

While Tennessee's community
See **COLLEGE** on Page 3

NEWS ACROSS TENNESSEE



BY TML STAFF REPORTS

BAXTER

The groundbreaking for the much-anticipated Historic Welcome Center/Depot in Baxter is unlikely to happen soon. Snags in the required paperwork and procedures have delayed the originally slated time frame of groundbreaking in September. “The delay at this point is agreement on the terms of the lease with the Nashville and Eastern Railroad Corporation,” said Mayor Jeff Wilhite, who also serves as the construction committee chairman for the project. “The appropriate time to do the official groundbreaking ceremony would be after a construction contract is awarded and TDOT gives the notice to proceed with construction,” Wilhite said.

BRENTWOOD

Windsor Health Plans is planning to add 200 new jobs over the next few years through a consolidation of its parent’s U.S. Medicare Advantage plan operations here. Windsor will be the operations hub for owner Munich Re’s Medicare Advantage plans across multiple U.S. states, including those that previously had been managed by Sterling Health. Bellingham, Wash.,-based Windsor, has 288 employees at its headquarters in Brentwood and at another office and call center in Nashville.

CHATTANOOGA

The globally broadcast television show “Music Voyager” will be in Chattanooga shooting segments for one of three episodes called “Music Highway Tennessee” featuring music in cities across the state. Music Voyager” is broadcast in 140 countries, in 33 languages, as well as on “in-flight” broadcasts. In its third season, “Music Voyager” airs on Create TV and PBS in North America. The program will feature sights and sounds from across the Tennessee Valley including Lookout Mountain, downtown, and the riverfront—with a special feature at Friends of the Festival’s Riverfront Nights with the Bluegrass band Yarn along with local musicians Dan Landrum and Matt Downer.

CHATTANOOGA

Outside magazine, America’s leading active-lifestyle publication, has selected Chattanooga as the winner in its search to determine the best Outside town in America, following a three-week competition held on Facebook. Outside scoured the nation to find cities that offered a balance of great culture, perfect scenery, stress-free and reasonable cost of living, and easy access to the outdoors. Chattanooga came out on top, receiving the official honor of Outside’s “Best Towns Ever” and is featured on the October 2011 magazine cover. Chattanooga will be also be featured in an exclusive segment on Outside Television.

CLARKSVILLE

Nashville State Community College will be building a major off-site campus in Clarksville. The campus will be located at the former Saturn dealership on Wilma Rudolph Boulevard. The new location is a partnership between Austin Peay, Tennessee Tech Center and Nashville State Community College. Classes will focus largely on computer science, with many students expected to transfer to Austin Peay. More than 2,000 students are expected to enroll when applications start being accepted next August. Renovations to the building start in November.

FRANKLIN

The city’s noise laws have been overhauled with newer, more simplified regulations. The new laws limit “plainly audible” noise from 10 p.m. to 7 a.m. Sundays through Thursdays and 11 p.m. to 7 a.m. on Fridays and Saturdays. In the city’s mixed-use zones, which have homes and businesses, amplified sounds — such as music from live bands or played through stereo speakers — are banned when they are audible within 100 feet from the property line of a residence. Violations could result in a municipal citation. Officers will carry micro-cassette recorders and will record the noise in question. Those tapes could be entered as evidence if suspected violators fight a noise violation charge in court.

GALLATIN

ABC Group Fuel Systems has decided to expand its current facility. The expansion represents a \$5 million investment by the company and will create 114 new jobs. ABC Group Fuel Systems is a Tier 1 manufacturer of plastic fuel tank systems and urea systems for automotive and non-automotive original equipment manufacturers (OEM). The company manufactures some 1.1 million multi-layer plastic fuel tank assemblies each year.

GRAY

A nearly \$2 million addition to the Gray Fossil Site, under construction for more than a year, is nearly ready for the public to use. The annex, which has been under construction since March 2010, is complete. A formal grand opening is planned for the middle of October. The new building will include a classroom area that will accommodate about 100 children, a multipurpose room that will seat about 200 people, a cafe, an observation deck for the dig sites and a weather station and solar power learning area.

KINGSPORT

C&F Group of Galway, Ireland, officially inked a deal to locate in Kingsport as part of a \$12.5 million investment that will create 450 new jobs over a four-year period. The new plant will be the company’s first location in the U.S. The company provides decorative and functional trim components in aluminum and steel racking for the data management industry, as well as small wind turbines. The Kingsport facility is located at 10388 Airport Parkway, in Northeast Tennessee Business Park, and will manufacture products for the three C&F Group divisions: automotive exterior trim components, data management and renewable energy industries. The C&F Group also operates locations in Ireland, Germany, Czech Republic, Philippines and China.

KINGSPORT

Eastman Chemical Company has entered into a definitive merger agreement to acquire Sterling Chemicals, Inc., a single site North American petrochemical producer, for \$100 million. The transaction includes Sterling’s plasticizer and acetic acid manufacturing assets in Texas City, TX. Eastman plans to modify and restart Sterling’s currently idled plasticizer manufacturing facility to produce non-phthalate plasticizers, including Eastman 168™ non-phthalate plasticizers.

KINGSPORT

The Kingsport Greenbelt received a \$650,000 federal boost, money that will go toward extending the 9-mile-long walking and biking trail across the old Rotherwood Bridge. The city

will receive a \$652,577 transportation enhancement grant to extend the Greenbelt from the confluence of the Holston River at Riverfront Park across the old Rotherwood Bridge and down Netherland Inn Road to Rotherwood Drive. The 1,200-foot addition will stretch under the Rotherwood Bridge and loop up the bank on both sides of the river. The total cost of the project is estimated to be \$815,712, with the remaining \$163,135 coming from Kingsport.

KINGSTON

JR Global Manufacturing Inc. has decided to build a new manufacturing facility on Gallaher Road. The 5,000 square-foot building will be home to phase one of the company’s new headquarters. The Owens family, who are Kingston residents, were joined by local business and government leaders for a groundbreaking at the site.

LAVERGNE

The city has made a national list as one of the most affordable places to live in the country. Money magazine ranked La Vergne 13th in the Top 25 cities. Relatively low home prices and high wages combined with outdoor recreation and high performing schools helped secure La Vergne’s position near the top.

LAVERGNE

Wonton Foods has purchased a building in LaVergne for a manufacturing and distribution center that will employ 75 workers. Wonton bills itself as the country’s largest manufacturer of noodles and fortune cookies. The 184,000-square foot building, bought for \$3.6 million, is in the Interchange City Industrial Park south of Nashville off Interstate 24.

LINDEN

NYX, Inc., a Michigan-based automotive supplier, is planning a \$23 million manufacturing facility to produce injection molded plastics for a wide variety of automotive manufacturers beginning in early 2012. The company, which also owns Bates, LLC, an existing automotive manufacturing facility in Lobelville, will create 400 jobs over a five-year period.

MEMPHIS

The city has launched a \$23.5 million traffic signal project to help reduce congestion and air pollution. Funded entirely with money from the federal Congestion Mitigation Air Quality program, 334 existing traffic signals will be linked on major thoroughfares. With the synchronized traffic lights, motorists traveling at the speed limit or below should be able to travel through a progression of intersections without hitting a red light. City officials note the entire project should be completed in two to three years.

MT. PLEASANT

Sekisui Plastics officials to announce the company’s decision to locate a second manufacturing facility in Mt. Pleasant. The Japan-based company will invest \$3 million and create 25 new jobs over a four year period. The company will produce foamed plastics primarily used in automotive safety components. Headquartered in Tokyo, Sekisui Plastics produces foamed plastics for the transportation, electrical appliance and information technology industries.

NASHVILLE

The Metro School Board unanimously passed the balanced calendar two for the 2012-2013 school year. Under the balanced calendar two, the first day of school would be Aug. 1. There would be 176 school days with a break approximately every nine weeks. It also includes an eight-week summer break. Along with starting school earlier, the balanced calendar sets aside eight days



The new *Volunteering In America* report, released by the federal Corporation for National and Community Service (CNCS), shows Nashville as the biggest gainer in volunteerism among large metropolitan areas — leapfrogging 19 places in the volunteer-rate rankings from 37 to 18. This is the highest jump of any city, achieved through the efforts of more than 400,000 dedicated residents who volunteered in some capacity last year. Pictured: Nashville’s volunteers help clean up local neighborhoods after the historic flood of 2010.

for intersession. Scheduled in October and March, those days are meant to provide students with enrichment and help others that are falling behind. The option does not require any additional costs. Under the balanced calendar approach, the 2012-13 school year will start on Aug. 1, the two-day fall break would be Oct. 11 and 12, and the first semester would end Dec. 19. Spring break would be March 25 to 29, 2012, and the school year would end May 24.

NASHVILLE

Nashville’s ethic of service recently received national recognition. The new *Volunteering In America* report, released by the federal Corporation for National and Community Service (CNCS), shows Nashville as the biggest gainer in volunteerism among large metropolitan areas — leapfrogging 19 places in the volunteer-rate rankings from 37 to 18. This is the highest jump of any city, which was achieved through the efforts of more than 400,000 dedicated residents who volunteered in some capacity last year. Nashville’s volunteer retention rate — a critical indicator of whether participants saw their time as being well-spent — was also lauded, placing third in the nation.

NASHVILLE

For nearly five years, plans have been in the works for a regional black history museum in Nashville to showcase all aspects of black culture. However, the project’s direction has changed. Now, it will be a national museum focused solely on music, honoring contributions from greats like Mahalia Jackson and Louis Armstrong. The museum is expected to be completed in late 2013. Leaders say they’ve received \$10 million from the city, along with \$500,000 and the land donated by the state. It is anticipated that in the first three years, the museum will draw a \$66 million impact to the city.

PIGEONFORGE

The City Commission voted to approve amendments that would allow the consumption of beer or wine on restaurant patios. The commission also approved a measure to allow the sale of beer at the city’s planned events center.

SEVIERVILLE

The Board of Mayor and Aldermen voted to commit \$1.7 million for improvements to its water and sewer lines when the state expands the bridge where Highway 66 crosses the French Broad River. The bridge widening is part of the expansion of Highway 66 from four to six lanes, running from Interstate 40 to downtown Sevierville. The state is planning to complete the work in three phases. The final phase, connecting Boyds Creek Road and Douglas Dam, includes the bridge and is set to start this fall. The city will pay

any additional funds to install larger capacity lines or other work regarded as a non-necessity by the state. The funds will come from the water department and are included in the city’s budget.

SIGNAL MOUNTAIN

Owners of rental properties trying to collect long overdue water bills from former tenants has become a never-ending headache. The town is in the process of drawing up an agreement, which, if approved, would require property owners to be responsible for covering water bill costs, if the former tenants failed to do so. Under the agreement, new renters will not be connected until the previous bill is settled.

SMYRNA

Smyrna Airport was named “Airport of the Year” by The Tennessee Aeronautics Division for the way it “presents a quality image to the community, operates at the highest standards, is aggressive in marketing and community activity and has long range planning goals.” The airport was also given the Red Carpet Award for customer service and facilities and Airport Management of the Year.

SPRINGFIELD

An expansion is planned for Electrolux, bringing new jobs and space. The company will add 70 engineers and technicians and build a 21,000-square-foot, three story addition. The development project includes a state grant for \$200,000 for improvements and a new industrial access road to accommodate business growth.

