

Transfer of executive powers clarified

BY CAROLE GRAVES
TML Communications Director

The Bredesen administration is expected to initiate legislation this session to establish a line of succession should Tennessee's governor become incapacitated while in office.

Currently, the state constitution does not provide any provisions that defines who may become or act as governor in the event that he or she is not able to perform the powers and duties of the office.

The issue became a concern in 2006 when Gov. Bredesen became ill from an apparent tick bite. It was then that the administration formed the Governor's Advisory Committee on the Transfer of Chief Executive Powers. By executive order, the committee was established to conduct a comprehensive review of cur-



Currently, the state constitution does not provide provisions that defines who may become or act as governor in the event that he or she is not able to perform the powers of the duties of office.

rent Tennessee constitutional provisions, laws and practices related to the transfer of powers; review laws and practices used by other states; and to draft legislation for the Tennessee General Assembly to consider that will ensure the continuity of operations of the state in the event a governor were to be incapacitated.

The following people were designated to serve on the committee: Robert Cooper, attorney general;

Ron Ramsey, speaker of the Senate; Jimmy Naifeh, speaker of the House; Adolpho Birch, former chief justice of the Tennessee Supreme Court; Ned McWherter, former Governor of Tennessee; Glenn Reynolds, UT College of Law professor; Steven Elkins, legal counsel to the governor; and Kim McMillian, senior advisor to the governor.

See GOVERNOR on Page 5

Benchmarks Three-Star's pathway to action

BY VICTORIA SOUTH
TML Communications Coordinator

Five new benchmarks are packing a powerful punch in revitalizing the state's excellence in community development program, Three-Star, by helping communities create and reach strategic goals through communication and action.

"After 28 years, it was time for the program to receive a facelift," said Melinda Keifer, Department of Economic and Community Development (ECD) Three-Star program director.

Noting the outstanding accomplishments of Three-Star communities throughout the years, Keifer praised the benchmarking system for its capacity to transport participating communities beyond the point system into the realm of excellence in action.

Meeting the minimum benchmarks in five key areas of development will qualify communities for valuable ECD incentives while helping communities better prepare for future economic growth.

As the initial foundation, the plan incorporates a community appointed Three-Star committee that is in charge of facilitating, developing, monitoring, and measuring the program every step of the way. The committee can be comprised of the Joint Economic and Community Development Board (JECDB) or a broad-based formally-structured committee formed with a chair person and sub-committee chairs.

"It can be the city mayor, the city's chamber...there's no mandates on who manages the program, just a collective group," said Keifer. "We hope that this builds a dialogue at the local level, both city and county. In general, we're just asking that somebody be driving the bus in order to manage change."



At least one city official should complete a 10-hour MTAS Elected Officials Academy as part of the Leadership Development benchmark for the ECDThree-Star Program.

A five-step Program of Work guides participants through the corresponding benchmarks represented under the headings of Planning and Infrastructure, Community Development, Leadership, Economic Development and Education/Workforce Development as action-based questions focus on strategy.

For example, Step One, the creation of a five-year strategic plan, corresponds with Benchmark I, Planning and Infrastructure, with the question "Who are we and where do we want to go"? The development of a five-year plan answers this question in depth as Three Star committees assess the most basic data comprising their communities, addressing and documenting development issues in vital areas such as education, work force development, business recruitment, and infrastructure.

"Assessing this minimum data is a treasure," said Keifer. "It's all the information that makes a community unique. Smaller cities hoping to maintain the integrity of who they are, the very fabric of their

make-up, will learn how to grow and prosper while also holding on to this fabric."

Benchmark II incorporates a community plan for the future, with elements such as a land use and transportation plan, which is not enforceable, but an exercise in planning.

"Communities don't have to implement it, just put it on paper as a foundation for the future," stressed Keifer.

According to Keifer, many of the components contain elements that communities are already performing, from developing and maintaining a community website or one municipal official completing a 10-hour MTAS Elected Officials Academy, to meeting the State Average Graduation Rate or State Average ACT composite score (county's system average).

The Three-Star Program itself received Interest Level recognition by their new partner the Tennessee Center for Performance Excellence (TNCPE) in the annual Excellence See THREE-STAR on Page 5

Fire consultants take expertise to Capitol

Kevin Lauer of the University of Tennessee County Technical Assistance Service (CTAS) and Gary West of UT's Municipal Technical Advisory Service (MTAS) recently presented an innovative emergency response plan to the National Mutual Aid Consortium in Fairfax, Va. Their presentation highlighted the Tennessee Fire Service Emergency Response Plan, which the International Association of Fire Chiefs (IAFC) has identified as one of the premiere projects in the country.

The deployment plan will identify fire service resources in all 95 counties in Tennessee and provide a systematic call-up of apparatus, personnel and specialized resources when an incident expands beyond the capabilities of the initial response agency and secondary resources. Ray Crouch (MTAS) assisted West and Lauer in developing the plan.

Lauer and West also attended the invitation-only IAFC National



The International Association of Fire Chiefs recognized West's (left) and Lauer's plan as one of the country's premier projects.

Leadership Summit in Washington, D.C., an event attended by leaders in fire service from the United States and four other countries. Attendees received briefings from Secretary of Homeland Security Michael Chertoff and other federal agencies.

Prior to the IAFC National

Leadership Summit, Lauer and West, along with the fire chiefs from East Ridge, Collierville and Germantown, met with U.S. Sen. Bob Corker and Congressman Zach Wamp to discuss federal legislative issues affecting fire service in Tennessee and the country.

Electronic filing not required

Deadline for disclosure forms extended to Feb.

BY CAROLE GRAVES

In accordance with state law, local elected officials are required to file disclosure statements of conflicts of interests with the Tennessee Ethics Commission. The Commission mandated that each document must be filed electronically by Jan 31.

Recognizing that not all locally elected officials have access to computers or email, the Tennessee Municipal League, along with the Tennessee county Services and its affiliate organizations, contacted the Ethics Commission to convey the hardship it would create to meet this electronic filing requirement.

"Electronic filing is neither ac-

cessible nor efficient for many of our local elected officials who are required by law to make this disclosure," said Margaret Mahery, TML executive director. "Many local government offices still are not computerized or do not have internet access. Outside the major metropolitan areas, the vast majority of these offices do not have broadband access and rely on slower dial-up internet access. Apart from these technology limitations, many of the elected officials, particularly part-time officials serving on county commissions and city councils, are older citizens who are not experienced with computers and internet communications. A large percent- See ETHICS on Page 5

NCSL outlines options for economic stimulus package

As U.S. stocks tumble reflecting the growing concern of a recession, the National Conference of State Legislatures asked Congress to consider states' fiscal concerns in an economic stimulus package that was being developed. In a letter to House and Senate leadership, NCSL offered options for consideration including temporary changes in the Medicaid matching rate and increases in discretionary funds for states.

Twenty-four states reported state revenues have been hurt by the housing sector slump. At least a dozen states and Puerto Rico are seeing declines in their real estate transfer or recording taxes. Many states anticipated a slowdown in this revenue source, but the drop is even higher than expected.

"States are mandated to balance their budgets. If the economy continues to slow or takes a turn for the worse, state finances undoubtedly will decline," said William T. Pound, executive director of the National Conference of State Legislatures. "Our recommendations for the Economic Stimulus Package are similar to those that were enormously helpful to states to recover from the last economic downturn of 2001. However, this assistance came three years into an economic recession. We want to boost economic growth and prevent a downturn before it starts."

NCSL Recommendations
Discretionary Grants to the States: As each state will likely face

different fiscal challenges in FY 2008 and FY 2009, discretionary grants provide states with the flexibility to address fiscal concerns through one-time state grant assistance. In addition, discretionary grants funds help eliminate shortfalls in state-federal partnerships.

State Medicaid Assistance: A freeze or increase in federal matching payments for Medicaid would assist people who lose health care coverage during the economic downturn and complement support provided in the economic stimulus package to extend and increase unemployment benefits.

Child Support Enforcement Payments: Child support payments made by noncustodial parents go directly to meet the basic needs of families and children, so they are quickly re-circulated back into the economy.

Food Stamps Assistance: Provide a temporary increase of Food Stamp benefits for households already eligible for and receiving such benefits.

Employment Benefits: Provide temporary extension of unemployment benefits to eligible individuals.

Sales Tax Fairness and Simplification: Grant states the authority to require collections of sales tax on remote sales and provide equity for all retailers. Sales tax simplification would provide \$6.8 billion for businesses and fiscal relief to the See ECONOMICS on Page 3

Gael Stahl retiring from TML

BY VICTORIA SOUTH

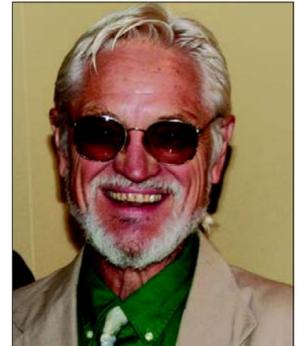
Long time *Tennessee Town & City* Editor Gael Stahl, will be retiring from the Tennessee Municipal League (TML) Feb. 1 after an illustrious 25-year run. In recognition of his dedicated and valuable service to TML and the state's municipalities, Stahl was presented a resolution by the TML Board of Directors on Dec. 4.

During his tenure with TML, Stahl authored numerous articles that were edifying to the municipal leaders of the state of Tennessee utilizing the knowledge and skills he acquired and the relationships he forged as a member of the Capitol Hill Press Corps to benefit TML and its members.

Known as a voracious reader and prolific writer, Stahl's career began, not as a journalist, but as a Catholic priest. Born in Kansas, he left to attend high school and college in seminaries in Illinois and Ohio from 1953-1967, becoming an ordained priest in 1966. He was assigned ministries in Chicago and then came to Nashville in 1969 to serve in both parish and University ministries.

Here, he completed his journalism internship at a diocesan newspaper while receiving a master's degree in psychology and counseling at Tennessee State University (TSU).

Following a leave of absence from the ministry in 1973, during which time he met and married his



Gael Stahl

wife Susan, a horticulturist and educator, Stahl continued in the counseling field while teaching philosophy at TSU.

