316.1 billion, a 3.4 percent rise from the first three months of the year. Industrial supplies and materials — including petroleum products and metals — factored into the gain.

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

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



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Oct. 8-10-Maryville
Foothills Fall Festival
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Oct. 8-9 : Harriman
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Oct. 9:Parrottsville
13th Annual Heritage Days
Held at Parrott-LaRue-Myers Memorial Park from 9 a.m.-8 p.m. Home Run Derby, quilt show, buckboard rides, children's games, entertainment and talent show, story telling, antique cars, tractors, pumpkin decorating contest, crafts, food vendors, flower show, pumpkin bake-off, Harvest Day Beauty Pageant and chili cook-off. Bluegrass concert features Brookfield Drive Bluegrass Band. For more information, Call Laura Nease (beauty pageant) 423-623-1593, Ronnie Hommel, (antique cars, tractors) 423-623-9589, Sheilah Strobel, (pumpkin



The Foothills Fall Festival in Maryville has become a tradition for families all over the region and even all over the world. A juried arts and craft show with free world class musical entertainment, activities, and demonstrations at Broadway in the heart of downtown.

bake-off) 423-623-8340 or Debbie Hommel (talent show) 423-623-9589.

Oct. 9: Nashville
Germantown Street Festival
Historic Germantown from 8 a.m.-6 p.m. Held in conjunction with the original annual Octoberfest. The Paulaner 5K Run will kick off the day's activities at 8a.m. More than 20 performing groups on three stages, arts & craft booths, German brewed-beer, wine and food from neighborhood restaurants.

Oct. 9: Athens
Pumpkintown Festival
Huge celebration of history, heritage and harvest in historic downtown from 10 a.m. to 5:30 p.m. Pumpkintown Jams on fours stages, Mutt Strut dog parade and costume contest, Heritage Quilt Show, storytelling, living history, variety of foods, arts & crafts, family fun park. For more information, call Austin Fesmire at 423-462-5723 or visit the website <http://www.pumpkintownfestival.com/>

Oct 9: Atwood
Country Festival
Atwood City Park. Free. Country music and evening concert. Fun for all ages. Arts & crafts, car show, BBQ cookoff. For more information, call 731-793-0061.

Oct. 16-17: Cleveland
Cleveland Apple Festival
Downtown. Folk, bluegrass, mountain and country music, cloggers,

arts & crafts, Little Miss and Jr. Miss Apple Blossom contest, apple desert and pie eating contest, food, games and more. For more information, call 423-503-4114, or e-mail info@clevelandapplefestival.org or www.clevelandapplefestival.org

Oct. 16 : Oliver Springs
October Sky Fall Festival
Arrowhead Park, Roane St. from 9 a.m. - 6 p.m. For more information, call Lorraine at 865-435-0385

Oct. 28-31: Cumberland Gap
Annual Pumpkin Lights
Enjoy an array of decorated pumpkins glowing along Main Street and Festival Park. Carved pumpkin entrants arrive Oct 28 at 5-6 p.m. in Festival Park. Oct. 30, from 5-8 pm., free hotdogs and treat bags for children at the Fire Station. Olde Mill Bed & Breakfast haunted house tours, 603 Pennlyn Ave. For more information, call 423-869-3860 or www.townofcumberlandgap.com.

Oct. 16-17: Bell Buckle
34th Annual Webb School Art and Craft Festival
Hundreds of booths featuring arts & crafts, demonstrations, interactive hands-on demos, food and more. The juried Webb Show is the center of it all on the second block of Maple Street by Webb School. A horse drawn hay wagon will shuttle tired shoppers throughout the town. For more information, contact the Bell Buckle Chamber of Commerce at 931-389-9663 or visit the website at www.BellBuckleChamber.com.

CLASSIFIED ADS

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

BUDGET MANAGER
EAST RIDGE is seeking applications for the position of Budget Manager. The Budget Manager will have varied financial duties including responsibility for maintaining the city's annual budget, tracking revenues and expenditures, acting as purchasing agent, issuing purchase orders, analyzing revenue trends and tax collections, coordinating grant expenditures, preparing spreadsheets and financial statements, and coordinating with the City Manager and other City department/division heads. Successful candidate should have a minimum of 3-5 years experience in government budget, purchasing, and accounting procedures and have a Tennessee Certified Municipal Finance Officer designation or ability to obtain within one year of hire. East Ridge provides competitive salary and excellent fringe benefits. A complete job description and city applications are available at East Ridge City Hall. Applications accepted until position filled. Submit applications to: Trish Perry, Human Resources, East Ridge City Hall, 1517 Tombras Ave., East Ridge, Tennessee 37412. For further information contact Trish Perry at 423-867-7711 ext. 110 or pperry@eastridgetn.org EOE and a Drug-Free workplace.