SPRING HILL

TRG Customer Solutions, a leading global business process outsourcing provider of customer management solutions and technologies, celebrated the launch of its new contact center facility in Spring Hill. TRG has operations in seven countries worldwide and this will be the company’s first site in the state. The new facility will initially provide complex Tier 1 and Tier 2 technical support and provide services to multiple clients from this site. Located at the Workforce Development and Conference Center at Northfield on 100 Saturn Parkway, in Spring Hill, the 50,000 square foot facility will house more than 300 customer care representatives.

SOUTH PITTSBURG


After more than a decade of efforts by the South Pittsburg Historic Preservation Society, private donors and city government, the Princess Theatre opened its doors to the public for the first time since the 1980s. The price tag for the reclamation was around \$1.3 million. Officials said the city’s payments on the loan to complete the theater are covered in the budget.



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Tennessee’s College act emphasizes preparation, connection, rewards

COLLEGE from Page 1

colleges will continue to offer remedial and developmental instruction and public universities may continue to enter into agreements with community colleges to offer developmental instruction to their students who need it. The structure will be more in line with students’ interests and normal course work, which could be beneficial to Tennessee’s growing segment of non-traditional students. The number of non-traditional students across the nation, ranges from one-third to one-half of all college students.

Non-traditional students are often adult students entering college or trade school for the first time, after a number of years in the work force. Other students may be struggling with severe financial challenges or could be a first generation college student, lacking a knowledgeable support system from other family members. Many non-traditional students, particularly those who have been out of the educational system for a number of years, find out through a college entry exam that they are unprepared for college course work in one or more subjects. In the past, these students were required by the institution to pass one or more remedial courses successfully before proceeding to college level work in those subjects.

Remedial courses do not count toward college credit, and depending upon how many are needed, can be costly and quite time consuming. According to data from the TBR, only 46 percent of full-time students at four-year universities graduate within six years and only 12 percent of full-time community college students attain associate degrees within three years.

“Recognizing that many students enter college in situations such as this, placement into developmental instruction at Board of Regents institutions has become more skill-based and less course-based,” said Richard Rhoda, executive director of the Tennessee Higher Education Commission. “By this, we mean that placement now focuses on an individual student’s actual skill gaps so that these are targeted more efficiently, enabling the student to move into college-level coursework in accelerated fashion.”

According to Rhoda, today’s skill gaps are likely to be addressed in instructional modules tied to credit-bearing courses, rather than in an entire remedial course as in the past. The modules often are offered or aided by computer-based instruction. Students may also choose courses that satisfy their general education requirements, playing to their strengths or academic interests. For example, students who do not wish to take Algebraic & Trigonometric Functions may choose a course such as Statistics & Probability or Logic, Problem Solving, & Geometry.

In the article “States ask colleges to perform for money,” Ben Wiedler, *Stateline* staff writer, suggests the existence of a parallel line between outcome-based funding and No Child Left Behind, as he writes, “The last couple of years have shown evidence in elementary and secondary education of the potential perils of linking major chunks of funding to attaining particular benchmarks.” Under CCTA, benchmarks are not part of the formula at Tennessee’s colleges and universities. Rather, the schools receive credits each time a student achieves one of 10 measures. Then, the numbers are weighted according to the educational mission of the school, which will be distinctly unique, according to Rhoda. “UT Martin is a primarily undergraduate institution with little research activity and no doctoral degrees,” he explains. “In contrast, UT Knoxville is the state’s most complex research institution with an extensive array of graduate programs. These weights reflect the fact that UTM is an access oriented, undergraduate institution whose primary focus is on student retention and bachelors degree completion. UTK, however, places emphasis on its graduation rate, research activity, as well as graduate degree programs.”

The plan also provides extra points to schools that take on at-risk and non-traditional students, a component Wiedler warns could raise ethical concerns, as faculty faced with producing degrees from this particular demographic of students, may trend toward lowering academic standards to meet the mark. It is an assertion Rhoda vehemently

disagrees with.

“The most effective safeguard against widespread lowering of standards is the Performance Funding or Quality Assurance program,” he said. “This component of the outcomes formula measures quality across a range of metrics such as licensure pass rates, student satisfaction and program accreditation which would provide a clear signal if program quality were beginning to erode.”

In addition, Rhoda adds, “there is a high level of trust in the integrity and professionalism of Tennessee faculty; we simply do not believe that large numbers of faculty members would intentionally lower their standards in an effort to dramatically increase the number of degrees.”

At the TML Legislative Conference last spring, Rhoda encouraged city officials to support and initiate measures in their communities to drive increases in the educational attainment of their citizens. “This is about jobs in your counties, cities, and towns,” he said. “It is about better educated citizens, with more and better options and opportunities.”

Cities can be very important partners with higher education and business in helping facilitate the CCTA, according to Rhoda. “By partnering with local business, higher education, and workforce development, leaders may look at the data and identify the barriers to successful postsecondary participation by traditional and adult students in their communities. “A community can then decide how – through the pooling of resources – it can take productive steps to make postsecondary education more accessible to those who want to pursue it,” Rhoda said.

In Kingsport, the Higher Education Program serves as a model of what cities can do to improve the quality of life for residents through promoting increased educational attainment. The program started with a K-14 education initiative that funds postsecondary education for qualified students from the city and Sullivan County. Coupled with the Academic Village, where local entities could invest in the creation of their future workforce, local businesses and educational institutions partnered with Kingsport to train a skilled workforce for the area. The Kingsport Higher Education Program is the winner of the 2009 Innovations in American Government Award from Harvard.

Cities and counties may also develop a college access program, affiliated with tnAchieves, to reach out to students with academic ability who would not otherwise attend a postsecondary institution. tnAchieves is a statewide network of college access programs serving communities in more than 20 counties. Affiliated programs are characterized by city or county leadership; a college mentor corps that monitors students’ progress and provides “intrusive” advising (academic, admissions, financial, and career) throughout high school; along with “last dollar” college scholarships. The scholarships, funded by city or county government, local businesses, and private donors, fill the gap between college tuition and student resources after all other grant and scholarship aid has been applied. “It is only by reaching out to low-income, first generation, and returning adult students that the degree attainment goals envisioned by the CCTA can be achieved,” said Rhoda.

In Jackson, the Southwest Tennessee Regional Economic Development District’s Regional Economic Development Initiative (REDI), stands out as one of the larger regional college access initiatives. It is a 12-county collaboration that provides mentors to help high school seniors and non-traditional students prepare for the college application and financial aid process. The District received the “2010 Innovation Award” from the National Association of Development Organizations Research Foundation. REDI is the only program in Tennessee to have received this distinction.

The cities of Chattanooga,



Non-traditional students comprise one-third to one-half of all college students nationally.



Knoxville, Nashville and Memphis are all competing for the Talent Dividend Prize, a joint effort of CEOs for cities, the Kresge Foundation, and Lumina Foundation for Education.

The prize will award \$1 million to the city that exhibits the greatest increase in the number of postsecondary degrees granted per one thousand population over a four-year period. Efforts are being developed that are community-specific and partnership-focused to answer the question, “what can we do to raise educational attainment in our city?”

Added benefits include problem-solving and initiatives developed out of the conversations and data-sharing between higher education, city government, the business community, local workforce and economic development officials, and college access groups.

For more information about the Complete College Tennessee Act, visit www.state.tn.us/the/complete_college_tn/complete_college_tn.html

Details of Jobs Act unveiled

BY JOHN GRAMLICH
Stateline Staff Writer

President Obama laid out the details of the \$447 billion American Jobs Act on Sept. 12 — including how he intends to pay for it — as he sought to drum up support for the legislation in all 50 states.

While Obama hit the road to take his case directly to the voters, the White House issued a new analysis of what the bill would do for residents of each state.

In Tennessee, for example, the legislation would deliver a \$1,270 tax cut to the average household; benefit 100,000 Tennessee businesses by lowering payroll taxes; help 130,000 of the state’s long-term unemployed stay afloat; and pump billions of dollars into school construction, transportation and other projects, putting tens of thousands of teachers, first responders and laborers back to work.

The White House is hoping that specific, state-by-state numbers will drive support for the jobs act. Despite the administration’s promotion efforts, there were fresh signs on Capitol Hill that key aspects of the plan would face determined

opposition. Obama announced he would pay for the legislation with higher taxes on wealthy families and others, a proposal that House Republicans swiftly criticized.

NLC calls on Congress to pass plan

NLC supports the plan and called it “a sensible approach to creating jobs right now, while establishing the building blocks necessary for greater long-term growth. The President’s proposal deserves action by Congress right away, and America’s cities and towns will support efforts to ensure that happens.”

Specifically, NLC reports that the bill will provide tax cuts for small businesses and a greater tax cut for small businesses that hire new employees; \$30 billion for teachers; \$5 billion for first responders; \$50 billion in TIGER and TIFIA funds; \$30 billion for school modification; \$15 billion for Project Rebuild; \$5 billion for Pathways Back to Work; and \$10 billion for a national infrastructure bank.

For more specific details of how the President’s Jobs Act will impact Tennessee, go to http://www.whitehouse.gov/sites/default/files/THE_AMERICAN_JOBS_ACT_Impact_TN.pdf

TML Policy Committee to meet in Nashville Oct. 19

Submission deadline Sept. 22

TML Policy Committee will meet Oct. 19 at 10 a.m. in the TML building located at 226 Capitol Boulevard in Nashville. The Policy Committee marks the first step in the process that leads to the development of TML’s legislative initiatives for the second session of the 107th General Assembly that convenes at noon on Jan. 10, 2012.

Registration

A “TML Policy Committee Registration Form” has already been emailed to city officials. It must be completed and returned for those who are interested in participating. Registration is also available online at <http://www.surveymonkey.com/s/RWJZCLC>.

Submissions

The policy committee affords you an opportunity to present your idea(s) for consideration by other local government officials from across the state. All ideas are welcome; however, the League encourages initiatives with broad appeal that may benefit many cities.

Submitting Initiatives

Only those initiatives sponsored by a city/town and submitted, in

writing, to TML by Sept. 22 will be considered by the Policy Committees. Each submission must include a summary of the problem, a description of the proposed remedy, and a statement of the anticipated benefits to municipalities pursuing the proposed action. A “Proposed Legislative Initiative Form” can be accessed on line at <http://www.surveymonkey.com/s/RY7B87P>. **It must be submitted to TML by Sept. 22.**

Presenting Initiatives

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

For questions or additional information, contact the TML offices at 615-255-6416.

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PEOPLE IN THE NEWS

BY TML STAFF REPORTS

Howard Gentry, former Metro Nashville vice mayor, was sworn into office to fill the unexpired term of former Metro clerk David Torrence, who recently resigned. The Metro Nashville Council chose Gentry to replace Torrence on Aug. 16.



Gentry

TDOT's Chief Engineer **Paul Degges**, P.E., has been promoted to Deputy Commissioner. Degges, who has been with TDOT 24 years, will continue to serve in his role as Chief Engineer for the Department.



Degges

John Dreyzehner will serve as Tennessee's next Commissioner of Health. Originally from Abingdon, Va., he worked there as the director of the Cumberland Plateau Health District since 2002. He also spent two years working as acting director of the health district, and serves as Chairman of the Board for One Care of Southwest VA., Inc., a nonprofit consortium of health care agencies focusing on substance abuse issues in the region.



Dreyzehner

Tennessee Economic and Community Development Commissioner **Bill Haggerty** was named as Chairman of the Board for the Tennessee Technology Development Corporation (TTDC). TTDC is a legislatively created, non-profit organization created to encourage science and technology business development in the

state. TTDC works in partnership with the Tennessee Department of Economic and Community Development and is funded under an agreement with the state. Designed to improve the statewide business climate for innovation and entrepreneurship, TTDC serves as a complement to ongoing business recruitment and expansion efforts of state and local officials.