Combining his love for writing and politics, Stahl became a TML staff writer in 1983 assuming the editor's position for *Tennessee Town & City* in 1995. He became widely known for his in-depth back page interviews with governors, mayors, commissioners, state legislators and other elected officials. He will continue to provide back page interviews for TT&C as a contract writer.

Stahl leaves an indelible impression upon everyone he meets and truly "never meets a stranger" amassing an enormous array of friends and associates from all walks of life across Tennessee and the country.

Long time colleague and MTAS Legal Consultant Dennis Huffer, See STAHL on Page 3

NEWS ACROSS TENNESSEE



BY TML STAFF REPORTS

CHATTANOOGA

A new FedEx Freight facility nearly double the size of its existing Chattanooga site is planned. The project, estimated at between \$5 million and \$10 million, will position the company to grow its freight business and work force in the city. The Shallowford Road site will hold 72 loading doors compared to the 46 at FedEx Freight's existing location. The new facility is the second major investment by FedEx in Chattanooga in the past six months.

CHATTANOOGA

The popular PBS program "Antiques Roadshow" will be in Chattanooga on July 19 to tape footage for three episodes that will be broadcast later this year. The city was selected as one of six for the summer tour because of geography and facilities. The show features a traveling cast of expert antique appraisers who evaluate items brought in by locals.

CLEVELAND

Young people are getting a new level of support from a number of community organizations within the mentoring program called "Bridging the Gap." The new partnership involves the Bradley Initiative for Church and Community, 100 Black Men of Bradley County, Boys and Girls Club of Cleveland, Cleveland Family YMCA and the Safe Schools/Healthy Students Initiative. Those organizations, plus Cleveland Mayor Tom Rowland, County Mayor D. Gary Davis, and officials with Lee University, made the announcement. The mentoring program fits in with the National Boys and Girls Club 2012 Program which encourages all current high school students to graduate within four years.

COLUMBIA

Mandatory water restrictions could be initiated for all water utilities in the Duck River watershed before February at the rate water is being used in Normandy Reservoir. Officials believe the river is headed towards catastrophe as a result of the drought. The dam releases water that all utilities in the watershed draw from. Those utilities are currently enforcing Stage 1 and voluntary water restrictions. At 850 feet, all utilities that draw from the Duck River will be requested to engage in Stage 2 mandatory water restrictions. Those restrictions would charge a fee or discontinue service to any customer in violation of the usage terms listed by the utility. The water level has been dropping at Normandy by about 1 foot of elevation every week, according to the Columbia Power and Water Systems.

EAST RIDGE

Life guards could be a hot commodity in East Ridge this summer. The Splash Valley water park, scheduled to open in May, could create a shortage of lifeguards at community pools where the pay is typically lower. The 14-acre, \$12 million park plans to hire 36 lifeguards, with 18 on duty at all times. In 2006, the East Ridge Youth Foundation ran short of lifeguards due to lack of lifeguard training instructors.

ELIZABETHTON

The Elizabethton City Council and Carter County recently passed an ordinance to prohibit local pawn shops from hiring individuals convicted of felonies. The ordinance came after months of work between the Elizabethton Police Department, the District Attorney's Office and other city officials. The new regulation was passed during the December city council meeting following a public hearing. The official language of the ordinance states that "no pawnshop operators within the corporate limits of the city of Elizabethton, Tenn., shall employ any person that has been convicted of a felony." Current state regulations do not prohibit felons from working in a pawnshop; however, they are prohibited from owning them.

JONESBOROUGH

All eyes were on Jonesborough as television viewers across the nation received a special 30-minute tour of the town in an episode of *Turnin' to Country*. Country music artist Tresa Jordan hosts the new RFD-TV show in which she travels across the country visiting small towns that may not be on the national radar. The city became the first town featured on the program and was described as "one of the most memorable places."

KNOXVILLE

A team of professors at the University of Tennessee will use a \$625,000 federal grant to study childhood obesity among participants in an annual problem-solving competition on the university's campus. The three-year study, funded by the U.S. Department of Agriculture, aims to determine if the competition participants are on average healthier than children nationally in terms of body mass index. Researchers eventually will try to test new ways of teaching about health and nutrition among the participant population. Professors in the UT Obesity Research Center will gather data from participants. Tennessee's population ranked fourth in the United States for overweight youths, with 20 percent of the population ages 10 to 17 being overweight.

MEMPHIS

First lady Laura Bush commended the Memphis Public Library and Information Center and presented the country's highest honor given to libraries, the National Medal of Mu-

seum and Library Service. The Memphis system was one of 10 libraries or museums receiving the Institute of Museum and Library Services' award.

NASHVILLE

The Metro Council approved an aggressive panhandling bill that put limits on anyone asking for a hand-out in the streets, alleys and public places of Nashville, with the exception of street musicians. The legislation bans all panhandling after dark, or near automated teller machines, sidewalk cafes, business entrances, bus stops or schools. It also makes it a crime to approach someone "aggressively" to ask for money, which the bill defines as everything from making threatening statements to touching people, blocking their path or refusing to take "no" for an answer.

OAK RIDGE

With support from Oak Ridge City Council members, Mayor Tom Beehan has proposed using at least 1,000 residents to develop a city vision or long-term community plan to be completed by the end of the year. City Manager Jim O'Connor said the vision could establish consensus on some citywide goals. Oak Ridge officials say they want community support for the vision, and they want it to reflect the opinions of residents and not just city leaders. According to O'Connor, the proposed development of a community vision will bring together some very diverse groups, among which are the 83 percent of employees who work in Oak Ridge, often at federal facilities, but who live outside the city and the many business owners who live somewhere else.

WAVERLY

Officials from Humphreys County and Nashville State Community College broke ground on a new Center for Higher Education. The learning center, which is a branch of Nashville State Community College, will offer a new Associates Degree Program in Industrial Process Control Technology when the addition is complete in fall 2008. Local business partners of the degree program include the Tennessee Valley Authority and DuPont, which recently undertook a \$30 million expansion at the plant in New Johnsonville. The 10,000 square-foot expansion is primarily funded by a FastTrack Infrastructure Development Grant from ECD. Grants are given to communities for specific projects that improve local infrastructure and encourage business investment.

Education Commissioner Seivers accepts new position

Lana C. Seivers, Commissioner of the Tennessee Department of Education, will be retiring from state service effective Feb. 1, 2008.

Seivers, who was appointed by Bredesen in January 2003, has accepted an opportunity in Mississippi to lead a newly established educational foundation dedicated to early childhood, teacher quality, community engagement and leadership.

"I am sincerely grateful for the opportunity Gov. Bredesen has given me to serve as commissioner of Education," said Seivers.

"In the past five years, I have learned a great deal from him about leadership, service, and setting clear priorities. Most important to me is that Gov. Bredesen has made education his top priority. Every day I have been inspired and challenged by Gov. Bredesen's commitment and dedication toward improving the quality of life in Tennessee through the power of education.

"The decision to leave Gov. Bredesen's administration and my lifelong home has been a difficult one. Because of Gov. Bredesen's strong leadership, the excellent staff in the Department of Education, and the dedicated educators in every school district, I know Tennessee will continue to make steady progress in education. I've seen first-hand the way Gov. Bredesen



Lana Seivers

truly cares about this state and its children, and I am honored to have been a part of his administration."

"Commissioner Seivers' service to the state of Tennessee has been truly exemplary," said Gov. Bredesen. "During the last five years, she has led the Department of Education in a number of initiatives to help fulfill its mission to provide quality education for every child in the state. From working with me to raise teacher pay above the Southeastern average to expanding the state's pilot Pre-K initiative into a program for four-year-olds across the state, she has served the state with distinction and dedication, and I wish her well."

Bredesen said his administration will begin the process of finding a high quality candidate to succeed Seivers as soon as possible to ensure a smooth transition.



PEOPLE

BY TML STAFF REPORTS

Gov. Bredesen has appointed **Richard H. Dinkins** of Nashville to fill the vacancy on the Tennessee Court of Appeals, Middle Section. The vacancy was created by the death of Judge William Bryan Cain in September. Prior to his appointment to the Court of Appeals, Dinkins served as Chancellor of the Davidson County Chancery Court, Part IV, since 2003. He served as an associate at the law firm of the Honorable Avon M. Williams Jr., whom he joined in 1981 to form the firm of Williams and Dinkins. In his practice, Dinkins was counsel to the Metropolitan Development and Housing Agency and Fisk University.



Dinkins

The Tennessee Commission on Aging and Disability has appointed **Richard M. "Mike" Hann** of

Murfreesboro as its new executive director. Hann has experience in network healthcare delivery and clinical administration. He is a Board Certified Healthcare Executive and a Fellow with the American College of Healthcare Executives.

Judge Walter Kurtz of Nashville will retire effective March 21 after more than



Kurtz

25 years to become the state's fifth senior judge. Kurtz, 64, has been a judge since 1982 and previously served one term as public defender in Davidson County.

Lisa Quigley, has joined **U.S. Rep. Jim Cooper's** team as chief of staff. Quigley, 42, is the former chief of staff for U.S. Rep. Cal Dooley. She also worked for U.S. Rep. Steny Hoyer of Maryland, the current House majority leader. She replaces Greg Hinote, who now serves as deputy mayor to Nashville Mayor Karl Dean.

Bob Corney will be leaving Gov. Bredesen's administration at the end of January and **Michael Drescher** has been named senior advisor and Communications Director. Drescher, 38, was formerly director of public affairs for the TennCare Bureau and worked in the Governor's Office of Planning and Policy before joining the Nashville Visitors and Convention Bureau as Senior Vice President of Government & Community. Corney is leaving state government to join Vox Global Mandate, an international public affairs firm. He joined the Bredesen Administration in 2004.

December revenues slightly up

Tennessee revenue collections for December reflect a slight improvement in consumer spending, but business taxes continued to show weakness. Overall, revenues were \$885.7 million or \$55.7 million less than the state budgeted. The general fund was under collected by \$51 million and the four other funds were under collected by \$4.7 million.