CITY MANAGER
LEWISBURG. The City of Lewisburg is seeking qualified applicants for the position of City Manager. The position is responsible to the mayor and a five (5) member council for the administration of all city services and departments, including but not limited to administration, personnel, finance and budgeting, code enforcement, public works, sanitation, streets, public safety, industrial development, recreation, planning and zoning. Qualifications include a Bachelor's Degree in public administration, business or related field and five (5) years experience in management. Experience in budgeting, control of revenues and expenditures, management of multiple departments, legislative issues, economic development, storm water operations and planning are high priorities. Applicant shall be proficient in Microsoft Office. This would include but not limited to Microsoft, Access, Excel, Outlook, PowerPoint, Publisher and Word. Must also be capable of learning any other computer applications deemed necessary or applicable to the position. The successful candidate must reside within five (5) miles of the corporate limits of the City of Lewisburg in Marshall County within 90 days from date of hire. The city has an annual budget of \$10,000,000 with 105 full time employees and 60 part time employees. The position has an excellent benefit package. Salary DOQ. The city is an EEO employer. An application, resume and salary demand should be submitted to: City of Lewisburg, P.O. Box 1968, 131 East Church Street, Lewisburg, TN 37091 Attn: City Manager Application/Resume or must be received in Lewisburg City Hall by 4:30 p.m., Nov. 5, 2010.

POLICE CHIEF
RED BANK. The city is seeking an experienced and visionary leader for Chief of Police, who will lead the Police Department, with a staff of 25 sworn and non-sworn personnel and an operating budget of \$1.7 million, in a commu-

nity of approximately 12,400 people, which is completely surrounded by the city of Chattanooga, a city of approximately 171,000 people. Qualifications include a high school diploma and bachelor's degree from an accredited university majoring in police science, criminal justice, police administration or closely related field. A minimum of 10 years of law enforcement experience with a minimum of three to five years in a command position. Must have a Tennessee law enforcement certification or obtain certification within one year after appointment. Additional specialized training, such as FBI National Academy, SPI or Northwestern University is desired. Demonstrated skills in the following areas; personnel management, budgeting, community policing, investigation and community relations. A Demonstrated ability to work with various community leaders and local officials. Knowledge of communications system, desktop computer networks, word processing, statistical methods, spreadsheets, e-mail and internet. Familiarity with local, state, and federal laws, including labor laws. Must have or be able to obtain a valid driver's license. The selected candidate will be a proactive and a solution oriented individual who can demonstrate a history of creative problem solving and forecasting for the future. Candidate should understand the nature of how smaller cities work and be able to look at issues from a city-wide perspective. The ideal candidate will have strong leadership and supervisory skills: understanding of community policing strategies; experience in dealing with elected officials and the general public; experience in developing and implementing training programs; a working knowledge of municipal finance procedures and understanding of procurement and maintenance of equipment and facilities; grant writing experience and the ability to communicate effectively with city officials, employees, citizens, various agencies and media. Resume may be submitted to: Christopher J. Dorsey at Red Bank City Hall, 3117 Dayton Blvd., Red Bank TN. 37415 or citymanager@redbanktn.gov

POLICE FINANCE ADMINISTRATOR
MEMPHIS. The city is seeking applicants for the position of Police Finance Administrator. Works under the general direction of the Director of Police Services; is responsible for the administration of payroll, budgeting, and accounting functions for the Police Services Division. Develops/modifies operating procedures or division policies. Plans work activities and directs personnel/ payroll operations for the division. Manages the Capital Improvement Project and Operating budgets for the division. Monitors expenditures and analyzes financial resources required. Directs management staff in preparing budgets. Handles all financial transactions for the division. Prepares or revises bid specifications and contracts. Coordinates special projects. Prepares reports for the executive staff. Bachelor's degree in Accounting, Business Administration or a related field; nine years experience in financial matters including accounting, forecasting, budget preparation, and personnel/payroll operating procedures with six of the nine years in a supervisory capacity. Applications will be accepted starting Sept. 29 and closing on Oct. 13 from 8 a.m. until 5 p.m. Mon. - Fri. in the Employment Office, Rm 1B-33, City Hall, 125 N Main, Memphis, TN 38103 or visit our satellite offices at 4225 Riverdale; 3030 Poplar. Apply on-line at www.memphistn.gov.