Haggerty

J.C. McLin, the second African-American to sit on Tennessee's Court of Criminal Appeals, has died after a bout with cancer. He was 64. McLin was an attorney for 25 years before beginning his judicial career in 2000 as a Shelby County criminal court judge. He was appointed in 2004 to the criminal appeals court.



McLin

Cleveland Fire Chief **Chuck Atchley** is retiring Nov. 1. Atchley will have served the city for 30 years and has been chief since Feb. 2006.



Atchley

Davidson County Circuit Court Judge **Barbara Haynes** will retire after 29 years on the bench. Haynes will step down Nov. 15. She began her judicial career in 1982 as a Davidson County General Sessions court judge. In 1990, she was elected to the Circuit Court judge in the 20th Judicial District. In 1987, former Gov. Lamar Alexander appointed her chair of the Tennessee Sentencing Commission, a position she held until 1994.



Haynes

Franklin Mayor, Dr. **Ken Moore** was named to the Executive Committee of the Middle Tennessee Mayors Caucus. The executive committee is responsible for developing the overall work program; identifying issues to be addressed by the general membership; setting the agenda and dates for general membership meetings; serving as nominating committee for the Caucus Chair and Vice-Chair(s).



Moore

Richard Smith, a former drug task force officer, will lead Portland's police department as its new chief. Smith, who has been the assistant chief for nine years, brings 27 years of law enforcement and five years of managerial experience to the department.



Smith

Lane Curlee was sworn in as Tullahoma's new mayor. Curlee has served three previous Tullahoma mayoral terms, last holding the position in 2002. He later served one term as a city alderman. Curlee also served in the Tennessee General Assembly from 1984 to 1992.



Curlee

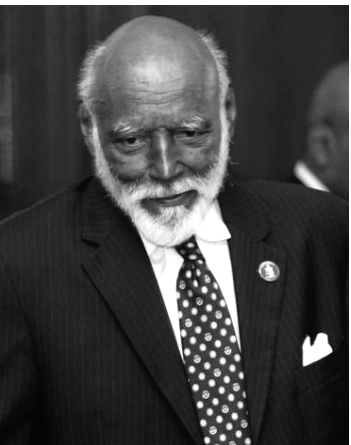
Union City Police Chief **Joe Garner** has been named 2011-12 president of the Tennessee Association of Chiefs of Police. Garner previously served as first vice president, second vice president and chairman of the TACP's Homeland Security Committee. He has been with the Union City Police Department for 32 years — 18 as police chief.

State bids farewell to a legend, Justice A.A. Birch

A popular trailblazer on the Tennessee Supreme Court has passed away from cancer at the age of 78. Adolpho A. Birch, the first African American Chief Justice and the only Tennessean to serve on every judicial level in our legal system, leaves behind a prolific legacy. A cherished role model and mentor to countless colleagues, legislators and friends, Birch became a tireless advocate for justice throughout the state.

The son of a preacher father and a schoolteacher mother, Birch was born and reared in Washington, D.C. Determined at a young age to become a lawyer to correct the wrongs of racism and segregation, he received his bachelor's and law degree from Howard University in Washington and began practicing law in Nashville from 1958 to 1966. Birch became known as a hard-line, but fair public defender and assistant district attorney general.

Blazing new judicial trails in 1969 when he became a Davidson County General Sessions judge, Birch ascended to the Criminal Court in 1978, the Court of Criminal Appeals in 1987, and on to the state Supreme Court in 1993, where he was appointed by Gov. Ned McWherter. In downtown Nashville, the city honored Birch in 2006



Birch

by naming its new criminal courts building after him. He retired that same year in August.

As a consistent challenger of death sentences in Tennessee, Birch repeatedly declined to uphold executions, arguing that Tennessee lacked an adequate "proportionality review" of whether death sentences are handed down fairly and consistently. In 2005, Birch won the National Bar Association's highest honor, the William H. Hastie Award.

Birch was eulogized at Nashville's War Memorial Auditorium. In addition to his son, Adolpho A. Birch III, he is survived by his twin daughters Andrea Birch and Angela Birch Cox, and four grandchildren.

Dennis Wolf aboard as new MTAS Fire Management Consultant

After serving 35 years with the Germantown Fire Department, 16 as chief, Dennis Wolf has retired in order to embark on a new mission—statewide fire consultant for the Municipal Technical Advisory Service (MTAS). Beginning his career at the tender age of 18, Wolf, 55, volunteered with the Shelby County Fire Department, then served as a volunteer firefighter with the Germantown FD. Germantown hired Wolf full-time in 1977, and by 1995, he was acting chief.

Wolf received the 2010 Fire Chief of the Year award bestowed by the Tennessee Fire Chiefs Association due to his many contributions to fire service in Tennessee. His leadership and involvement were instrumental in the development of the state's first Fire Service Emergency Response Plan, a statewide mutual aid response plan for the Tennessee fire service. Under the plan, a database of fire department resources and a network of coordinators are available to provide emergency resources to other departments across the state in cases of man-made or natural disasters.

While representing Tennessee as president of the Tennessee Fire Chiefs Association, Wolf also created the mutual aid committee in response to the Intrastate Mutual Aid System initiative of the International Association of Fire Chiefs. The committee created a draft plan that was adopted by the Fire Chiefs Association's Board of Directors.

Wolf served as secretary for the Tennessee Alliance for Drug Endangered Children, a collaborative statewide multi-disciplinary ef-



Wolf

fort to prevent drug related harm to children and rescue, defend, shelter and support Tennessee's children who suffer physical and psychological harm caused by the manufacture, distribution, sale and use of illegal drugs, and abuse of prescription drugs and alcohol. His other accomplishments include: achieving accreditation as a Chief Medical Officer (CMO) through the Center for Public Safety Excellence along with holding personal accreditation as a Chief Fire Officer (CFO), and personal accreditation from the Institution of Fire Engineers.

"Dennis is a tremendous professional and continues the tradition of quality consultants with this organization," said Steve Thompson, MTAS executive director.

In his new job, which began Aug. 1, Wolf will be stationed in the West Tennessee regional office. He will also travel across the state to provide management and technical assistance to Tennessee's 275 full-time and volunteer fire departments.

MTAS Says "So Long" to Dick Phebus

After some 36 years of traveling across the state of Tennessee providing consulting services to local governments, Dick Phebus has decided to retire from MTAS. Since 1985, Phebus has worked with MTAS assisting approximately 60 cities in West Tennessee with finance and accounting issues. Prior to that, he served as a field consultant and assistant director for the UT County Technical Assistance Service (CTAS) from 1973 to 1983. During time away from the university, he served as controller for a precious metals corporation in Fort Collins, Colo.

Phebus has enjoyed a varied career. He received his education from Vanderbilt University, graduating in 1972 with both a bachelor's and master's in engineering. He worked for the Tennessee Department of Transportation in its engineering division prior to joining CTAS as a highway consultant. Post graduate education enabled him to sit for and pass the Certified

Public Accountant examination. From that point forward, his interests have been in finance and accounting.

In addition to consulting, Phebus has authored various MTAS publications and resource materials over the years. More recently, he played a pivotal role in the development and delivery of the TN Comptroller of the Treasury's ongoing Certified Municipal Finance Officer program. In acknowledgement of his contributions to the program, Phebus was awarded the first honorary CMFO certificate by the comptroller's office. During his tenure with MTAS, he has served on the boards of the Tennessee Government Finance Officers Association and the Local Government Corporation.

"Dick Phebus has served on the board of directors for Local Government Corporation for more than 12 years as a board member and chairman of the finance committee," said Mickey Wilson, president of Local



Phebus

Government Corporation. "During that time he served municipalities with a high level of integrity and support. He was a great asset to the University of Tennessee, the Local Government Corporation and Tennessee municipalities. That service will be missed." Phebus leaves MTAS to take the position of assistant finance director in Bartlett.

Good Risk Management is just Good Management



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

The Pool insures:

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



STATE BRIEFS

BY TML STAFF REPORTS

State funds plant projects

The State Building Commission signed off on \$346.2 million in state taxpayer funding to help build two large industrial plants in Clarksville and Cleveland, plus \$7 million for the Port of Cates Landing on the Mississippi River in Lake County. The \$245.9 million in total state funding for the \$1.2 billion Hemlock Semiconductor plant in Clarksville and \$100.3 million for the \$1.1 billion Wacker Chemie polysilicon production plant in Cleveland — plus a previously approved \$100 million for a new Electrolux plant in Memphis — represent the first time state government has spent money on the actual construction and equipping of plants. The projects, previously approved by the legislature, include a combination of current tax revenue and state bonds, to be repaid by general taxpayer revenue. The new \$26.2 million Cates Landing river port under construction near Tiptonville is funded by the \$7 million from the state, \$13 million from the federal government and \$6.2 million in local funds.

TDOT grant for Gray’s Fossil Site

An award of a \$145,026 transportation enhancement grant to East Tennessee State University will go toward the Miocene Habitat at the Gray Fossil Site Visitor Center in Washington County. The project includes outdoor enhancements to the visitor center, such as a welcome sign, signage for self-guided tours, landscaping, irrigation, picnic shelters, art, and ADA accessibility. This project represents the completion of the grounds and visitor amenities for the visitor center. The grant is made possible through a federally funded program administered by TDOT.

TVA to put reactor up for bid

For the first time, the Tennessee Valley Authority wants to put one of its nuclear reactors up for bids. The utility plans to then lease and operate Watts Bar Unit 2 in Tennessee and use investors’ money to fund construction of a reactor the utility plans to start building in 2013 at the mothballed Bellefonte plant in Alabama. Although a first for TVA, its executives say such lease-sale arrangements are not uncommon for utilities. TVA President and CEO Tom Kilgore said the utility would still control everything about operations and safety. TVA also plans to sell its new John Sevier combined cycle gas plant to help pay the \$4.8 billion cost of finishing the 37-year-old Bellefonte plant. The lease-sale approach provides TVA money without adding to its debt.

TSLA receives Wadsworth letters

For the first time, the Tennessee State Library and Archives in Nashville has a collection of letters from white officers who led black troops during the Civil War. The collection is “Brother Charles: Letters Home to Michigan,” correspondence of the Wadsworth Brothers. It is writings by two white members of the 16th U.S. Colored Infantry, which was encamped in Clarksville from 1863 to 1865. The two left their studies at Oberlin College to enlist in the Union Army. The collection discusses the inspiration for why some white officers wanted to educate and prepare

formerly enslaved blacks for citizenship and enfranchisement. The library staff received digital copies of the correspondence while searching statewide for Civil War-era documents and artifacts.

Highway projects receive grants

More than \$7 million in grants have been awarded in Tennessee to fund several highway-related projects, including the widening of Interstate 65 in Nashville to accommodate high-volume traffic. According to the grant details, the cost of the I-65 project is \$3.75 million, making it the most costly project planned. Other projects across the state include: extending the Tennessee Riverwalk from Chattanooga’s downtown to the base of Lookout Mountain and the St. Elmo community with a lighted and landscaped walkway; providing a comprehensive commercial drivers license training course, and constructing a rest area shelter, and installing markers at Cherochala Skyway Scenic Byway. The Federal Highway Administration awarded the grant money.