"Sales taxes in December brought us the largest monthly growth rate so far this fiscal year," Finance & Administration Commissioner Dave Goetz said. "However, we are still monitoring business taxes very closely, as collections in the current month will tell us if the

dropoff in October was a trend."

Sales tax collections were \$5.1 million less than the estimate for December. The December growth rate was 4.67 percent. For five months revenues are under collected by \$59.5 million.

Franchise and excise taxes combined were \$35.8 million below the budgeted estimate of \$186.5 million. For five months revenues are under collected by \$73.5 million.

Gasoline and motor fuel collections for December decreased by 2.55 percent and were \$3.3 million below the budgeted estimate of \$72.2 million. For five months revenues are over collected by \$2.2 mil-

lion.

Tobacco tax collections were \$6.3 million below the budgeted estimate of \$28.8 million, and for five months they are \$40.3 million below the budgeted estimate.

Year-to-date collections for five months were \$182.1 million less than the budgeted estimate. The general fund was under collected by \$186.2 million and the four other funds were over collected by \$4.1 million.

The budgeted revenue estimates are based on the State Funding Board's consensus recommendation adopted by the first session of the 105th General Assembly in 2007.

Town & City
Target Your Advertising
Call Debbie Kluth
615-255-6416

Discover ARCADIS...
Total business solutions that add value to your bottom line

Infrastructure	Facilities	Environment	Business Solutions
<ul style="list-style-type: none"> Transportation Water Resources Program Management/Construction Management Land Resources 	<ul style="list-style-type: none"> Buildings Operating Facilities Management 	<ul style="list-style-type: none"> Site Investigation Remediation Risk and Associated Services 	<ul style="list-style-type: none"> Strategic Consulting CRP/Remediation Program Property Redevelopment Guaranteed Environmental Asset and Liability Management

Knoxville 865.675.6700
Chattanooga 423.756.7193
www.arcadis-us.com

COHEREX RECLAMITE / CYCLOGEN SINAK CRF
Dust Control Asphalt Pavement/Rejuvenators Concrete Sealers Restorative Seal/Crack Filler

PAVEMENT TECHNOLOGY, INC.
ASPHALT RECYCLING & PREVENTIVE MAINTENANCE SPECIALISTS
Helping Cities and Counties Make Pavements Last Longer Since 1972

1-800-333-6309

Wiser
1431 Kensington Square Court
Murfreesboro, TN 37130
Phone 615/896-7375
FAX 615/890-7016

Engineering • Surveying • Mapping • GIS
Visit our web site at www.wiserco.com

McGill Associates
Engineering • Planning • Public Finance
Municipal Commercial Industrial Residential

Water • Wastewater • Collection • Distribution Treatment • Site Design • Land Planning • Roads Storm Water • Erosion Control • General Civil Solid Waste • Regulatory Compliance & Permitting Planning • Public Finance • Grants

248 Bruce Street
Sevierville, Tennessee 37862
www.mcgillengineers.com

ph 865.908.0575
fx 865.908.0110

Consulting • Design • Project Management

TH&P
Solutions for the Future

3428 Bristol Highway
Johnson City, TN 37601

TYSINGER, HAMPTON & PARTNERS, INC.
(423) 282.2687 P (423) 282.1621 F
thp@tysinger-engineering.com • www.tysinger-engineering.com

JOEL B. SPAULDING & COMPANY, INC.

2402 WINFORD AVENUE
NASHVILLE, TENNESSEE 37217
PHONE (615) 255-7766
FAX (615) 255-7767

CONSULTING ENGINEERS

GARVER ENGINEERS
STUDY • PLAN • DESIGN • COORDINATE • MANAGE • SOLVE

- Bridges
- Roadways
- Traffic Engineering
- Airports
- Water Systems
- Sewerage and Industrial Waste
- Solid Waste
- Site and Subdivision Planning
- Natural Gas Systems
- Industrial Buildings
- Structural Design
- Electrical Engineering and SCADA
- Mechanical Engineering
- Hydraulics and Hydrology

615-377-1337
233 Wilson Pike Circle • P.O. Drawer 1847
Brentwood, TN 37024-1847
Huntsville, AL • Little Rock, AR • Tulsa, OK
Fayetteville, AR • Jackson, MS • Louisville, KY

HART FREELAND ROBERTS, INC.
ARCHITECTURE ENGINEERING
Committed To Excellence Through Client Satisfaction Since 1910

Brentwood, TN 615.370.8500
Jackson, TN 731.660.1322
www.hfrdesign.com

RAGAN SMITH
LAND PLANNERS • CIVIL ENGINEERS
LANDSCAPE ARCHITECTS • SURVEYORS

315 WOODLAND ST. P.O. BOX 60070
NASHVILLE, TN 37206
PHONE (615) 244-8591 FAX (615) 244-6739
WWW.RAGANSMITH.COM

Your Professional Employee Benefit Company

The Malone Company
124 North Main Avenue • P.O. Box 616
Fayetteville, TN 37334

Jim Malone President
Office: (931) 433-6907
FAX: (931) 433-9714
Toll Free (888) 752-7126

Email: Jim_Malone@TheMaloneCompany.com

ATS American Traffic Solutions

Daniel S. Foglton
Senior Business Development Director

14861 N. Scottsdale Road
Suite 109
Scottsdale, Arizona 85254

Cell: 803.466.0628
Tel: 480.368.0900 ext. 246
email: dan.foglton@atsol.com
Fax: 480.607.0901
Online: www.atsol.com

Revitalizing aging strip malls as mixed-use developments

BY VICTORIA SOUTH
TML Communications Coordinator

Once vibrant shopping destinations, decaying strip malls have become common in cities across the United States. With their potholed asphalt, discount tobacco shops, and vacancy fliers flapping in the breeze, the centers are throw backs from the 20th century when communities were re-developed after World War II from compact, mixed-use neighborhoods to an automobile-centered system of development known as conventional suburban development (CSD), or sprawl.

Research by the National League of Cities indicates that many first tier suburbs, those beyond central cities but inside the ring of developing suburbs and rural areas, are often riddled with underperforming strip malls suffering from absentee landlords, loss of anchor stores, changing demographics, bankruptcies, and the general ravages of time.

According to the article "Obstacles to Redeveloping Obsolete Suburban Strip Centers," by Maura K. Ammenheuser, cities can face challenges of revitalizing aging strip malls through "complacent or balking landlords, those who have paid off old centers, continue collecting modest rents, and aren't motivated to make major improvements."

"Blight is contagious," said

holders in the redevelopment process. Presenters agreed that there are important steps city officials can take to either lead or help the revitalization effort in their communities:

- Be proactive and create a vision for redevelopment with your community.
- Work with developers to ensure the project is both consistent with this vision and also meets the goals of the developer.
- Be realistic about the market potential of your community.
- Support density.
- Aggregate sites.

"Although not a widely accepted way of doing business, cities should look into utilizing these properties as mixed-use developments," said McDonald.

"What's happening is a lot of older shopping centers won't be shopping centers anymore. We've got one in Bartlett that was 80 percent vacant now occupied by a business college. Sometimes it's a matter of the community reclaiming the property so that it becomes something else.

"Declining malls will often hang on with low-end retailers and merchandise liquidators, or by staging flea markets in the parking lot on weekends," writes Christopher Swope in *Governing Magazine*.

"Sometimes malls go completely empty, boarded up and fenced off like the inner-city shopping districts so many malls replaced. This is unfamiliar



Photo by Victoria South

Aging strip malls from the post world war II era, suffering the ravages of absentee landlords, changing demographics, bankruptcy, and loss of anchor stores, may be revitalized in the form of mixed-use developments, a mix of businesses, apartments, offices, mini parks and parking garages

Los Angeles Times "Turning Old Strip Malls into Housing" hundreds of aging mid-size centers sit on prime real estate."

As lifestyle centers — premium open-air shopping centers designed where people can live, work, shop, and play increase, so does the concept of mixing shopping and living space known as the "suburban village concept." These mixed-use communities include apartments, condos, shops, offices and parks.

Apartments and condos get built where parking lots are, and parking gets stacked in garages. In essence, residential and commercial space is

"Just like the days when shop owners lived above or in the back of their businesses, as our population becomes more diverse, people are becoming interested in that," adds McDonald. "Mixed-use developments could be appealing to empty nesters, the artistic class, or people who don't need a yard."

"The death of a mall does not have to be bad news. Careful redevelopment can be the recipe for an economic rebound," reports a study by *Congress for the New Urbanism* "Greyfields into Goldfields: from failing shopping centers to great neighborhoods."

"Sometimes a mall goes out of business because it has lost its economic reason for being," says Victor Dover, new urbanist architect.

"Stop thinking about these as failed shopping center properties and start thinking about them as potential mixed-use properties."

A four-part series about strip center redevelopment by *Shopping Centers Today* writer Maura K. Ammenheuser can be viewed at the NLC website www.nlc.org or by contacting Christy McFarland 202-626-3036 or at mcfarland@nlc.org.

Terminology

Greyfield: Developed sites that are economically and physically ripe for major development.

Mixed Use Development: A blend of retail, offices, and housing nearby that reduces the need to travel outside of the community to reach these resources.

New Urbanism- A movement in architecture and planning that advocates design-based strategies to help arrest suburban sprawl and inner-city decline and to build and rebuild neighborhoods, towns, and cities. Shared principles call for organizing development into neighborhoods that are diverse, compact, mixed use, pedestrian oriented, and transit friendly.

Suburban Village Concept: Mixed use communities which include businesses, shops, apartments, condos, pocket parks and parking garages.



Photo by Victoria South

Hillsboro Village in Nashville makes the most of mixed use development opportunities blending an eclectic mix of retail shops and residential living

Keith McDonald, chair of NLC's First Tier Suburbs Council and mayor of Bartlett. "You really have to work hard to keep it from getting to that point."

Revitalizing aging strip centers was the topic for discussion at the First Tiers Suburbs Council meeting held at the NLC annual conference, where city officials explored ways to work with stakeholders to redevelop strip mall properties.