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Denver, Colorado

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Tennessee Agritourism markets farm fresh fun

BY VICTORIA SOUTH
TML Communications Coordinator

There's a whole new crop down on the farms of Tennessee, and for many, the harvest is sweet. Forget fancy vacations, city folks are heading out to local farms for weddings, field trips, or other daylong, hands-on agricultural experiences. Whether pumpkin picking, egg gathering, grape stomping or corn mazing, it's agritourism, a growing trend that's not only helping Tennessee's farmers retain their land and make ends meet, but bridging the gap between consumers and the food industry.

With more than 600 such operations across the state, business has grown since an initial 2003 USDA research and development funding effort provided to the Department of Agriculture kicked off some enterprises along with state marketing and promotional efforts. The reasons farmers are participating are as varied as their venues. A 2006 University of Tennessee report on agritourism indicated \$32 million in annual spending with \$17 million in direct spending.

"There is a lot of consumer interest, not only in organic foods, but locally grown foods and products in general," said Megan Bruch,

grew, an entire entertainment area developed. The "Back 40," which includes activities such as The mine shaft, giant slide bouncing pillow, corn pit and pedal karts. The 2010 corn maze at Oakes Farm is a tribute to the 10th anniversary of agritourism events at the farm. The maze features a barn and silo, corn, pumpkins and some text.

"One good thing about the daylily operation, marketing is already a big portion of it," said Oakes. "We publish mail order catalogues and have the website, so we're somewhat familiar with marketing. "You have to roll the dice, spend the money in the form of advertising and promotion to get people to come out to your farm. You can't just build it and expect that folks are going to come."

The Oakes family farm will be the first and last stop during the second annual Agritourism in Action Bus Tour in November, sponsored by the Center for Profitable Agriculture, which will include visits to agritourism operations from Tennessee, Kentucky and Ohio. There, farmers can network with each other and gather ideas from out of state venues to try at home.

"Dealing with the public can be a challenge," Oakes adds. "Keeping up with people and making sure everybody has a good experi-

ence. Agritourism is not for all farmers."

A vital aspect for any business, risk management is equally important for agritourism operators, Bruch notes. "We encourage farmers to talk with their insurance agents and there may be some liability insurance to look at. They may talk with their attorney or accountants about different business structure options that would be a helpful risk management tool," she said.

A new law enacted in July 2009 provides liability protection to agritourism professionals in the

state. The law asserts that there are certain risks that are inherent with being on a farm and participants accept the risk when they go there. "Certain eligibility requirements such as putting up signs that indicate that there are risks, have to be fulfilled for farmers to be covered under that law," said Bruch. "Farmers' business is on their farm, which in many cases is

actually their home, and they have a fair investment in protecting that."

The concept of heritage is vital to Ann Birdwell and her family at Still Hollow Farm, a Century farm in Greeneville. According to Birdwell, it's the sole reason why her family hosts agritourism events there. Having grown up on the farm, where her family

raises feeder cattle, sweet corn and other vegetables, Birdwell hopes to introduce her grandchildren to farming. She and her family also use their farm to participate in community events along with weddings, reunions and other activities. The farm is celebrating its annual Fall-A-Fair for two weekends in October with all proceeds going to the Nathanael Greene Museum to help promote ongoing heritage programs. The family also hosts a Revolutionary era encampment where visitors learn more about farming methods from the past. At one time, tobacco crops were grown there, so a University of Tennessee experiment station is onsite to study that industry. Birdwell is busy preparing for an upcoming wedding at the farm in November.

"It's the simplicity of outdoors that is so attractive," she said. "I hear the bride's photographer is 'chomping at the bit' to take pictures because our creek is such a pretty venue." Birdwell is also dabbling with a new enterprise, selling cut flowers, and she would like to host more corporate events at Still Hollow. "I am so thankful to the state for the Tennessee Cost Share Program," Birdwell said. "It has helped us to continue on in agritourism."