State leases cars in pilot program

Tennessee has launched a \$65 million pilot program meant to cut driving costs for state workers by leasing up to 500 cars from a vehicle-leasing firm. The state has signed a three-year contract with Mears Motor Leasing, a division of Bancorp Inc., to lease 500 Ford Fusion sedans for use by child welfare agents, inspectors and other state employees. Officials estimate it will cost the state about 33 cents a mile, including leasing costs, maintenance and gasoline. Tennessee reimburses state workers 47 cents for each mile they drive while using their personal cars for business, and if the program succeeds, the state could shift more workers to leased vehicles. The Department of Children’s Services, Department of Human Services, Department of Financial Institutions and Department of Commerce and Insurance are taking part in the pilot program.

TVA logs 25,000 energy audits

The Tennessee Valley Authority has logged 25,000 home energy evaluations since launching an in-home program in March 2009. TVA Vice President Bob Balzar said the steady growth in the program came because power distributors strongly supported it. Balzar said the recommendations from the audits help consumers save energy and also bring them up to \$500 in reimbursements when they make the recommended improvements. Balzar said the back-story is how the program, offered across the seven-state TVA service area, has stimulated local businesses as homeowners make the improvements. TVA estimates more than \$54 million in home energy efficiency improvements have been made in the last two years.

Heroin use on the rise

Law enforcement agents around Tennessee are bracing for a resurgence of heroin use as prescription drug users turn to the drug, fueled by users’ need for a low-cost alternative and dealers’ aggressive marketing techniques. Law enforcement agents said younger people and those with high incomes are among heroine’s users today. “What’s hap-

pened is the people who sell this product have made it appear safer, made it less expensive, and they give you the misconception that it’s less harmful if you smoke it,” said an addiction specialist at a drug and alcohol recovery center near Nashville. Heroin is a highly addictive drug cultivated from the opium poppy flower. In the U.S., it either comes from Asia or Mexico. A 2010 national drug threat analysis by the U.S. Department of Justice noted that authorities estimated that Mexican heroin production increased 342 percent from 2004-2008. Law enforcement officials say heroine dealers are savvy than most street pushers and have set up a business model aimed at maximizing profits, including selling it outside heroin addiction recovery centers.

Funds for Civil War Driving Trail

Gov. Haslam joined state and local officials to announce the award of a \$818,880 transportation enhancement grant to the Tennessee Department of Tourist Development for Phase III of the Civil War Driving Trail. The Civil War Driving Trail is a multi-phased program that has established a statewide network of directional and historical signage to be used in conjunction with the Tennessee Civil War map/guide and applicable map/guides developed by individual localities. The grant is made possible through a federally funded program administered by the Tennessee Department of Transportation. The Tennessee Civil War Trails program is both a freestanding, statewide program and a part of the existing 700-site, three-state Civil War Trails program which has been developed through similar grant funding. The project will encourage and reward local governments and private sector participants that establish, promote and maintain the program in their areas.

On-line job ads drop in August

Job openings posted online skidded this month in Tennessee, the Conference Board reported, continuing a decline that marked the end of the second quarter. The New York business organization said its Help Wanted Online gauge registered a drop of 2,700 online job ads in the state. The decline in Tennessee and nationally reflected the pullback in labor needs amid an economy that has slowed the pace of its recovery since the first quarter. The Conference Board said job vacancies online dropped 163,900 to nearly 4 million in August, coming on the heels of declines in June and July. Among the 10 occupation categories with the most online advertised vacancies, the only increase was found in demand for health care practitioners and medical-technical occupations.

Study on Race to the Top funds

A new study from the state comptroller’s office examines the way local school districts are spending their portion of Tennessee’s \$500 million award of federal Race to the Top funds. Every local district received a portion of the money, which was divided evenly between the state and the local agencies and is being distributed over four years. The report found the money being used for a wide variety of activities intended to improve the schools. Those include more than \$20 million for instructional coaches for teachers, another \$17.5 million for leadership training and \$16.9 million for incentive pay plans.



State and local officials recently joined Bedford County in celebrating the completion of the new Shelbyville Bypass (State Route 437). The \$14.8 million project creates a new transportation corridor on the east side of Shelbyville, and provides connection from US 41/State Route 16 to Highway 231. The Bypass was developed in order to provide improved access to industrial developments within Bedford County and an alternate route for commercial traffic. The project, which began in July of 2009, was funded through the American Recovery and Reinvestment Act. Cutting the ribbon are: former state representative Clarence “Pete” Phillips, Shelbyville Mayor Wallace Cartwright, State Rep. Pat Marsh, Transportation Commissioner John Schroer, Sen. Jim Tracy, Shelbyville City Manager Jay Johnson, and Bedford County Mayor Eugene Ray.

August state revenues up 7.65 % over last year

Tennessee revenue collections continued to show modest improvement in August. Finance and Administration Commissioner Mark Emkes reported that overall August revenues were \$806.6 million, which is 7.65% above August 2010 collections.

“August marks the 13th consecutive month in which total collections surpassed the budgeted estimates,” Emkes said. “This is good news, but nationally, leading economic indicators continue to indicate a very slow recovery is in progress. Coupled with the uncertainty surrounding resolution of the federal budget, it means we must continue to closely monitor our spending in the months ahead to keep the current budget balanced as we prepare for the up coming 2012-2013 budget.”

On an accrual basis, August is the first month in the 2011-2012 fiscal year.

August collections were \$19.2 million more than the budgeted estimate. The general fund was over collected by \$18.3 million and the four other funds were over collected by \$900,000.

Sales tax collections were \$5.3 million more than the estimate for August. The August growth rate was positive 5.09%.

Franchise and excise taxes combined were \$17.4 million above the budgeted estimate of \$16.5 million.

Gasoline and motor fuel collections decreased by 0.40% from August of 2010, but were \$1.5 million above the budgeted estimate of \$71.7 million.

Inheritance tax collections were \$1.1 million above the budgeted estimate.

Privilege tax collections were \$2.6 million less than the budgeted estimate of \$17.6 million

Tobacco tax collections for the month were under collected by \$2.1 million

All other taxes were under collected by a net of \$1.4 million.

The budgeted revenue estimates for 2011-2012 are based on the State Funding Board’s consensus recommendation of April 15 and adopted by the first session of the 107th General Assembly in May. They are available at <http://www.tn.gov/finance/bud/budget.html>.

Legislative redistricting plans posted on website

House Speaker Beth Harwell unveiled new information on the legislative website that is dedicated to the redistricting process in the Tennessee House of Representatives. Redistricting efforts in the House will now have its own portion on the legislative website at www.capitol.tn.gov/house/committees/ (Ad Hoc Committee on Redistricting).

“By putting this new information on the legislative website, we are striving for a more open and transparent process than ever before. There is information on each district, the population numbers from the census, the target population for each district, and the members of the House Ad Hoc Redistricting Com-

mittee,” said Speaker Harwell.

In addition to information on each district, redistricting guidelines, and current maps, the website will also feature a “comment line” Tennesseans can call to leave suggestions and input for committee members. In addition to a public meeting, the website is part of an ongoing effort to make the process more transparent.

“Redistricting is a long, complex process and it always generates a lot of interest,” said Speaker Harwell. “I encourage the public to visit the site and leave comments on the tip line. Government operates better when citizens are active and aware of the process,” she concluded.

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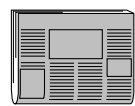
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CITY ADMINISTRATOR/RECORDER

ROCKWOOD. The city is accepting applications for the position of Municipal Administrator/ City Recorder. Minimum Qualifications include: a college degree and experience in municipal management, public administration, business administration, planning, or comparable experience. Must possess good written and verbal communications skills, computer proficiency, management skills, and grant administrator experience. Responsibilities include: budgets, personnel, oversight of daily city operations, liaison officer, Council agendas and minutes, public records, collection of taxes and revenues, city court, audits and managerial reports, compliance with state and local regulations duties of the Administrator and Recorder as listed in the Rockwood Municipal Code and Charter, and other duties as assigned. Salary dependent upon qualifications. Open until filled. Send letter of interest, salary requirements, and resume to: Tennessee Career Center, Job Order #: TN 5697800, 1802 N. Gateway Avenue, Rockwood, TN 37854

CITY PLANNER

LA VERGNE. The city is accepting applications for the position of City Planner. Position reports to the Engineering, Planning, Codes and Storm Water department director and will be responsible for assisting with the development and maintenance of all city planning programs including land use, retail and industrial development, etc. Salary: \$40,831 DOE/Q includes comprehensive medical (PPO), dental, vision benefits (city pays full premium), vacation, paid time off, sick time, STD, LTD, Life insurance. For full information, visit the city's website at www.LaVergneTN.gov.

LIBRARY DIRECTOR

SPRING HILL. The Spring Hill Public Library Public Library Board of Trustees seeks an experienced and energetic leader to direct this outstanding library. It has an active Friends of the Library organization, with a service population of approximately 32,000. Spring Hill is part of the larger Nashville metropolitan area. The director reports to a seven member Board of Trustees and is responsible for planning and directing the overall operations and management of the Library; implement-

ing the mission and goals of the Library as set by the Library Board; and functioning with a maximum degree of latitude for independent action within the scope of policy as set by the Board. Essential duties include: ensuring a high level of customer service; implementing strategic plan, goals and objectives; preparing annual budget for approval by the Board; directing the expenditure of Library funds; establishing and maintaining effective working relationships with various agencies and community groups; and effectively leading and supervising staff and volunteers. Qualifications: Minimum qualifications include three years of progressively responsible leadership; excellent interpersonal and communication skills; experience in providing sound fiscal planning and management, and thorough knowledge of current trends, technology, and best practices for organizational management. Preferred qualifications include a Master's Degree in Library Science from an ALA accredited program or its equivalent. Compensation: Beginning salary range between \$50,000 and \$65,000 depending on qualifications and experience. Benefit package including health insurance, retirement, vacation and sick leave. For a complete job description, visit www.springhilllibrary.org. Please send resume and contact information of three references by electronic submission in PDF or WORD format to Mr. Dana Deem at dana.deem@tennessee.edu. Submission deadline October 7, 2011. EOE.

PARKS & RECREATION DIRECTOR

JOHNSON CITY. The city is taking applications for an innovative and experienced Director of Parks and Recreation. The position is responsible for leading a staff of 63 employees and managing a \$3.42 million department budget. Candidates should possess strong interpersonal and communication skills; demonstrated leadership experience; extensive experience of a progressively responsible nature in organized parks and recreational activities. Bachelor's degree from an accredited college or university required. Send a confidential resume and application to City of Johnson City, Human Resources Department, P.O. Box 2150, Johnson City, TN 37605. Visit our website at www.johnsoncitytn.org to access an application, and view the full ad and job description. EOE

PUBLIC WORKS DIRECTOR

LA VERGNE. The city is seeking applicants for the position of Public

Works Director. The director reports to the City Administrator and will be responsible for every aspect of public works including streets, water and sewer departments as lights, street lights, chipper service, paving projects and other public works programs. Position is also responsible for fleet maintenance and chairs monthly safety meetings. Salary: \$44 - \$50K DOE/Q includes comprehensive medical (PPO), dental, vision benefits (city pays full premium), vacation, paid time off, sick time, STD, LTD, Life insurance. See full information at www.LaVergneTN.gov

PUBLIC WORKS DIRECTOR

MORRISTOWN. The city is seeking applicants for Public Works Director. The director supervises diverse public works functions including: construction, maintenance and operation of storm drains, streets, sidewalks, solid waste collection, traffic controls, sewer collection, sewer collection/treatment, engineering, equipment repair and building and grounds maintenance. Reviews the performance level of assigned operations for efficiency, effective operation, and service level and adjusts operations to effectively serve citizens. Reports to the city administrator. Bachelor's degree from a four-year college or university in Civil or Environmental Engineering, Public Administration, Business Administration, or related field; four or more years of related experience, or any combination of education, training, and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job. Salary DOQ; comprehensive benefit package offered, including TCRS pension. Applications will be accepted until position is filled, with interviews beginning in early September. Mail resume and cover letter to: City of Morristown, PO Box 1499, 100 W 1st North St.; Morristown, TN., 37816-1499, attn.: City Administrator. Information about the city can be obtained from the website at www.mymorristown.com.