The council has been working with the International Council of Shopping Centers, an NLC Corporate Partner, to understand the roles and perspectives of stake-

holders in the redevelopment process. Most are too timid to propose large-scale redevelopment of greyfield sites and will wait for developers to present their own ideas," Swope continues. "Some have recruited call centers to fill old department stores, or attracted light-manufacturing firms to occupy big-box stores. This puts the buildings to use. But it wastes huge swaths of land and adds little vitality to nearby neighborhoods."

While the process isn't simple, some communities convert aging shopping centers and parking lots into vibrant, mixed-use town centers, Swope surmises.

According to Evan Halper, of the

integrated. "Franklin has had great success with re-centering living space on second floors above businesses," said McDonald. Franklin, most noted for its vibrant historic downtown district, is currently re-developing an area called Jamestown Station for office space, shops and residential.

"Yes, Franklin definitely agrees with the redevelopment of aging strip centers," said Franklin Planning Director Jaime Groce, adding that current municipal policies are in place to revitalize the Murfreesboro Road corridor near I-65 into a mixed use development.

NCSL outlines economic package

ECONOMICS from Page 1 states at no expense to the federal government.

Federal Tax Investments: Pursue any federal personal and corporate income tax relief through tax credits, such as accelerating the

scheduled increase in the child tax credit, and other changes in federal tax liability, rather than through exclusions or deductions.

Capital Projects: Increase investment in transportation and waste water treatment

Gael Stahl retiring from TML

STAHL from Page 1 quips "Gael became the virtual Larry King of Tennessee, interviewing state and local officials from the

governor on down." Stahl will be missed by his many friends, the members, staff and associates of TML.

Some Profile Highlights

- Grew up on a small farm in north-central town of Plainville, Kansas
- Attended Franciscan seminary from high school through graduate school for 13 years in Illinois and Ohio. Ordained 1966.
- Associate pastor of Chicago parish, home base of Jesse Jackson's Operation Breadbasket
- Student to help integrate historical black Grambling College, Louisiana, 1965
- Men & women's prisons chaplain in Nashville 1969-1970
- University chaplain at Fisk, Meharry, TSU 1969-73
- Associate pastor of St. Vincent de Paul Parish Admissions counselor at TSU 1971-79
- Traveled through Europe and USA 1979-81
- Dispensed of his vows by Pope John Paul II
- Married Susan McMahon Stahl October 1981
- Founder, publisher and editor of *Diaspora Digest* for ex-Franciscans since 1983
- Internationally recognized Sherlockian scholar and editor since 1979
- Charter member of Nashville's Sherlockian society in 1979
- Writer and editor of *Tennessee Town & City* 1983-2008

SENSUS
METERING SYSTEMS

Tom Spencer
Territory Manager

570 Beechgrove Way
Burns, TN 37029 USA

T (615) 973-0367 tom.spencer@sensus.com
www.sensus.com

LOCAL GOVERNMENT CORPORATION

Providing Hardware and Software to Local Governments for over 30 years!

714 Armstrong Lane ~ Columbia, TN 38401
Phone: 800-381-4540 ~ Fax: 931-381-0678
E-mail: marketing@localgovcorp.com

ENGINEERING SOLUTIONS FOR CHANGE AND GROWTH

Mattern & Craig
CONSULTING ENGINEERS-GEOTECHNICAL

OFFICE LOCATIONS
429 CLAY STREET
KINGSPORT, TN 37640
PHONE: (423) 245-4970
FAX: (423) 245-5932

403 E. MARKET STREET
JOHNSON CITY, TN 37601
PHONE: (423) 979-2220
FAX: (423) 979-2222

ROANOKE, VA
ATHENS, GA

www.matternandcraig.com

Town & City

Target Your Advertising
Call Debbie Kluth
615-255-6416

GRIGGS & MALONEY
INCORPORATED

P.O. Box 29268 • Murfreesboro, TN
37133-2968

Building Stronger Communities for 40 Years

V&M
Vaughn & Melton

Engineering • Architecture • Surveying

Greenville 219 West Depot Street
Greenville, TN 37743
tel: (423) 639-0271
fax: (423) 639-0900

Knoxville 1909 Ailor Avenue
Knoxville, TN 37921
tel: (865) 546-5800
fax: (865) 546-4714

visit www.VaughnMelton.com

We can help any city in the state get the alt fuels info they need! Hard working, and here to help you... make the switch.

EAST TENNESSEE CLEAN FUELS

(865) 974-3625
jgoverly@utk.edu

ETCleanFuels.org

Memphis, TN (901) 372.0404
Jackson, TN (731) 424.5450

Engineers - Surveyors - Landscape Architects

ASKEW HARGRAVES HARCOURT
AND ASSOCIATES

Engineering an enhanced quality of life for our clients and community.

www.a2h.com

CTI CONSOLIDATED TECHNOLOGIES, INC.
ENGINEERS IN WATER AND EARTH SCIENCES

www.ctienviron.com

CHATTANOOGA Phone: 423/267-7613
Fax: 423/267-0603

NASHVILLE Phone: 615/731-6003
Fax: 615/731-4149

KNOXVILLE Phone: 865/539-8209
Fax: 865/694-0848

Anderson & Associates, Inc.

Professional Design Services

ENGINEERING SURVEYING & GIS

240 E. Main St., Suite 300
Johnson City, TN 37604
jablonski@andassoc.com

(423) 434-2971
(800) 544-0147
fax (423) 434-9514

Tennessee Offices:
Nashville
Knoxville
Memphis
Chattanooga
Tri-Cities
Oak Ridge

BWSC
ENGINEERS
ARCHITECTS
PLANNERS
LANDSCAPE ARCHITECTS
SURVEYORS

bargewagoner.com

Water • Wastewater • Transportation
Stormwater • GIS Digital Mapping

GRW Engineers, Inc.

Nashville (615) 366-1600
Knoxville (864) 588-4166
www.grwinc.com

STATE BRIEFS



BY TML STAFF REPORTS

Traffic deaths in Tennessee fell by about 9 percent in 2007 to their lowest level in 15 years. Preliminary figures show 1,169 traffic deaths last year — 118 fewer than in 2006, according to the Governor's Highway Safety Office. The biggest decreases were in the largest cities. Drops in Shelby, Davidson, Knox and Hamilton counties account for almost all the decline. Grant money was used for more drunken driving checkpoints and extra patrols.

Increased traffic along Interstate 75 has prompted transportation officials to consider options to alleviate headaches and improve safety. **An 18-month feasibility study** in March commissioned by the Tennessee Department of Transportation will consider multiple solutions for traffic along the 160-mile stretch. One option under consideration is widening the interstate from two to three lanes in each direction at a projected cost of \$1.7 billion. Other alternatives include using rail to move freight through the state or updating adjacent highways that could lessen the traffic impact on the interstate.

The number of admissions suspensions at state nursing homes in 2007 more than doubled from 2006, an increase facility administrators attribute to more aggressive inspections. Tennessee Department of Health officials suspended admissions to 22 nursing homes in 2007, compared to 10 in 2006 and nine in 2005. Nursing homes and long-term care have been under heightened scrutiny at the federal level in recent years as the country's population ages and life expectancy grows. Advocates for the elderly say state and federal sanctions are needed to protect the state's poor, elderly and disabled population. State inspectors are citing nursing homes for more serious violations than in past years, which can lead to a loss of funding if they are not addressed within 23 days or less.

An estimated 925,133 motorists in Tennessee do not have insurance, according to a 2006 study by the Pennsylvania-based Insurance Research Council. That is more than one in five licensed drivers on Volunteer State roads. Tennessee had the nation's sixth-highest percentage of uninsured drivers, 21.2 percent, well ahead of Georgia, ranked 39th with 9.6 percent of drivers uninsured. Alabama ranked second,

with 24.8 percent of drivers without insurance, according to the council. The nationwide figure was 14.6 percent. Tennessee law requires drivers to have liability insurance of at least \$60,000. The state also allows Tennesseans to deposit \$60,000 with the state insurance commissioner instead of purchasing insurance. North Carolina is one of the nation's leading states for compliance with auto insurance laws.

Tennessee's restaurant sales in 2008 are projected to grow at a rate of 4.5 percent and bring in sales of \$8.5 billion, according to the National Restaurant Association's 2008 Restaurant Industry Forecast. Jobs could fare even better and grow at about 15 percent, the report says. The association's yearly forecast covers state-by-state sales and employment growth, plus national economic, workforce, operational, menu and consumer trends. Nationally, the industry expects national sales of \$558 billion in 2008 and an economic impact of more than \$1.5 trillion. The industry expects to employ 13.1 million employees in the new year. The industry is expected to add 2 million jobs in the next 10 years. Industry sales — driven by growth in local economies, disposable income and population — will post the strongest growth in the states of Nevada, Arizona and Utah, according to the report.

The state has entered into an agreement with MySpace that will mean significant changes to help protect children online, according to a release from the state Attorney General's office. Tennessee is among every other state in the nation to be party to the agreement in hopes that the social networking site will implement some much-needed security measures to prevent sexual predators from repeatedly using the site to victimize children.

The state plans to ask a federal judge to lift a ban on checking the TennCare eligibility of about 154,000 people currently on the rolls of Tennessee's expanded Medicaid program. Under the 1987 ruling, the state can't verify the eligibility of the enrollees, who at one time qualified for a federal cash assistance program for the needy called Supplemental Security Income, or SSI. TennCare officials estimate that at least 1,100 of the people protected by the ruling are current prison inmates, while another 5,000 may have moved out of state. It's unclear how many others might be affected if the ban is lifted.

Grant increase for Main Street communities

The Department of Economic and Community Development announced it is increasing the Tennessee Main Street Innovation Grant to \$23,000 to support innovative programs and activities around the state's 21 Main Street Program communities.

The department also announced that \$3,000 of the grant monies will be allocated for an additional training component. These monies can be used by Tennessee Main Street communities to participate in training sessions and conferences sponsored by the National Main Street Network, a program of the National Trust for Historic Preservation. Participation in this network by communities is a requirement of the state program and necessary to earn national accreditation. The grants will be administered from March 2008 through June 2009.