The Tennessee Agricultural Enhancement Program (TAEP) is a state funded program to increase farm income in Tennessee by helping farmers invest in better farming practices and by encouraging diversification and innovation. Through TAEP, the farmers can qualify for 35 or 50 percent cost share ranging from a maxi-



Photo courtesy of Rose Ann Donnell

mum of \$1,200 to \$15,000 on a variety of projects.

"What I see (through the cost share program) is that farmers are building storage for hay bales and livestock facilities. They are required to go to meetings to learn better techniques, which means better products, better livestock. Agritourism is promoting agriculture and helping to stimulate the economy too," said Rose Ann Donnell, of Donnell Century Farm in Jackson. Rose Ann and her husband, Billy Donnell, raise Angus beef cattle and other crops at their 175 year-old-farm. The Donnells view their six-year agritourism venture as a way to educate the public about farming. Many of their clientele are school children on field trips.

"I have a passion for people to understand the importance of agriculture to their lives and understand where their food comes from," said Donnell, who with the help of her husband, established and devotes her time to the agritourism project while her husband farms. "I dearly love children and enjoy them coming, and seeing families have a great time with wholesome fun that's all agriculture."

At the Donnell farm, children pedal tractors, visit the windmill and grain bin and traverse concrete sidewalks leading to the brightly colored storage buildings built to resemble barns. There, they learn to pick apples, gather eggs, and discover that paper money is actually 75 percent cotton and 25 percent linen. There's a goat ramp, turkeys, rabbits, and miniature goats.

"After the children see the ani-



Families take a covered wagon hayride out to the pumpkin patch at Oakes farm in Corryton.



Noted for having the largest petting farm in Tennessee, the corn maze at Lucky Ladd Farms in Eagleville is also truly unique because it's planted with sorghum, which is drought tolerant and harder than corn stalks. The farm is the first in Tennessee to offer a cornless maze.

marketing specialist, Center for Profitable Agriculture, a partnership between the University of Tennessee and the Tennessee Farm Bureau. "People are not only interested in who produced their food, but in getting to know the farmer who produced it."

The Center along with the Department of Agriculture, work as valuable resources for



At Donnell Century Farms, children have fun using florescent soap to learn about proper hand washing after handling farm animals.

farmers as they enter new, creative and sometimes daunting territory. "Our office provides educational publications that help people in developing a business plan," said Bruch. "We also set plans for individual assistance for farmers who have an idea and are trying to analyze or determine if there is market potential."

As farmers brush up their marketing skills, many are using cyberspace to promote their venues creating sophisticated web sites with slide shows and Facebook pages. The 2007 Census found that 57 percent of all farmers have Internet access, up from 50 percent in 2002. And for the first time, the Census looked at high-speed Internet access discovering that of producers accessing the internet, 58 percent reported having a high-speed connection.

"The farms that we work with are doing a lot of work in marketing as they try to grow their business, add new attractions or improve upon what they're already doing," Bruch said. "It takes a lot of time and effort and skills in management, marketing and customer service."

Ken Oakes of Corryton can attest to that. Recipients of the 2001 "Farmer of the Year" award for Knox County, the Oakes family farm, after years of growing tobacco and raising beef cattle, began growing daylilies, a hobby which has grown into a successful nationwide mail-order nursery. Ten years ago, brothers-in-law and UT graduates Oakes and David Black started a sideline agritourism venture with a pumpkin patch and corn maze. As the project



A couple enjoys a country wedding at Still Hollow Farm in Greeneville .

Agritourism Resources for Tennessee farmers

The Tennessee Department of Agriculture offers educational and marketing resources for established or developing agritourism operations. TDA holds workshops and an annual conference focusing on marketing, safety and other important issues.

The 2011Agritourism Conference Jan. 12-13 at Pickwick Landing State park. For more information, call the Tennessee Department of Agriculture, Market Development Division at 615-837-5160.

The Pick Tennessee Products campaign and website are valuable, free marketing tools. Visit www.picktnproducts.org.

Visit the **Tennessee Agritourism Association** website for information and resources www.visittnfarms.com



The 2010 Agritourism in Action Bus Tour is set for Jan. 12-13 at Pickwick Landing State Park. For More information, e-mail Pamela Bartholomew, the Department of Agriculture, pamela.bartholomew@tn.gov or call 615-837-5160 or Megan Bruch, Center for Profitable Agriculture, mlbruch@utk.edu or call 931-486-2777.