WASTEWATER CLASS III OPERATOR

PORTLAND. The city has a full time position available at the Wastewater Treatment Plant for a licensed Class III Operator. An application and job description may be obtained from the city's website, www.cityofportlandtn.gov or from the receptionist at Portland City Hall, Mon. through Fri., 8 am to 4:30 pm. Completed applications must be returned no later than 4:30 PM on Friday, September 23, 2011, to: Office of the Mayor, Portland City Hall, 100 South Russell Street, Portland, Tennessee 37148. The City of Portland is EOE.

Making Great Cities Even Better



The town of Hollow Rock closed a \$50,000 capital outlay note with the Tennessee Municipal Bond Fund to be used for street paving. Pictured are: Vivan Grooms, city recorder; Mayor Tim Runions; and Tommy Green, TMBF representative.

Extension necessary for federal Transportation bill

TRANSPORTION from Page 1

ture and NLC urges Congress and the President to pass the full reauthorization during the term of the extension. A national commitment to infrastructure investment will employ hundreds of thousands of workers while improving the efficiency of the nation's transportation network."

Congress will only have four weeks to reach agreement on a short-term extension of the federal surface transportation bill before it expires on Sept. 30. The extension needs to continue the federal tax on fuel, which funds the national highway, bridge and transit program.

There have been some rumblings from anti-tax groups that they would oppose extension of the gas tax and let states raise their own transportation funds.

Sen. Thomas Coburn (R-Okla.) has announced his opposition to provisions contained in the current legislation that allow state and local governments to spend their trans-

portation allocation on bicycle and pedestrian pathways and hinted that he might filibuster the bill to prevent these provisions from passing.

NLC and others seek to avoid any policy changes in the short-term extension to ensure immediate passage and prevent any delay in distribution of badly needed federal transportation construction dollars. The real fear is that Congress will not be able to reach agreement and the federal fuel taxes that fund these vital transportation programs will expire.

The Senate Environment and Public Works Committee has announced it will mark up a four-month extension of the program.

Senate Democratic transportation leaders released a chart showing the number of job losses per state if an extension is not signed by Sept. 30 and federal construction dollars cannot be distributed to states and metropolitan areas. The chart shows more than a 1.6 million job loss.

FHWA eliminates deadlines to traffic sign regulations

SIGNS from Page 1

signs are among the series of deadlines eliminated under the amendment proposed today. The proposal would also eliminate deadlines for increasing the size of various traffic signs, such as 'Pass With Care' and 'One Way,' as well as warning signs, such as 'Low Clearance' and 'Advance Grade Crossing.' In-

stead, communities will be able to replace and upgrade these signs when they reach the end of their useful life.

The DOT has retained 12 deadlines for sign upgrades that are critical to public safety. These safety-critical sign upgrades include installing "ONE WAY" signs at intersections with divided highways or one-way streets and requiring STOP or YIELD signs to be added at all railroad crossings that don't have train-activated automatic gates or flashing lights.

Last November, FHWA published a request for comments in the Federal Register on deadlines and received almost 600 comments from highway agencies, state departments of transportation, other organizations, and private citizens. FHWA took these comments into consideration as it developed the Notice of Proposed Amendments. FHWA is also soliciting public comments for this proposed rule for the next 60 days, and comments should be directed to <http://www.gpo.access.gov/fr/>

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Summary of 2011 Public Acts that effects local governments

BY JOSH JONES
MTAS Legal Consultant

Alcoholic Beverages
Chapter No. 27 (HB0052/SB0087). Sellers of liquor or wine for on-premises consumption may also serve beer. Amends Tennessee Code Annotated Title 57, Chapters 4 and 5 by authorizing an establishment permitted to sell liquor or wine for on-premises consumption to also sell beer during any time that establishment may legally sell wine or liquor provided that the establishment has an appropriate local beer permit. Also states that hours for sale of beer within river resort district may not be less than hours for liquor by the drink.
Effective March 31, 2011

Chapter No. 213 (HB0853/SB1030). Direct shippers may ship wine to any in state address. Amends T.C.A. § 57-3-217 by authorizing any licensed direct shipper to ship wine to any address in the state, including an address within a jurisdiction that has not approved the sale of alcoholic beverages by local option referendum.
Effective May 20, 2011

Chapter No. 231 (HB0969/SB1337). Sunday beer sale hours applicable countywide unless resolution to the contrary passed. Amends T.C.A. § 57-4-203(d)(5) by providing that extended hours for sale of beer on Sunday applies countywide where a municipality approves liquor by the drink unless the county legislative body passes a resolution to the contrary by a two-thirds vote. *Effective May 20, 2011, and applicable to any jurisdiction where a municipal referendum was approved within the previous 12 months.*

Chapter No. 407 (HB0280/SB0601). Repeal of river resort status authorized by two-thirds vote. Amends T.C.A. § 67-6-103(a)(3) (F)(ii)(a) by authorizing a city or county that has elected river resort

status to repeal such status via a resolution or ordinance approved by a two thirds majority of the governing body.*Effective June 6, 2011*

Chapter No. 411 (HB1338/SB0730). Liquor by the drink authorized in unincorporated Shelby County. Amends T.C.A. § 57-4-107 by removing provision limiting sales of alcoholic beverages in unincorporated areas of a county with a charter form of government to situations where a local-option referendum to approve the sale of alcoholic beverages was limited to residents in the unincorporated areas.
Effective June 6, 2011

Chapter No. 447 (HB0985/SB1273). Special occasion licensing authority expanded. Amends Tennessee Code Annotated Title 57, Chapter 4, Part 1 by authorizing a charitable, nonprofit or political organization with a special occasion license to serve or sell wine, alcoholic beverages or beer within the boundaries of a political subdivision where the sale of alcoholic beverages for on-premises consumption has been approved. Also authorizes the issuance of a special occasion license for an event within the unincorporated area of a county where at least one city within the county has approved the sale of alcoholic beverages for on-premises consumption.
Effective June 10, 2011

Chapter No. 448 (HB0986/SB1224). High alcohol content beer sale and manufacture authorized. Amends Tennessee Code Annotated Title 57 by authorizing the manufacture of high-alcohol-content beer within the boundaries of a municipality where both retail and on-premises consumption of alcoholic beverages have been approved via referendum. Also authorizes such manufacture in the unincorporated areas of a county where both retail and on-premises consumption of alcoholic beverages has been approved via referendum or if the county is a river resort district and

retail sales have been approved via referendum. Manufacturer must hold an ATF Brewer's Notice. Alternatively authorizes sale of high-alcohol-content beer in a jurisdiction where manufacture of intoxicating liquors has been authorized via referendum. Ratifies any license to manufacture high-alcohol-content beer issued by the ABC prior to this act. Authorizes a manufacturer to sell its products wholesale at a retail location on its site. Hours for such sales and authorization to sell high-alcohol-content beer to be set by the local governing body. A manufacturer of high-alcohol-content beer may also obtain a license for on-premises sales. Where a retail license is issued to a manufacturer of high-alcohol-content beer the local governing body must pass an ordinance or resolution to impose a 15 percent inspection fee. Makes other various changes related to alcoholic beverages. *Effective June 10, 2011*

Chapter No. 451 (HB1046/SB2017). License for sale of wine making space, equipment and ingredients authorized. Adds a new T.C.A. § 57-3-218 which authorizes a license for a business that sells the ingredients and rents the space and equipment to make wine. Applicable in a jurisdiction where establishment of a winery is permitted. *Effective June 10, 2011 for purposes of promulgating rules; effective Jan. 1, 2012 for all other purposes*

Animals
Chapter No. 74 (HB0567/SB0339). Bovine owner liability limited. Amends T.C.A. Titles 29, 43 and 44 by limiting the liability of a bovine owner for damages arising out of the inherent risks of bovine activity where the owner posts appropriate signage. *Effective April 14, 2011*

Chapter No. 474 (HB0030/SB0109). Apiary liability limited. Adds a new T.C.A. § 44-15-124 which provides tort immunity for personal injury or property damage to a registered apiarist operating an apiary in a reasonable manner.
Effective July 1, 2011

Annexation
Chapter No. 111 (HB0466/SB0461). Annexation ordinances and resolutions must be filed with register of deeds. Amends Tennessee Code Annotated Title 6, Chapter 51, Part 1 by requiring that upon adoption any ordinance or resolution be filed with the register of deeds in the county where the annexation occurred. Copy must also be sent to the Comptroller and the county assessor of property.
Effective April 25, 2011

Chapter No. 495 (HB1214/SB0055). Affected property owners must be notified of annexation by referendum. In the case of a proposed annexation by referendum, requires a municipality to notify, via first class mail, each property owner of record in the territory proposed for annexation. Notice must include copy of resolution and must be sent within 14 days prior to the public hearing. Does not apply to annexations by ordinance.
Effective July 1, 2011

Authorities, Boards, and Commissions
Chapter No. 139 (HB0909/SB0761). Airport authority provisions revised. Amends Tennessee Code Annotated Title 42, Chapter 3, Part 1 by easing the requirements for the creation of an airport authority by three or more local governments within the state and at least one local government from another state. Removes Attorney General approval requirement. Also clarifies that powers conferred by the Airport Authorities Act are in addition to powers conferred by any other law.
Effective May 2, 2011

Chapter No. 419 (HB1434/SB1239). East Tennessee Regional Agribusiness Marketing Authority authorized to operate wastewater authority. Amends Tennessee Code Annotated Title 64 by authorizing the East Tennessee Regional Agribusiness Marketing Authority to acquire, construct and operate a wastewater treatment and collection system within its region. Does not require consent of any city, county or utility district. System is overseen by board of commissioners who must be representatives of any city, county or utility district that has entered into an agreement with the authority. Authority consists of Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Sullivan, Unicoi, and Washington counties. *Effective June 6, 2011*

Chapter No. 420 (HB1827/SB1420). Border Region Retail Tourism Development District Act. Amends Tennessee Code Annotated Title 7 by enacting the Border Region Tourism Development District Act. Authorizes the creation, via ordinance, of a tourism development district within a municipality that borders another state. Municipality must allocate 75 percent of revenue over base tax amount to pay for economic development in the district. Projects include retail and tourism. *Effective July 1, 2011*

Business Regulation
Chapter No. 54 (HB0211/SB0264). Higher education institution employees exempt from locksmithing requirements. Amends Tennessee Code Annotated Title 62, Chapter 11, Part 1 by exempting employees of the University of Tennessee and Tennessee Board of Regents systems from locksmithing requirements.
Effective July 1, 2011

Chapter No. 340 (HB1040/SB1258). Pain management clinics regulated. Amends Tennessee Code Annotated Title 63 by authorizing state licensure and regulation of pain management clinics. Authorizes Commissioner of Health to promulgate rules and regulations to implement such. *Effective May 30, 2011, for purposes of promulgation of rules; effective Jan. 1, 2012, for all other purposes*

Chapter No. 456 (HB1305/SB0837). Bounty hunters required to undergo background check. Amends T.C.A. § 40-11-318 by requiring a person who intends to engage in the functions of a bounty hunter to submit a criminal history background check to the sheriff of the county of the person's permanent residence. Out-of-state bounty hunters must provide criminal history background check to law enforcement agency in jurisdiction in which an apprehension will occur.
Effective June 10, 2011



Sept. 22-23: 58th Annual Governor's Conference on Economic and Community Development, Renaissance Nashville Hotel. Join hundreds of state and local officials, business leaders, economic developers and more for unparalleled networking and the sharing of best practices. Working together we can build real solutions for creating jobs and growing Tennessee's economy. Online registration for full attendees, spouses, students, luncheons, exhibitors and sponsors is available on the site at www.tn.gov/ecd/GovConf11/index.html.