"The Tennessee Main Street Program continues to be a key component of the state's economic development efforts," ECD Commissioner Matt Kisber said. "Gov. Bredesen has been a strong advocate for investment in historic downtowns, and I believe this financial commitment to the revitalization and prosperity of downtown districts makes good business sense. It provides immense entrepreneurial



Downtown Union City, a certified Tennessee Main Street opportunities and enhances the quality of life for a community.

The Main Street Innovation Grant requires a 20 percent match by the local Main Street Program. The training component to the grant does not require matching funds.

"This grant allows certified Tennessee Main Street Communities to achieve creative and forward-thinking solutions to downtown revitalization," said Kimberly Nyberg, director of the Tennessee Main Street Program. "It can serve as a catalyst to create innovation within our historic downtowns, while see-

ing tangible results and ultimately improving quality of life and economic growth."

The Tennessee Main Street Program provides assistance to communities in revitalizing their downtown and central business districts, which are vital components of economic development and job growth. The program assists communities across the state with technical assistance and expertise in developing long-term strategies that promote economic growth and development. To learn more about the program, visit www.TNECD.gov.

Bank of America
is proud to support
Tennessee Municipal League.

Visit us at www.bankofamerica.com.

Bank of America, N.A. Member FDIC.
©2004 Bank of America Corporation.
SPN-41-AD

Bank of America Higher Standards

NATIONAL BRIEFS



The number of abortions performed in the United States dropped to 1.2 million in 2005, the lowest level since 1976, according to a new report. The number of abortions fell at least in part because the proportion of women ending their pregnancies with an abortion dropped 9 percent between 2000 and 2005, hitting the lowest level since 1975, according to a nationwide survey.

The abortion rate in Tennessee mirrored the downward national

trend, decreasing from 16.2 out of 1,000 women in 1992 to 14.4 out of 1,000 in 2005.

The statistics come from new research by the Guttmacher Institute, a reproductive-health research organization. Researchers say the drop could be due to a combination of factors: such as more women using contraception, and more restrictions on abortions making it more difficult for women to obtain abortion services.

Good Risk Management is just Good Management



Members aren't just clients. They're partners with a shared goal of keeping the towns and cities safe and thriving.

The Pool's foundation is built on each member taking responsibility to continuously reduce our risk exposures through good risk management practices. Through the success and productivity of this partnership, municipal governments are helping taxpaying citizens get the very best for their tax dollars.

TML

RISK · MANAGEMENT · POOL

5100 Maryland Way • Brentwood, TN • 800-624-9698

Your Partner in Risk Management since 1979.



The city of Cookeville closed a \$3.2 million loan with the Tennessee Municipal Bond Fund to be used on parks and recreation projects and streets and roads improvements. Pictured are City Recorder Cathy McLain, Mayor Sam Sallee, and TMBF's Joe Muscatello.

Is your TV ready for the switch?

A law passed by Congress in 2006 will dramatically impact the way 309,740 Tennessee residents view television, starting in 2009.

Television will change dramatically on Feb. 17, 2009, when television stations across the country complete the federally-mandated transition from analog to digital television (DTV) broadcasting. And while consumers have much to gain – including more free channels and the crystal clear pictures and sound of digital – 309,740 Tennessee households that receive television through antennas risk losing television reception unless they take simple steps to upgrade.

Those most disproportionately affected by the DTV transition will be older Americans, minority populations, the economically disadvantaged and those living in rural areas.

The National Association of Broadcasters (NAB) is taking the DTV transition very seriously, and television stations across the coun-

try are meeting the challenges of the transition head on. Their member stations have spent more than \$5 billion updating equipment and infrastructure to prepare for the transition. In fact, more than 92 percent of full power television stations are already broadcasting in digital. But consumer awareness about the transition still lags.

Local officials have a unique platform to help inform and educate constituents about the DTV transition. To help with that educational process, NAB has developed a kit to help explain the transition to community residents. Included in the tool kit are a powerpoint presentation, a sample press release, sample speeches to deliver at civic meetings, a sample op ed piece, background sheets, and more.

For more information go to www.DTVanswers.com, or contact Winnie Mascarenhas, NAB director of external relations, at 202- 429-5358 or vmascarenhas@nab.org.

Electronic filing to Ethics Commission not required

ETHICS from Page 1

age of these individuals do not currently have e-mail accounts and will have to establish such in order to comply with mandated electronic filing. Currently, the Tennessee Municipal League is still mailing materials to more than 200 municipal elected officials."

As a result of TML's letter and other correspondence received, the commission's general counsel examined the provisions of the 2006 Comprehensive Governmental Ethics Reform Act that deals with electronic filing and determined that elected or appointed local officials may file disclosure statements in paper format. The commission also granted an extension for the filing, electronically or by paper, to Feb. 15. Printable forms will be available on the web at www.tn.gov/sos/tec/.

"In light of the confusion on this issue and some interruptions in the availability of the electronic filing system, the commission does not intend to impose any sanctions for failure to file the required statement by Jan. 31, so long as the statement is filed, electronically or by paper, by February 15," said Donald J. Hall, Tennessee Ethics Commission chair.

The commission considered the forgoing provisions of the act, and other provisions, and various legal

arguments when it met on Jan. 15 for its regularly scheduled meeting. The commission concluded that although the issue was not free from doubt, the better legal argument was that the commission had no authority to require filers other than lobbyists and employers of lobbyists to file by electronic means.

The act expressly requires lobbyists and employers of lobbyists to file by electronic means. TCA § 3-6-302(a). The act also requires that the commission "strive to establish electronic filing for all documents required to be filed with the commission." TCA § 3-6-115(e). Finally, the Act provides that "[t]he commission shall establish rules specifying the manner in which a report, statement or other documents shall be filed." TCA § 3-6-115(e)(2). The commission currently has no such rules in force. The issue was whether, in the absence of any such rules, the commission had authority to require filers other than lobbyists and employers of lobbyists to file by electronically.

The commission reserved a decision on the question whether, by promulgation of an appropriate rule, the commission could require all filers to file by electronic means. If such rules were proposed, the Commission assured TML that it would seek input for our members.

New benchmarking goals added to Three-Star process

THREE-STAR from Page 1

in Tennessee recognition program, recognizing organizations achieving the highest standards of excellence in their operations and results.

Certified Three-Star communities may be eligible for a free evaluation by an examiner team from TNCPPE, which will assist them in performance excellence strategic plan implementation. For more information, visit www.TNCPPE.org or call 800-453-6474.

"It is a lot of hard work to create a measurable face of change," said Keifer. "Three-Star communities should focus on foundations moving forward (with the benchmarks process.) Yet, there's no rush. We're trying to educate cities about these changes by adhering to our three-step motto: educate, organize, and mobilize."

For more information about the

Three-Star Program and to view Three-Star Program requirements, visit www.tennessee.gov/ecd/3star.htm.

TML RISK MANAGEMENT POOL

A Responsible Partnership

BY TOMMY GREEN
TMLRMP President

For the last several decades we have lived in a nation that has tried to be "everything to everybody." We Americans have grown to expect others, especially federal, state, and local government, to bare many of our responsibilities by paying a premium, fee or tax for the transfer of that respective responsibility or service. This pervasive attitude has caused us to become a society that will litigate at the drop of a hat if government fails to perform at our individual level of expectations.

Many of us have worked in and around local government for several decades and have lots of gray hair to attest to the many burdens of society being shifted to local government. There are also many times that local governments have had to rely on the private sector to share some of the cost of providing services but that too comes with a cost. For example, up until the early to mid 80s most municipalities in Tennessee purchased insurance coverage from private sector commercial insurance carriers.

In 1973, the Tennessee General Assembly passed the Tennes-

see Governmental Tort Liability Act (TGTLA). The act was passed in an effort to balance, (1) the needs of injured persons to recover from local governments for injury or damage caused by their negligent acts, and (2) the needs of local government to provide public services without resulting in unduly burdensome litigation and/or court awards, that might result in higher taxes to citizens. Soon after the TGTLA was passed the commercial insurance industry began to drastically increase the insurance premiums cities were paying, and by the late 70s almost totally abandoned the municipal insurance market.

About three decades ago, a committee of Tennessee mayors and municipal administrators organized by the Tennessee Municipal League began investigating options and alternatives for cities in Tennessee to get reasonable insurance premiums and stable long term insurance coverages. Today, the ultimate outcome of that committee resulted in municipal government officials deciding to take responsibility themselves for creating a stable municipal insurance provider in Tennessee, the Tennessee Municipal League Risk Management Pool.

The folks responsible for the success of the TML pool are its dedi-



Tommy Green

cated members. For several decades a majority of the appointed and elected municipal officials in Tennessee have taken responsibility for controlling losses and implementing effective risk management programs.

These initiatives, along with consistent growth and commitment of TML Pool members, have proven successful in stabilizing insurance rates over the long-run and assuring an affordable municipal insurance market in Tennessee.

The members of the TML Pool have taken responsibility for their insurance problems that existed several decades ago and have collectively solved those problems by sustaining their membership in and support of the TML Risk Management Pool partnership.

Municipal Administration Program February Schedule

Conflict Management Workshop (6170)

In this course, participants will identify their current style of conflict management, define the process of conflict management, and develop the skill set for effective conflict management and resolution.

Highlights include understanding what creates conflict and techniques of reactive and pro-active management.

Instructor

MTAS training consultants

Who Should Attend

This course is designed for all municipal employees who deal with situations involving conflict or possible conflict in the workplace.

Time

Public administration courses begin at 8:30 a.m. and conclude at 12:30 p.m.

THE UNIVERSITY OF
TENNESSEE UT
MUNICIPAL TECHNICAL
ADVISORY SERVICE

Dates and locations

Feb. 5	Bartlett
Feb. 6	Jackson
Feb. 12	Knoxville
Feb. 13	Johnson City
Feb. 19	Collegedale
Feb. 21	Franklin

Training Facilities

Bartlett Bartlett Performing Arts and Conference Center, 3663 Appling Road
Collegedale Collegedale City Hall, 4910 Swinyar Drive
Cookeville Town Center, One West First Street

Franklin Williamson County Exposition Center, 4215 Long Lane
Jackson West Tennessee Center for Agricultural Research, Extension, and Public Service, 605 Airways Boulevard
Knoxville University of Tennessee Conference Center, 600 Henley Street

To register for this municipal administration program class, please visit the MTAS web site at www.mtas.tennessee.edu or contact Elaine Morrisey at Elaine.morrissey@tennessee.edu or 865.974.0411.