Sept 21-Oct. 20: "Profitability Through Pollution Prevention," a series of regional Tennessee Pollution Prevention Partnership workshops sponsored by The Department of Environment and Conservation's Office of Environmental Assistance. Workshops in East, Middle and West Tennessee will be held from 8:30 a.m. to 3 p.m. (local times apply) at the following locations : **East Tennessee:** Sept. 21, Standard Aero Alliance, 1029 Ross Drive, Maryville; **Middle Tennessee:** Oct. 6, GM / Spring Hill Manufacturing Welcome Center, 100 Saturn Parkway, Spring Hill; **West Tennessee:** Oct. 20, Holiday Inn, Wolfchase Galleria, 2751 New Brunswick Road, Memphis. The workshops are free but advanced registration is required to ensure adequate materials are available. Register online at www.bartlettchamber.org. For more information, visit www.tn.gov/environment/ea/tp3 or visit the TP3 program website at Pollution.Prevention@tn.gov or e-mail Curtis Hopper at Curtis.Hopper@tn.gov or call 615-253-1729.

Oct. 2-6: Tennessee Recreation and Parks Association's 60th Annual Conference. Held at Paris Landing State Park. Specifically designed for parks and recreation professionals across the state. This educational conference will feature expert presenters from across the country, in addition to a wide variety of educational sessions and offsite tours. Sessions will highlight the current trends, programs and opportunities in parks and recreation. The TRPA conference will be hosted by a statewide committee of parks and recreation professionals, including professionals from the department's Division of Recreation Educational Services. Environment and Conservation. More information about this year's TRPA conference, including a schedule of events, list of speakers and event sponsors and registration is available at www.trpa.net/displayconvention.cfm.

Nov. 11-12: East Tennessee Preservation Conference, Jonesborough. Two days packed with helpful sessions covering topics related to this year's theme, "Positioning Preservation for Prosperity: Conservation and Preservation in the New Economy." Enjoy networking, tours, access to experts and the latest tools, and much more. Lodging and accommodation information can be found at www.historicjonesborough.com. For more information about the conference, go to www.etpaonline.org

Interest rate set at 7.25% on delinquent taxes

BY WILLIAM HASTON
MTAS Finance Consultant

The payment of taxes to local municipalities or to the state of Tennessee generally has a due date associated with it. If a taxpayer fails to pay the tax, or a portion thereof, on or before the date the taxes are required to be paid, interest is added to the amount of tax due. The Commissioner of Revenue determines the interest rate for delinquent taxes collected or administered by the state of Tennessee. Sales tax and local business tax are examples of taxes falling into this category.

Formula Rate of Interest
T.C.A. § 67-1-801 provides for the rate of interest to be charged on delinquent tax payments. This rate is called the "formula rate of interest" and is determined and set annually by the Tennessee commissioner of revenue. The rate effective July 1, 2011, through June 30, 2012, has been set at 7.25 percent. Municipalities will recognize that this rate is the same as

for the current year (FY 2011). A copy of the announcement by the Commissioner of Revenue can be found at <http://tn.gov/sos/pub/tar/announcements/06-20-11.pdf>.

Action Required by Municipal Finance Staff
Finance directors, city recorders and other finance office personnel responsible for collecting or remitting delinquent taxes collected or administered by the state of Tennessee should review the interest rate currently used for delinquent accounts and make the necessary adjustments to comply with the 7.25 percent rate effective July 1, 2011.

Historical Interest Rates
The following table from the Tennessee Department of Revenue is a historical presentation of the "formula rate of interest" as determined by the commissioner of revenue. This information is provided as supplemental data to give finance officials a perspective of interest rates for prior years.



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NLC Congress of Cities slated for Nov. 9-12

Online registration for the 2011 Congress of Cities and Exposition, November 9-12 in Phoenix, is open, go to www.nlccongressofcities.org.

This year's conference will have a restructured format to allow for more in-depth exploration of the most pressing challenges facing cities. Four concurrent conferences will be held on the topics of Your City's Families, Green Cities, Economic Development and Infrastructure. Each of these conferences will incorporate keynote speakers, workshops and peer networking sessions.

Congress of Cities attendees are encouraged to choose one of the concurrent conferences. Attendees can also be a "generalist" by sampling from each of the concurrent conferences and from sessions on other challenges city leaders face.

NLC will explore the impact that immigration has on communities and constructive local action in cities across the country across all conference programming. With Phoenix as the host city for the conference, NLC will have an opportunity to highlight the need for comprehensive immigration reform at the federal level.

The Opening General Session will be held at 4:00 p.m. on Thursday, Nov. 10. The conference will wrap up Saturday with the Delegates Luncheon, the Annual Business Meeting and the Phoenix Host City Closing Event on Saturday evening, Nov. 12.

The main educational programming for the conference will be held on Friday, Nov. 11, and Saturday morning, Nov. 12, with much of the content taking place within the concurrent conferences.

Economic Development

Local economies have experienced drastic changes both in the shorter term as a result of the recent

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This year's conference will be more relevant than ever. For the first time, the conference will include four concurrent conferences on Your City's Families, Green Cities, Economic Development, and Infrastructure, as well as all the traditional conference-wide activities. Each of these conferences will incorporate the impact that immigration has on communities, and include keynote speakers, workshops, and peer networking sessions.



Visit www.nlccongressofcities.org for more information.

Interested in membership in NLC?
Call 202-626-3100 or email memberservices@nlc.org.

NATIONAL LEAGUE of CITIES



recession and more broadly and structurally as economic connections between communities around the world continue to strengthen. Although these changes pose challenges to local leaders, they also present opportunities to enable a competitive business environment and improved quality of life using strategic economic development approaches.

The Economic Development conference will give city leaders and

staff the chance to focus on strategies to spur sources of growth from inside the community, including entrepreneurship and small businesses development, and sources of growth from outside the community, including trade and foreign direct investment.

Conference sessions will feature strategies and promising practices from cities and regions across the country, networking opportunities and mobile tours.

Green Cities

The Green Cities conference will explore topics fundamental to building and maintaining strong sustainability programs. Sustainability initiatives provide opportunities for cities of all sizes to strengthen their local and regional economies, reevaluate physical infrastructure, protect natural resources, increase quality of life, promote public health and further social equity.

Conference activities will focus on increasing member engagement and fostering the exchange of ideas and experiences.

This conference will provide city leaders and staff with tools, resources and practical examples to develop a strong foundation for sustainability in their communities, reassess and reinforce existing efforts and effectively expand initiatives throughout their communities.

Infrastructure

Cities' infrastructure systems — transportation, water and technology and communications — are the backbone of the regional and national economies.

The Infrastructure conference will offer city leaders and staff the roadmap for how collaboration at home, rather than a set of top-down federal government programs, can ensure the long-term vitality and prosperity of towns, cities and regions while strengthening the nation's competitive position in the world.

Sessions will focus on creative infrastructure financing such as public-private partnerships, land use planning for housing and transit, innovative transit options and use of technology.

Your City's Families

At the foundation of a prosperous, vibrant city are strong families living in neighborhoods where every child can thrive.

As the nation's largest gathering of municipal leaders who are working to improve the lives of children, youth and families in their communities, the biennial National Summit on Your City's Families offers city officials and staff a unique opportunity to learn effective and promising approaches for ensuring that every child has opportunities to learn and grow, a safe neighborhood to call home, a healthy lifestyle and environment and a financially fit family in which to thrive.

Summit sessions and workshops will highlight creative local solutions to tough challenges and build participants' capacity to exercise leadership on behalf of children, youth and families.

TENNESSEE FESTIVALS

Sept. 23-25: Manchester

Old Stone Fort Bi-Annual Knap-In
Located on U.S. Highway 41, between Nashville and Chattanooga, the Old Stone Fort is a 2000-year-old Native American ceremonial site, which consists of nearly 4,000 feet of low, wall-like mounds enclosing nearly 50 acres. A celebration of the ancient arts and archaeoskills, main activities and special programming begin at 8 a.m. on Sat. until 4:30 p.m. Free. Learn about rope made out of plant fibers and animal products to blowguns and rabbitsticks — essential for survival during the Stone Age. For more information, visit www.tnstateparks.com/OldStoneFort or call 931-723-5073.

Sept. 23 – 24 – Tullahoma

2nd Annual 41A Music & Arts Festival
Held downtown. Free admission. Music, art, local vendors and children's activities. Featured local bands include Utopia, Bad Monkey, Soul Session, Lee Gibson and Midget Wrestlers; national artists include Space Capone, The Pop Rox, Webb Wilder and Bleu Edmondson. For more information call 931-455-2648.

Sept. 23 - 24 – Columbia

2011 Southern Fried Festival
See the children's parade on Sat. morning followed by a KFC stage performance by the Zinghoppers. Males, check out the city's "Man Cave" and for kids and the young at heart, Antique Jack will be entertaining on Sat. For more details, visit www.southernfriedfest.com.

Sept. 24: Waynesboro

Fall Festival
Held on the Town Square. Fun for all ages. For complete schedule of events, visit the website at www.waynecountychamber.org or for more information, call Nadine at 931-722-4684.

Sept. 24: Dandridge

The 5th Dandridge Scots-Irish Festival
An old-time Main Street music festival, held in historic downtown. Sat. at 8:30 am, the individual piping competition. Fully sanctioned by the Eastern United States Pipe Band Association. Also, the Scottish Highland Dance Competition. Musical headliner, CoyoteRun, one of the hottest international bands on the Celtic music circuit. Vendors and clans line each side of historic Main Street bringing musical instruments, clothing, books, jewelry, custom iron work and family history items. Food vendors offer an amazing selection of Celtic fare and other unique foodstuffs, as well as traditional festival goodies. Learn about your family history, see the dog show and a 150th anniversary of the Civil War commemoration depicting the Scots-Irish contribution in several battles that took place in or near Dandridge. Highland coos and black faced sheep on display. Supervised children's play area. For more information contact the Dandridge Trust-A-Main Street Community office at 865-397-7420 ext. 17 or visit www.mainstreetdandridge.com.

Sept. 26-Oct 2 – Lawrenceburg

Middle TN District Fair
Come out and enjoy the music, food vendors and games, rides and more. For more information call 931-762-4911 or email lawrencecountytourism@yahoo.com.

Sept. 30 - Oct. 1: Peavine

Heritage Festival
Held at Parsons Centre Municipal Building, 535 Tennessee Ave. S. and at Memorial Park. Fri. and Sat. from 10am-5pm, the museum will host a Civil War exhibit and Sat. at Memorial Park, a Civil War Living History Demonstration. Dedication of area Civil War Trails Project Marker, artillery demonstration, presentations, book signings, antique and Civil War quilt exhibit, "Old Time Toby Tent Show." For a complete schedule, visit the website <http://heritage.parsonspeavinefestival.com/>.

Sept. 30 – Knoxville

Annual County Wide Farm Day
Held at the UT Dairy Research and Education Center (Dairy Experiment Station) at 1070 New Lake Road, from 8:30 – 12 noon. Students, teachers and parents are all welcome.

Oct. 1: Lewisburg

18th Annual Lions Club Octoberfest
Held in Lewisburg's Downtown



Square Great food and entertainment. Beginning at 6 am with pancake breakfast, full slate of entertainment from 8 am and throughout the day.

Oct. 1: Nashville

Celebrate Nashville Cultural Festival
Held at Centennial Park. Free admission. World Market vendors and more than 30 cultures perform on five stages. Sample cuisines from all over the world. The Frist Center will present activities based on "Connecting Cultures." Children's activities include: a Maypole, "dress up" with theater costumes, games and demonstrations of cricket, bocce, and soccer, storytelling, nature activities, puppet shows, painting and hands-on art and much more. The Children's Area Stage will have interactive music and dance programs throughout the day. For more information, visit the website <http://celebratenashville.org/>.

Oct 1: Centerville

National Banana Pudding Festival
Held at 979 Grinder's Switch. Honors the ultimate Southern comfort food. National Banana Pudding Cook Off, two entertainment stages, arts & crafts and fun kid's activities. For more information, call 931-994-6273.

Oct. 7-9: Maryville

Foothills Fall Festival
Three days of world class concerts, 85 juried artists and craftsmen, rides, inflatables, activities, games and shows for the entire family. Admission free. Musical headliners are Sara Evans, Reba McEntyre, and the band, Chicago. For more information, visit the festival website at www.foothillsfallfestival.com.

Oct. 7-9: Hohenwald

Annual Oktober Heritage Festival
All day arts & crafts, food and entertainment. Enjoy the 18th Annual Fall Classic Car & Truck Show Sat. For more information, visit the website www.hohenwaldlewischamber.com or call 931-796-4084.

Oct. 8: Parrottsville

14th Annual Heritage Day
Held at Parrott-LaRue-Myers Memorial Park from 9 a.m. – 6 p.m. Quilt show, flower show, pumpkin bakeoff, Harvest Day Beauty Pageant, buckboard rides, children's games, entertainment, story telling, antique cars and tractors, pumpkin decorating contest, live demonstrations, 75 craft vendors, food vendors and live music all day. For more information, visit the website www.parrottsville.tn.org/parrottsvilletennessee/heritagedays/ or call Sheilah Strobel at 423-623-8340.

Oct. 8: Athens

8th Annual Pumpkintown Festival
Held from 10 a.m. to 5:30 p.m. Downtown. Vendors include blacksmiths, woodturners, basketmakers, potters, bonnet-makers, jewelry-makers, cornhusk dolls and more. See antique tractors and "Heritage Row" with Native American cultural activities, the 3rd Annual Pumpkin Carving Contest, the "Mutt Strut" and the "Doggie Costume Contest" at Happy Hounds on Washington Avenue. Visit the 3rd Annual Heritage Quilt Show at the Arts Center on White Street, across from the Jackson Street entrance to Tennessee Wesleyan College. Live music and entertainment on multiple stages throughout the day. For more information, visit the website www.pumpkintownfestival.com.

Oct. 15 – 16: Bell Buckle

Webb School Art & Crafts Festival
Premier Art Show featuring crafts and artist demonstrations. More than 500 booths throughout the town. Music, food, crafts and more. For more information, visit www.bellbucklechamber.com.

Oct. 21-22: Columbia

The Athenaeum Rectory's "Ghostly Dinner"
Start with dinner at the Athenaeum as costumed hosts share mourning customs and ghostly experiences, followed by dessert and a candlelight tour at Elm Springs. For more information and tickets, visit www.athenaeumrectory.com. or call 931-381-4822.



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Is Amazon undercutting vital interests of state and local governments?

BY NEAL PEIRCE
Washington Post Writers Group

Is Amazon.com "America's No. 1 Tax Evader," undercutting the vital interests of states and localities as they try to meet the needs of their people in recession-wracked times?

That's the assertion of former U.S. Assistant Secretary of Labor Marty Manley, writing on his JamSideDown website. And Manley is hardly alone. The Wall Street Journal, in a story by correspondent Stu Woo, recently identified "extreme measures" of the massive retailer to avoid charging state sales taxes on its online retail transactions.

Based on a 1992 Supreme Court decision, Amazon and other nationwide sellers are exempted from collecting sales taxes in states where they don't have a "bricks and mortar" presence. Currently, Amazon collects these taxes only in Washington state (its headquarters) and four other where it has offices or another physical presence -- Kansas, Kentucky, North Dakota and New York (and it's suing New York to avoid collecting there).

The net fiscal loss to the states of national retailers' non-payment of sales taxes is roughly \$11 billion a year, according to a University of Tennessee report. (Other estimates run up to twice as much.) With states being forced into massive budget cuts and literally hundreds of tax boosts to stay afloat, the resistance to the tax collection by national retailers -- Amazon the biggest of all -- raises big equity concerns.

Numerous states -- among them, Texas, Illinois, Colorado, Arkansas and, most recently, California -- have been trying to force Amazon to pay sales taxes on residents' online purchases. They claim Amazon is actually operating in some fashion within their borders, or is actually operating there

through affiliated third-party sellers.

Amazon's standard response has been to file lawsuits or close down all its affiliates (a seemingly callous blow to thousands of smaller businesses). Responding to the California collection law passed just this year, Amazon is circulating a state-wide petition for a referendum to repeal it -- cynically asking citizens if they want to pay the taxes.

As critics note, local retail stores are being used as showcases for products later sold online. "When a consumer can walk into a store, try out a product and then go home and buy it online without paying sales tax, Main Street businesses and downtowns lose," says Rep. Peter Welch, D-Vt.

Welch is one of a group (led by Sen. Richard Durbin, D-Ill.) sponsoring a Main Street Fairness Act that seeks to put local retailers on an equal footing with the remote national sellers. It would give Congress' approval to the Streamlined Sales and Use Tax Agreement created by the National Governors Association to allow subscribing states (there are now 24) to oblige online retailers to collect and remit sales taxes.

The measure has strong support from the National Governors Association, the National League of Cities, the National Conference of State Legislatures and other influential state and local groups.

Surprisingly, Amazon has announced its support for the legislation, maintaining that it's long favored "a simplified federal solution" to bypass "complicated state-by-state rules" (its official explanation of its opposition to collecting states' taxes).

Skeptics may wonder whether Amazon's conversion is sincere. Perhaps the firm believes it could improve its efficiency by being able to site its distribution plants near markets in big sales tax states. But the Wall Street Journal article provided quotes from founder/CEO

Jeff Bezos showing that avoiding state taxes was critical to his strategy for Amazon from the start.

Plus, Bezos knows that approval of the Fairness Act -- especially in today's Congress with its powerful anti-tax factions -- is a very long shot. The current sponsors are all Democrats, even though many Republican state legislators are strong supporters. Prospects would be brightened if Sen. Michael Enzi, R-Wyo., a past supporter, decides to endorse the new measure and line up Republican support.

What's discouraging is that some form of the Main Street Fairness Act has been introduced intermittently since 2003 and never made it out of committee. And as intergovernmental expert Frank Shafroth recently told The Bond Buyer, there is "a very small minority of members in the House and Senate who remotely understand" the issue.

Yet the facts are clear. The United States, uniquely, has no national sales tax. States decide for themselves -- and are forbidden from taxing national sellers by a dated Supreme Court decision written before the Internet sprang upon us. Internet sales are now approaching \$200 billion a year -- hardly in need of preferential treatment.

Plus, the tax costs to states are enormous. California's Board of Equalization estimates, for example, that unpaid taxes by national retailers in the Golden State amount to almost \$1.2 billion -- roughly the size of the state's cuts to higher education.

Which leads one to wonder: When -- when -- will Amazon (and all of us for that matter) start thinking of our society's future, not so overwhelmingly our corporate or personal advantage?

Editor's Note: Opinions expressed in this column are not necessarily those of the Tennessee Municipal League. To contact Mr. Peirce, you can e-mail him at nrp@citistates.com.

NATIONAL BRIEFS

BY TML STAFF REPORTS

The biggest overhaul to school lunches in the past 15 years is giving states heartburn. The federal government has mandated a healthier menu, and state and school officials are trying to figure out how to cope with the added costs. At issue is the sweeping Healthy, Hunger-Free Kids Act that Congress passed last year to replace the junk food and unhealthy lunches common in many schools with more fruits, vegetables and whole grains, and less salt and fat. The new healthier lunches are to be in schools for the start of the 2012-13 school year. In the meantime, states and schools are grappling with more than a dozen rules and proposals from the U.S. Department of Agriculture that put the law into place. The U.S. Department of Agriculture plans on giving a reimbursement of six additional cents per lunch to those schools that offer more fruits and vegetables. The states have to make sure schools are living up to the healthier standards before the local districts can get the extra money. In all, states expect to get nearly \$100 million over two years to ramp up these inspections, probably starting in 2012. But state school officials -- already strapped for funds -- say that amount won't come close to what is needed. The \$100 million in federal aid covers only the beginning of the program. States also are on the hook to make sure poor children who are eligible for free school meals are automatically signed up -- meaning their families don't have to fill out any applications. Children are eligible for free meals if their family income is at or below 130 percent of the federal poverty level, which currently is \$28,665 a year for a family of four.

Municipal Administration Program Schedule

The Changing Employment Arena

This course will address the effects on employment of the recent American with Disabilities Act (ADA), Family Medical Leave Act (FMLA) amendments and the new Genetic Information Nondiscrimination Act (GINA) legislation. Other EEOC issues pertaining to retaliation and religious discrimination in the workplace as it relates to employment will also be addressed.

Time
All classes begin at 8:30 a.m. and end at 12:30 p.m.

Instructors
Classes are taught by MTAS Training Consultants

Dates and locations
Oct. 4- Knoxville
Oct. 6- Jackson
Oct. 12- Franklin

Training Facilities
Franklin, Williamson County Ag Expo Park, 4215 Long Lane
Jackson, West Tennessee Center for Agricultural Research, Extension, and Public Service, 605 Airways Blvd.
Knoxville, UT Conference Center, 600 Henley St.

The registration fee for MAP courses for Tennessee city officials is \$25 each. A fee of \$55 is charged for non-city officials.

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Registration is required. Seating is limited at all sites, so please register in advance. Submit payment with your registration.

To obtain a registration form, register or for additional information please visit the MTAS website at www.mtas.utk.edu under the training tab or contact MTAS at 865-974-0411.

For more information, contact Kurt Frederick at 615-253-6385 or Elaine Morrissey at 865-974-0411.

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TENNESSEE TOWN & CITY
(ISSN. No. 0040-3415) Publication No. 539420
— Official publication of the Tennessee Municipal League. **Publisher:** Margaret Mahery (mmahery@TML1.org); **Editor:** Carole Graves (cgraves@TML1.org; **Phone:** 615-255-6416. **Advertising:** Publisher reserves the right to reject any advertising deemed unacceptable. Fax classified ads to *TT&C*: Attention Mona Lawrence at 615-255-4752, or e-mail mlawrence@TML1.org. Fax advertising copy to *TT&C*: Attention Debbie Kluth at 615-255-4752, or e-mail to dkluth@TML1.org. Opinions expressed 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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The city of Murfreesboro closes a \$103 million loan, the largest in TMBF history.