For program information, contact Kurt Frederick, MTAS Training Consultant, at 615.253.6385 or e-mail kurt.frederick@tennessee.edu. Fees are \$25 per person per class for municipal employees and \$55 per person per class for all other participants.

Process drafted for line of succession

GOVERNOR from Page 1

After meeting four times over the past year, the eight-member committee presented its final report earlier this month.

The panel recommended that if a governor became incapacitated, the lieutenant governor would be first in line to succeed the governor. The next in line would be the speaker of the House and then secretary of state.

Under constitutional law, no one can serve in the legislative and executive branch at the same time, which means the lieutenant governor, who also serves as speaker of the Senate, would have to resign that position to temporarily become governor. The speaker of the House, who is next in line, would have to do the same.

The committee felt that it was unfair to require either speaker to give up their position to exercise the governor's powers and duties for a brief period of time. Yet, the committee also recognized that at some point someone has to take the job. As a result, the proposed amendment allows the respective speakers to pass on becoming governor. The line of succession would extend to

the secretary of state, the comptroller of the treasury, and the treasurer. These officers would not have the opportunity to decline the temporary exercise of the governor's powers.

The panel did not recommend for or against having an elected lieutenant governor, but acknowledged in its report that there have been proposals to make that position a constitutional officer of the state that was elected by popular vote. The 33-member state Senate currently elects the lieutenant governor, who also serves as speaker.

If the state's constitution were amended to create the office of lieutenant governor, then that office would presumably become first in the line of succession.

In order for the voluntary transfer of power to take place, the governor would surrender his or her authority by written declaration for a period of time.

The committee also addressed the serious issue of an involuntary process for taking away the governor's powers and duties without his or her consent in dire situations such as mental instability.

To initiate the involuntary process, the attorney general files a petition with the Tennessee Supreme Court seeking a declaration that the governor is unable to perform the powers and duties of the office. The provision grants the Supreme Court original jurisdiction to hear the petition.

TML requests e-mail addresses

The quickest way to keep city officials apprised of legislative happenings is through e-mail or fax. Each Friday during the legislative session, TML prepares and distributes a weekly bulletin.

To receive the *TML Legislative Bulletin* by e-mail or fax, please send your contact information to Mona Lawrence, by fax at 615-255-4752, by e-mail to mlawrence@TML1.org, or call 615-255-6416.

J.R. Wauford & Company

Consulting Engineers, Inc.

Water and Wastewater Systems

Home Office:
2835 Lebanon Road
P.O. Box 140350
Nashville, TN 37214
(615) 883-3243

www.jrwauford.com

Branch Offices:
Maryville, TN 37801
(865) 984-9638
Jackson, TN 38305
(731) 668-1953



City officials attend TML District Meetings



District 4: Sparta city officials helped welcome TML members to the District 4 meeting.



District 4: A refurbished theater on the downtown square provided the perfect spot to hold District 4's meeting.



District 3: J.H. Graham, III, Crossville mayor; Ronnie Kelly, Cookeville water & sewer director; and William Curtis Hayes, Livingston mayor.



District 4: City officials were treated to some traditional bluegrass music during the breakfast portion of the meeting.



District 4: Sally Oglesby, Crossville city clerk; Joe Muscatello, Bond Fund representative; and Mike Turner, Crossville interim city manager.



District 4: Jack Yates, Pleasant Hill vice mayor; and Jim Olds, Pleasant Hill mayor.



District 1: Staff and city officials from Mt. Carmel attended the District 1 meeting held in Johnson City.



District 1: Chad Jenkins, TML deputy director, update city officials on TML's 2008 legislative priorities.



District 1: Tim Whaley, Kingsport communications and government relations; William Donald Lewis, Erwin mayor; and Randy Trivette, Erwin city recorder.



District 1: Dennis Phillips, Kingsport mayor, and Jim Messimer, Bristol councilmember.

Photos by Carole Graves



District 3: John Proffitt, Athens mayor, and Jim Adams, Soddy Daisy commissioner, visit during TML's District 3 meeting held in Collegedale.



District 3: David Mays, East Ridge city manager, and Chris Dorsey, Red Bank city manager.



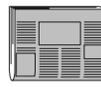
District 3: Lynn Wampler, Signal Mountain interim city manager, and Margaret Mahery, TML executive director.



District 3: Honna Rogers, MTAS, and Linda Bennett, Chattanooga Councilmember and District 3 director.



District 3: Sara Burris, Soddy Daisy city recorder, Janice Cagle, Soddy Daisy city manager, and Commissioner Adams listen as TML staff give an update on legislative activities.



CLASSIFIED ADS

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

BUILDING INSPECTOR
PORTLAND. The city of Portland is accepting applications for the position of Building Inspector until filled. The position is responsible for the inspection work in the enforcement of state and local regulations. This person performs on site building and structure inspections for compliance with state and local codes and regulations. They must ensure that land and building usage conform to health, safety, and zoning regulations. The Building Inspector advises the public and contractors concerning building, electrical, plumbing and other regulations and codes concerning construction. The salary range is \$30,290 - \$42,405. Application may be obtained from the Receptionist or Human Resources Department, City Hall, 100 South Russell Street, Portland, TN 37148 or at www.cityofportlandtn.gov. Resumes send to HR@cityofportlandtn.gov or fax to 615-325-5345. For more information, call 615-325-6776.

CITY MANAGER
ELIZABETHTON. The city of Elizabethton is seeking applicants for the position of City Manager. Salary DOQ plus excellent benefits. Current salary mid-\$90's. Manager responsible for 240 full-time employees and \$14 million general fund budget. Position answers to seven-member council. Mayor chosen by Council. Must be a proven manager with top-notch communication and team-building skills. At least five years' experience as City Manager/Assistant City Manager or equivalent. Bachelors degree required, Master's or equivalent experience preferred. Application is a public record. Send resume by February 8, to Department of Human Resources, Attn: City Manager Position, 136 South Sycamore Street, Elizabethton, TN, 37643. Fax: 423-547-6249. For more information, call 423-547-6248 or email: alyons@cityofelizabethton.org.

CIVIL ENGINEER
OWASSO, OK. The city of Owasso Public Works Department seeks a civil engineer to work under the direction of the Engineering projects manager and the Public Works director, and will be responsible for reviewing subdivision submittals, generating documents for city authorities, and working with other engineers for the design and construction of small capital improvement projects. Requirements: Bachelor's degree from an accredited college or university with major study in civil, environmental or transportation engineering, construction management or a related field; two to three years of experience in professional civil engineering work, preferably in the area of design and/or construction of streets and roadways; possession of an Engineer-In-Training (EIT) certificate preferred; and all education requirements must be verifiable from records of satisfactory completion of courses. Join a team dedicated to improving the lives of its citizens through innovative engineering and public works concepts. Visit www.cityofowasso.com. Send resumes to: employment@cityofowasso.com or Human Resources, P.O. Box 180, Owasso, OK 74055. Position open until filled.

DIRECTOR OF BUILDING & HOUSING CODES
JACKSON. The city of Jackson is accepting applications now through Friday, February 22, 2008 for The Director of Building & Housing Codes responsible for the overall planning, organizing and direction of all activities of the Building and Housing Codes Department, including the effective and efficient operation of a Construction Codes Enforcement Program. Specific job include: plan, design, organize, direct and provide overall supervision, programs and activities for the Building and Housing Codes Department; direct the preparation of the annual departmental budget, and control the expenditures; responsible for the enforcement of construction and zoning codes; responsible for ensuring that all construction, alteration and repairs to houses and commercial buildings conform to structural safety regulations and requirements; meet with contractors and the public to discuss complaints/problems/suggestions and criticisms. College Degree from an accredited college in the area of Codes Enforcement/Construction/Architectural systems or a related area. Experience may be substituted for education. Generous benefit package; beginning salary \$56,950.00. EOE/M/F/V/D. Minorities are encouraged to apply! Job description on city website: www.cityofjackson.net. Please contact the City of Jackson, Personnel Department, 127 E. Main Street, Suite 303, Jackson, TN 38301. Phone 731-425-8252 or Fax 731-425-8673.

DIRECTOR OF MARKETING/PROMOTIONS
JACKSON. The city of Jackson is accepting applications for the position of Director of Marketing/Promotions now through Friday, February 8, 2008. The purpose of this position is to develop a comprehensive marketing, promotional and advertising plan to make the West TN Healthcare Sportsplex a successful venture. This person will service existing sponsors and increase sponsorship base. Specific job duties include providing leadership and direction in the development of short and long range plans; gather, interpret, and prepare data for studies, reports and recommendations; coordinate department activities with other departments and agencies as needed. Assure that assigned areas of responsibility are performed within budget; perform cost control activities; monitor revenues and expenditures in assigned areas to assure sound fiscal control; prepare annual budget; assure effective and efficient use of budgeted funds, personnel, materials, facilities, and time. Develop and execute marketing, promotional and advertising plans and programs, both short and long range, to ensure the profit growth and

expansion of West Tennessee Healthcare Sportsplex services. B. S. degree in Marketing, Advertising, Business Administration or a related field. Generous benefit package; beginning salary: \$45,000.00 plus commission. EOE/M/F/V/D. Minorities are encouraged to apply. Job Description on city web site: www.cityofjackson.net. Please contact the City of Jackson, Personnel Department, 127 E. Main St., Ste. 303, Jackson, TN 38301: Phone 731-425-8252; Fax 731-425-8673

FINANCE DIRECTOR/ASSISTANT TO THE MANAGER
Black Mountain, NC (pop. 7,700). Salary: DOQ/E. Position reports to Manager and is responsible for administration of the departments of Finance and Water Administration. Duties include: supervising the financial activities of the Town; oversight of preparation of three-year financial plan and five-year CIP; contract administration (including IT oversight); and, performing various projects for the Manager. The Town seeks an experienced financial professional who has experience or is interested in expanding their skills into other administrative areas. A combination of education and experience equivalent to graduation from an accredited college or university with major course work in finance, public administration or related field and extensive experience in municipal government desired. Salary range: \$50,565-\$75,837. Job description and application (required) available at www.townofblackmountain.org. Return to: Town Clerk, Town of Black Mountain 102 Montreat Road, Black Mountain, NC 28711. Position open until filled. EOE

PLANNING ADMINISTRATOR
MEMPHIS/SHELBY COUNTY. The city of Memphis and Shelby County is seeking applicants for the position of Planning Administrator. Requirements include Master's Degree in City/County or Regional Planning plus 7 years experience in urban planning or Bachelor's Degree in planning, engineering, public administration, architectural, or the social sciences plus 10 years professional experience in the field of planning. Five years in Executive/Planning Director capacity is required. Submit resume by visiting www.watersconsulting.com/recruitment or for more details on the position. Position open until filled.