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

Race weekend shifts Bristol into high gear

On speedway's 50th anniversary, city hosts up to 200,000

BY VICTORIA SOUTH
TML Communications Coordinator

All because some people fell in love—with racing, that is. That's ultimately how in 1960, Carl Moore, Larry Carrier and R.G. Pope, in their quest to build an innovative track, unwittingly changed the destiny of Bristol, Tenn. The idea was originally aimed at another small community, Piney Flats, just seven miles south of today's location, but there was some local opposition to that venture. So, with the flag of fate unfurling, the project swiftly switched gears to the purchase of a dairy farm less than 10 miles away to the north of Hwy. 11-E. With that, Bristol's future was set, all faster than one could say "Start your engines!"

Construction on the infamous half-mile oval was complete within a year, and the first NASCAR Sprint Cup race took place on July 30, 1961. The Bristol International Speedway, as it was christened back then, had seating for 18,000 people and included parking for about 12,000 cars. Today's modern stadium, known as Bristol Motor Speedway (BMS), is a national



Each year, Bristol's hillsides are transformed into RV cities, as 56 percent of BMS fans opt to camp at the speedway or one of the city's 200 satellite campgrounds.

phenomeneon, featuring ultra-luxury skybox suites and seats for 160,000 fans at capacity. Hundreds of RV's swamp the landscape surrounding the giant bowl where NASCAR's top gladiators line up to tackle "The World's Fastest Half-Mile."

After 50 years, at the speedway's anniversary mark, BMS and racing is a huge part of Bristol's community, their identity and culture. Weddings are routinely performed there and it's even been the site of the occasional birth. "Bristol wouldn't be Bristol without the speedway," observes City Manager Jeff Broughton. "Our community and the race track really are one."

An Economic Impact Survey performed by the Bristol Convention and Visitor's Bureau in 2004 estimates BMS' annual financial impact to be \$422,764,490—directly and \$1,902,440,205—indirectly.

"BMS and its associated property are our largest property tax payers and probably generate the



A night festival, sponsored by Food City, can bring up to 100,000 people to Bristol's downtown, where fans meet the drivers, buy food and souvenirs and frequent Bristol's downtown shops and businesses.

most sales tax revenue for the city," said Broughton. "It is the major economic driver for our community."

While the speedway offers year round activities such as "Christmas in Lights" and the Bristol dragway, it's the two NASCAR weekend events each year, in Spring and August, that really test the chops of the little city, which borders the edge of Bristol, Virginia, and the Cherokee National Forest. Both weekends draw approximately 200,000 fans, transforming the peaceful community of 26,000, into the equivalent of Tennessee's third largest municipality.

"It's the equivalent of having an NFL franchise in the community affecting the entire region," notes Bill Sorrah, Bristol's deputy city manager and public works director. "From Knoxville to Asheville, NC, to Roanoke, VA— we all feel the im-

pact of BMS."

The track's streak of 55 consecutive sellouts was snapped during the 2010 recession, but not by much. "Even though BMS has faced some challenges in keeping the facility filled to capacity recently, compared with other NASCAR venues, we're still at the top of the pack," said Broughton. The influx of traffic during the events forces the closure of both Bristol and Sullivan county schools on Fridays, while scores of locals, from teachers to police officers, sell souvenirs, park cars, volunteer or become makeshift landlords, renting out rooms or entire houses to out-of-town guests.

Area shopkeepers extend their hours and begin sprucing up early for Thursday night's race, the Food City 250, where at least 100,000 people will pour into Bristol's downtown for Food City's annual Night Festival. Fans often spend up to \$1,000 on gas, food, souvenirs and alcohol while they're in town.

Although the two weekends pose exciting possibilities for the region, every element is fraught with

traffic, health, infrastructure and security needs.

"As you might imagine, our water systems and road infrastructure receive a marked increase in usage," Sorrah said. Fifty-six percent of fans stay

at the two RV areas at BMS or one of Bristol's 200 satellite campground facilities. Others lodge in neighboring cities such as Kingsport and Johnson City. Some stay as far away as Gatlinburg and Pigeon Forge. "Our 10 million gallon water plant typically produces and delivers about 5.7 million gallons per day through the year," Sorrah continues, "but during the events, that increases to seven million gallons at peak demand." The public works department also handles the signage and traffic control devices both pre and post race.

As for the remaining race challenges, Bristol is meeting its goals through proactive measures and carefully choreographed plans with regional partners, along with other entities they may otherwise have never known. "Things have changed a lot since I started back in 1989," said David Metzger, Bristol's traffic control engineer. "In the early days, it was primarily Bristol, Sullivan County and the Highway Patrol handling things, but as the speedway got

from out of town working security. "Everything is analyzed on a block by block basis," continues Metzger. The city has an internet link with Virginia's command center. The traffic operations center for Knoxville and Roanoke help out too. "We're all talking to each other and changing message boards," said Metzger. "Helper trucks come from Knoxville and Chattanooga." Even a system of manually operated traffic signals, which are coordinated for 10-miles, is operated by radio frequency by a person in Virginia.

"We have at least one big pre-race meeting and a post-action review meeting where we discuss what went wrong and why," Metzger continues. "We don't get into finger pointing, we just make sure the mistake is corrected or come up with a better idea for how to handle particular situations and move on."

Pedestrian Hold Period

The city worked on signage and with the media to get the message out about the need for pedestrian crossing areas. "If we didn't do something, 100,000 people would try to leave all at once as soon as the race is over," said Metzger. "We developed something called the pedestrian hold period, where we stop all the cars on Highway 11E and 394 for about 45 minutes, so that people can walk across the bridge. Our record within a five-mile radius, where we tell all the police officers to get out of the road and let traffic run for an August race, is about two hours and 50 minutes," he adds.

The city also manages congestion through the liberal use of "No Parking" zones. According to Metzger, in the last five race weekends, the city has only towed one car. "Twenty years ago, it used to be 30 or 40 cars," he said. BMS also operates a radio network fans are encouraged to listen to as they approach the track for up-to-the minute traffic information.

"A lot of hotels can't live on two weekends a year."

"We used to get a lot of phone calls into our Command Center (CS) that went something like this," Metzger begins. (Caller) "Hey, my husband's fallen and broken his leg!" (CS) "Where are you?" (Caller) "I'm in Ralph's Campground." (CS) "Where's that?" (Caller) "I don't know." (CS) "Who's Ralph?" (Caller) "I don't know, some guy with a Budwieser in his hand that let me park in his backyard..."

Humor aside, Metzger notes that the lack of lodging facilities in Bristol really opens up sweeping areas of responsibility for the city's police, fire and EMS personnel. "There's not a lot of new hotels around here, because a lot of hotels can't live on two weekends a year," he adds. In response, Bristol enacted an ordinance requiring all campgrounds and rental properties to register with the city. The campground or rental property must provide a contact and emergency phone number along with verification of fire extinguishers and other safety equipment. "I keep track of all the data and disseminate it to all the different agencies," said Metzger.

And that's just outside the bowl. "We knew we also had to develop something that would prevent us from riding all over the speedway looking for people who were in need of services," Metzger continues. "We have a 911 system at the speedway, where every bathroom, concession stand, souvenir stand, electrical room and telephone has a unique address based on what level someone is on, what turn they're in, and how far they are from the beginning of the turn."

Under the system, Metzger explains that if an emergency call is made, the caller is advised to look at the door of the room for a red plate with a number on it. "Number 315, for example, means the third turn, first level and fifth from the end," Metzger notes. "It was something the city and the speedway knew we needed to do to help our emergency response."



Bristol Motor Speedway, the famous half-mile, celebrates its 50th anniversary this year. Two weekend NASCAR events each year, draws 200,000 fans to the city of Bristol, Tenn.

For situations where the city's full-size emergency vehicles can't fit into a campground area, Bristol's fire department, paramedics and EMTs utilize fully loaded ATVs purchased with Homeland Security funds. "Our biggest challenge is the crowd and the traffic," said Bob Barnes, Bristol's fire chief. "There's no way with our normal staffing that we could do it alone." The crew, which puts in around 3,000 man hours during the events, utilizes about 200 volunteers.

Along with August's bee stings and heat strokes, the biggest safety issue, according to Metzger, is weather. "It's so unpredictable between the spring and fall," he said. The city now has all of their campgrounds classified by flood hazards. The creek monitors know which campgrounds to call first, and the campgrounds are helpful in not letting people camp too close to the creek," said Metzger. Then there's the springs that bring early snow. "We've seen carbon monoxide poisoning cases with people running generators at the campgrounds to stay warm," Metzger adds.

It is those same generators and other camping equipment that Bristol police say are most likely to be involved in cases of theft. "We don't have a lot of major crime at the campground, confirms Police Chief Blaine Wade. "Of course, a lot of alcohol gets consumed, and we have all the problems that go along with that. But, there are some thefts that occur. People bring in their generators and other equipment and set it around."

Occasionally there will be people who try to bring fraudulent name brand merchandise into the race area to sell retail. The people that work those specific types of crimes, plus the proprietors of the name brands usually facilitate the investigation with us to help capture those people. In years past, there's been car theft rings come in. We have police approaches that have been very effective in reducing the number of stolen cars. There's been times when there's been more than 10 stolen cars. Now we might have one or two."

The MACC

The Bristol Police have a separate command and control center set up at the speedway, The Multi-agency Communication Center (The MACC) just on the outside of the bowl. Chief Blaine is glad about that. "It was not coordinated very well a few years back," he confides. "If we had experienced a crisis, we would not have been as equipped to handle it. If we had to evacuate, for example, we would have had to evacuate the command and control.

That would have been awful. We're in a position now that if there is an evacuation, or any significant problem, we're prepared for that."

The MACC utilizes everybody from law enforcement to canine units, to hospital staff, fire, EMS, auxiliary police and the National Guard. "We bring in about 400 police officers from the TN Highway Patrol, Virginia, Kingsport and Johnson City and the Sullivan Co. Sheriff's office," said Blaine.



Bristol's Race Traffic Plan includes Pedestrian Hold Periods, where cars are stopped for about 45 minutes to allow pedestrians to walk across bridge systems.

The department also has a close circuit TV system purchased through two Buffer Zone Protection grants of about a quarter of a million dollars. "We're able to monitor about 20 cameras around the property and can view the coverage on large screen TVs inside the MACC," said Blaine.

Both the MACC and closed circuit TV systems have drawn heightened interest at the NASCAR security summit held in Concord, North Carolina, where the Bristol police and fire departments, along with BMS reps act as presenters. Bristol police also routinely attend other sporting events as they develop best practices benchmarks for



Bristol Motor Speedway hosts a few weddings each year, where track officials are happy to let couples use the facility free-of-charge. Pictured: Northeast Ohio residents Don Logan and Mary Miser say their vows before a group of family and friends.

NASCAR. "We police it in a way that is advantageous to the fans," said Blaine. "We try to not bother fans unless they're in a situation that's causing problems for others and it's been pretty effective. Our main priority is to make this as safe an event as we can without intruding in our race fan's lives—to be as invisible as possible."

Bristol's administration also stresses the importance of maintaining a business-as-usual attitude, taking everything in stride and maintaining the status quo. "We were affected by the recession," said Broughton. "We're still having financial issues, but the city services that we provide 365 days a year have not missed a beat; no program reduction or projects that we felt we had to do. We've not had to address any staff issues. The important thing to remember is that this is not just a public safety or public works exercise. Every person who works for the city has a role. We have 350 full time employees and it takes everyone of them to pull off a successful race experience for our visitors."