POLICE LATERAL ENTRY PROGRAM
JACKSON. The Jackson Police Department is now accepting applications for its Lateral Entry Program through Friday, Feb. 8, 2008. Minimum qualifications include: Current P.O.S.T. certification or out-of-state certification acceptable to the Tennessee P.O.S.T. Commission (minimum of four hundred (400) hours). Starting salary 1 year as a certified officer \$15.50/hr., \$32,240; 2 years as a certified officer \$15.99/hr., \$33,259; 3 years as a certified officer \$16.36/hr., \$34,029; four or more years as a certified officer \$16.72, \$34,770. Career Police Patrol Officers receive annual step increases on our P-Program, up to a maximum of \$43,276 with 14 years of service topped out Patrol Officer pay, in addition to any annual cost of living increase. Required documents to be on file by February 8, 2008: application, high school diploma or GED, valid driver's license, Social Security card, birth certificate, DD-214 (if applicable), full face photo, basic Police Academy certificate, Tennessee P.O.S.T. certificate. Out-of-state candidates must submit Basic Police Academy curriculum. Requirements: Entrance exam (score must be at least 70); In-depth background investigation; physical exam (must satisfactorily pass after offer of employment); drug screen (must satisfactorily pass after offer of employment); psychological exam (must satisfactorily pass after offer of employment). Apply at the city of Jackson Personnel Department at City Hall, 127 East Main St., #303, Jackson, TN 38301.

PUBLIC WORKS DIRECTOR
OWASSO, OK. City of Owasso, Ok is seeking resumes for Public Works Director; position is responsible for planning, organizing, directing, and coordinating the activities of the Public Works Department. Requirements: Bachelor's Degree from an accredited college or university, Masters of Science in Civil Engineering or related field preferred; P.E. certification a plus; Five years increasingly responsible experience in a broad range of municipal services including engineering/architectural design or operations, refuse system operations, water/wastewater and/or street maintenance; Oklahoma Class "A" license as Wastewater Operator and Oklahoma Class "A" license as Water Operator or ability to obtain; other combinations of experience and education that meet the minimum requirements may be substituted. For more information, visit www.cityofowasso.com. Position open until filled.

WASTE WATER TREATMENT PLANT SUPERVISOR
OWASSO, OK. The Public Works Department seeks a Wastewater Treatment Plant Supervisor to service a population of 33,858. The hired professional will work under the direction of the Public Works Director, and will be responsible for coordinating, supervising, and reviewing the activities relating to the operations and maintenance of the City of Owasso wastewater treatment facilities as well as monitoring projects, providing technical expertise, and responding to after hour problems and emergencies. Requirements: Associate's Degree in biology, chemistry, engineering, or a related field; five years of increasingly responsible supervisory experience in wastewater treatment operation and maintenance; minimum of three years experience must be at the Class A level; possession of an Oklahoma Class A wastewater works operator certification; possession of an Oklahoma Class B wastewater laboratory certification. See www.cityofowasso.com for more information. Send resume to employment@cityofowasso.com or Human Resources, P.O. Box 180, Owasso, OK 74055. Position open until filled.

**Tennessee Municipal League
2007-2008 Officers and Directors**
PRESIDENT

Tommy Green,
Mayor, Alamo

VICE PRESIDENTS

Tom Beehan
Mayor, Oak Ridge
Royce Davenport
Mayor of McMinnville
Dale Kelley
Mayor, Huntingdon

DIRECTORS

Alan Barker
Mayor, Humboldt
Linda Bennett
Councilmember, Chattanooga (District 3)
Ed Craig
City Manager, Shelbyville (District 6)
Jean Davis
Vice Mayor, Cookeville
Karl Dean
Mayor, Metro Nashville
Johnny Dodd,
Councilman, Jackson
Eddy Ford,
Mayor, Farragut
David Gordon,
Mayor, Covington
Bill Haslam
Mayor, Knoxville
W.W. Herenton
Mayor, Memphis
Ron Littlefield
Mayor, Chattanooga
Keith McDonald (District 8)
Mayor, Bartlett
Mitch Moore
City Manager, Athens (TCMA)
Jane Myron,
Vice Mayor, Johnson City (District 1)
Tommy Pedigo
Mayor, Sparta (District 4)
Johnny Piper
Mayor, Clarksville
John Proffitt
Mayor, Athens
Charles Rahm
Councilmember, Jackson (District 7)
Charles "Bones" Seivers
President-CEO, Tennessee Municipal Bond Fund
Kay Senter
Vice Mayor, Morristown (District 2)
Ron Washington
Councilmember, Murfreesboro
Ken Wilber
Mayor, Portland (District 5)

PAST PRESIDENTS
Tommy Bragg (2006) Mayor, Murfreesboro
John Franklin Jr (2005) Councilman, Chattanooga
Bob Kirk (2004) Alderman, Dyersburg
Tom Rowland (2002) Mayor, Cleveland
Sam Tharpe (2001) Vice Mayor, Paris
Dan Speer (1997) Mayor, Pulaski

TML AFFILIATED ORGANIZATIONS

(Ex-Officio Directors)
Tennessee Municipal Attorneys Assn.
Barbara Lapidis, Millington
Tennessee Municipal Judges Conference
Ewing Sellers, Murfreesboro
Tennessee Chapter, American Public Works
Richard Whaley, Maryville
Tennessee Government Finance Officers Assn.
John Troyer, Knoxville
Tenn. Assn. of Housing & Redevel. Auth.
Dow Harris, Cookeville
Tennessee Building Officials Assn.
Jim Brown, Bartlett
Tennessee Fire Chiefs Assn.
David Baxter, Murfreesboro
Tennessee Assn. of Air Carrier Airports
Larry Cox, Memphis
Tennessee Association of Chiefs of Police
John Lowry, Johnson City
Tennessee Water Quality Management Assn.
Jack Graham, Maryville
Tennessee Recreation and Parks Assn.
Dennis Suiter, Martin
Tennessee Chapter, American Planning Assn.
Steven Neilson, Brentwood
Tennessee Personnel Management Association
Vicki Burton, Jackson
Tenn. Assn. of Municipal Clerks & Recorders
Connie Kittrell, Gallatin
Tennessee Assn. of Public Purchasing
Susan White, Jackson
TN Section, Institute of Transportation Engineers
Greg Judy, Nashville
Tennessee Public Transportation Association
Tom Dugan, Chattanooga
Tennessee Fire Safety Inspectors
Tommy White, Sevierville
Assn. of Independent and Municipal Schools
Wayne Miller, LenoirCity

TML ASSOCIATE PARTICIPANTS

DIAMOND LEVEL MEMBERSHIP
Bank of America
GOLD LEVEL MEMBERSHIP
Bank of New York Trust Company, N.A.
ING Financial Advisers, LLC
SILVER LEVEL MEMBERSHIP
AT&T
Kendall Metering Systems & Solutions
Redflex Traffic Systems
Sensus Metering Systems
BRONZE LEVEL MEMBERSHIP
Adeus Technologies
Alexander Thompson Arnold, PLLC
Charter Communications
LaserCraft, Inc.
Scott Companies
Thompson Engineering
Vaughn & Melton
Williams Equipment
CORPORATE LEVEL MEMBERSHIP
AMEC Earth & Environmental
Askew Hargraves Harcourt & Associates, LLC
Barge, Waggoner, Sumner, & Cannon, Inc.
BellSouth Telecommunications
Buxton
Christopher Burke Engineering, LTD
CMI Equipment Sales, Inc.
Comcast Cable Communications
Concrete Paving Association of Tennessee
DBS & Associates Engineering
Education Networks of America
Employee Benefit Specialists, Inc.
Florence & Hutcheson, Inc.
Geothermal Utilities, LLC
Johnson Controls
Jordan, Jones & Goulding, Inc.
J.R. Wauford & Co. Consulting Engineers, Inc.
Local Govt. Corporation
The Malone Company
Manatron, Inc.
Mattern & Craig, Consulting Engineers, Inc.
McGill Associates, P.A.
Metropolitan Nashville Airport Authority
Nashville Tractor & Equipment, Inc.
Nortel
Phoenix Tank Services
Rush Truck Center, Nashville
Smith Seckman Reid, Inc.
SSR Eilers Inc.
Stowers Machinery
Tennergy Corporation
Tennessee Cable Telecommunications Assn.
Tennessee Energy Acquisition Corporation
Tennessee Fiber Optic Communities
Thompson & Litton, Inc.
Thompson Machinery
TLM Associates, Inc.
Utility Service Co., Inc.
Volkert & Associates
Waste Management
Wiser Company, LLC

Nation's municipal leaders want funding for key programs, stimulate the economy

Efforts to secure continued federal funding to support local initiatives including transportation, public safety and energy and the environment, as well as finding solutions to the crisis in the housing market are among the top issues that the National League of Cities (NLC) will bring to Congress as lawmakers return this month. Working on behalf of the nation's cities and towns, NLC also will work to refocus federal attention on the need for immigration reform.

Concluding a three-day leadership planning meeting in St. Petersburg, Fla., this past weekend, NLC officials said the upcoming year was a critical time to address looming problems that directly affect the future quality of life in their communities.

"To change America, you have to do it one community at a time," said NLC President Cynthia McCollum, council member from Madison, Ala. "Given what is currently happening to the economy, the significance of investing in infrastructure and resolving the housing crisis cannot be underestimated; in fact, they can be used as tools to help stimulate the economy. As the local elected leaders of America's hometowns, we stand ready to do our part, but these issues demand joint prob-

lem-solving and a federal partnership. The answers to these challenges will help determine the type of country we will be living in during the next 20 years. We cannot delay."

The meeting of NLC's officers and Board of Directors, which included 39 mayors, council members, and representatives from several state municipal leagues from across the nation, led to strong consensus and the development of the 2008 federal lobbying agenda and strategies for working with Congress.

Specifically NLC's federal lobbying agenda for 2008 includes urging Congress to:

- Provide **full funding for federal transportation programs** and **collaborate** with local elected officials on the reauthorization of the surface transportation infrastructure program.
- In response to the mortgage foreclosure crisis, **support** legislation that would **strengthen and stabilize America's housing finance system** by reforming the mortgage process, curbing predatory lending, and providing foreclosure mitigation assistance.
- **Help local communities address recent violent crime trends**, by supporting federal crime intervention and prevention programs, as well as law

enforcement programs.

- Provide **full funding (\$2 billion) for the new Energy and Environment Block Grant Program.**

- **Enact comprehensive immigration reform** that addresses border security; interior as well as workforce enforcement; guest workers; legalization of undocumented workers currently in the U.S.; and support for services provided by cities and towns.

In addition, the leadership meeting focused on the upcoming presidential elections and the transition to a new Administration and Congress. NLC officials outlined several critical concerns that they would like to see addressed in the ongoing campaign.

"Seven out of ten Americans live in a city, town or village in this country," said McCollum. "When our communities thrive, our country thrives. We need to talk about what we must do as a country to remain strong."

NLC is the nation's oldest and largest organization devoted to strengthening and promoting cities as centers of opportunity, leadership and governance. NLC is a resource and advocate for 19,000 U.S. cities, towns and villages, which collectively serve 218 million people.

Youth invited to attend NLC conference

BY TIFFANY MITCHELL
Nation's Cities Weekly

Municipal officials are encouraged to bring youth ages 15 to 18 who are involved in youth councils or other leadership roles to NLC's 2008 Congressional City Conference in Washington, D.C., on March 8-12. The conference offers youth delegates an opportunity to learn about how federal policy and legislation affects their cities and towns.

Youth participation in the Congressional City Conference has significantly increased in recent years. This year, approximately 150 youth are expected to attend. Youth are considered full delegates at the conference and are encouraged to participate in all workshops and general sessions.

Beginning on Sunday, March 9, there will be a number of "youth-only" events to provide context and a framework for the conference, and to allow the youth to network and discuss key policy issues with their peers and with local elected officials from across the country.

Youth delegates will learn about federal issues that impact cities as well as NLC's lobbying priorities for the year, offering a chance to be part of an important dialogue and gain information they can use to take action at home. This involvement in and knowledge of the legislative process allows teens to play a role in shaping the policies that affect them and gives them important skills that prepare them for future civic leadership.

A number of the general conference sessions focus on the details of the current federal policy debates in areas of concern to city leaders. In this context, youth delegates who attend this conference often have the most positive experiences when they have had the benefit of some advance preparation and discussion in their own community.

Youth Sessions

Youth-only sessions will showcase youth councils from around the country engaged in local policy decisions. Youth will also engage in a discussion with local elected officials about their roles in addressing

federal legislation that affects cities and towns.

Last year, youth delegates discussed key issues and concerns with the chairs of NLC's Council on Youth, Education, and Families and two of NLC's policy and advocacy committees — the Public Safety and Crime Prevention Committee, and the Energy, Environment and Natural Resources Committee.

Finally, this conference offers youth delegates the unique opportunity to join local officials at meetings with congressional leaders and staff on Capitol Hill, making the conference an unparalleled learning, networking and leadership development experience for young people who attend.

Details: Registration fees are dramatically reduced for youth delegates. The deadline for advance registration and housing requests for the Congressional City Conference is February 4. For more information about youth delegate participation at the Congressional City Conference, contact Tiffany Mitchell at (202) 626-3014 or fellow@nlc.org.



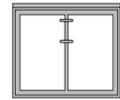
Let us know the particulars about your most important festivals at least six weeks in advance of the event. E-mail Victoria South at vsouth@TML1.org or fax to 615-255-4752.

Feb. 7-9 Smoky Mountains Storytelling Festival Pigeon Forge. Storytelling concerts and workshops, plus the National Youth Storytelling Showcase. For more information, call 800-251-9100.

March 1-2 Middle Tennessee State University's 8th American Indian Festival 1720 Greenland Dr. Murfreesboro. Comfortable indoor arena, free parking. For more information, call 615-796-4210.

March 8 Fifth annual Féile Franklin Historic Downtown Franklin celebrates St. Patrick's Day early with Féile (pro: "FAY-LA") Franklin, a Celtic festival on historic Main Street. Streets will be filled with Irish music, dance, food and fun. It's a free street festival from noon to 6 p.m. with a ticketed beer tasting in the Main Street area shops from 6 to 9 p.m. Tickets available at The Heritage Foundation of Franklin and Williamson County and Davis Kidd Booksellers in Nashville or on the website www.historicfranklin.com. To order tickets by phone, call 615-591-8500. All proceeds will go to Downtown Franklin Association for promotion and continued revitalization of the historic district.

COMING UP



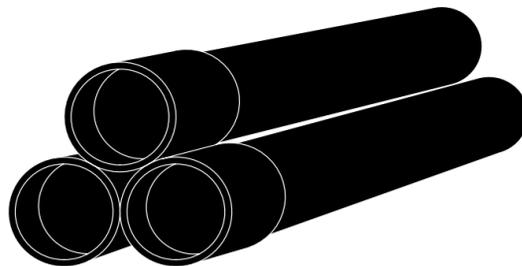
Feb. 24-26: Green Development Conference entitled "Green Development: Good for Water and the Bottom Line" held at the Nashville Sheraton Music City Hotel and hosted by The Tennessee Department of Environment and Conservation in partnership with the Kentucky Department for Environmental Protection and the U.S. Environmental Protection Agency. More information available at <http://www.outreach.utk.edu/GreenDevelopment/>.

Does your city need money for capital projects?

If your pipes are calling, call the Tennessee Municipal Bond Fund for all your financing needs.

We offer:

- low rates,
- lowest costs and
- best service.



We're making great cities even better.

One loan at a time.

(615) 255-1561

 **TMBF**
TENNESSEE MUNICIPAL BOND FUND

Rain or shine,
sleet or hail,
every day is perfect
for a GovDeals sale!



GovDeals

Online Government
Surplus Auctions—24/7

Visit GovDeals.com today
or call 1-866-377-1494

TENNESSEE MUNICIPAL LEAGUE STAFF
Margaret Mahery, Executive Director
Chad Jenkins, Deputy Director
Mark Barrett, Legislative Research Analyst
Carole Graves, Communications Director
Edna Holland, Government Relations, TML/RMP
John Holloway, Government Relations
Debbie Kluth, Dir. Marketing & Member Services
Mona Lawrence, Administrative Assistant
Denise Paige, Government Relations
Victoria South, Communications Coordinator
Gael Stahl, Editor, *Tennessee Town & City*
Sylvia Trice, Director of Conference Planning

TENNESSEE TOWN & CITY

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



MORE FOR LESS

Caterpillar offers good news for governmental officials and taxpayers. Consider our Cat Skid Steer Loaders, Multi-Terrain Loaders, Compact Wheel Loaders and Mini Excavators...all available with a broad list of tools. These machine/tool offerings maximize your machine's versatility allowing you to complete multiple jobs with a minimum of equipment. What's better than cutting costs and saving taxpayer dollars by doing more for less.

When you consider your investment, keep in mind Caterpillar's reputation for longevity, quality parts and on-site dealer services offering the lowest cost per unit of work in the industry.

- Build an RFP on one or more of over 140 different machine models and tools by going to www.govbidspec.com.

Only your Cat dealer offers one-stop-shopping for product sales, insurance, rentals, financing, parts, service and training and they look forward to working with governmental agencies on equipment purchases helping you determine the long-term value of your investment.



www.stowerscat.com

Knoxville
(865) 546-1414

Chattanooga
(423) 698-6943

Tri-Cities
(423) 323-0400

Crossville
(931) 484-4040



www.thompsonmachinery.com

Camden, TN
(731) 584-2732

Clarksville, TN
(931) 552-5496

Cookeville, TN
(931) 646-3200

Jackson, TN
(731) 988-4240

La Vergne, TN
(615) 256-2424

Manchester, TN
(931) 461-5000

Memphis, TN
(901) 332-3051

John Litz, only crop farmer in the House, also raises shrimp, grapes, sod

BY GAEL STAHL
Editor

John Litz's roots in Tennessee farming began with coalminers that emigrated from Germany to Tazewell, Va. Great-great grandfather Litz moved to Tazewell in the 1800s and had 11 children. One of his son's, Litz's great grandfather, a cattle trader who took up farming in Morristown, also had 11 children.

One of his sons, grandfather Litz, married and moved to Idaho shortly after serving in World War I but returned after his parents died to raise his younger siblings and run the farm that passed on to Litz's father, Howard Litz, a life-long, full-time farmer.

Howard Litz and Alice Walker of Virginia met at a funeral in Maryville. Alice had earned a degree from a business college in Knoxville before they married. She was the bookkeeper for the Morristown school system. Their only son, John, born July 24, 1961, graduated high school in 1979 and college in 1983, and inherited the farm in 1990. Litz's older sisters also went into agriculture. They have nursery and greenhouse businesses in McMinnville and Indiana, across from Louisville.

Once Litz could walk, he spent "a world of time" with his father learning farming. When he was three, his father ran his belt through the front loops of his pants and around his boy's waist so they could ride the tractor together.

Litz was also influenced by his excellent agriculture teachers at Morristown West High School, Phil Wright and Damon Morgan, who put a fine edge on his farming skills. They taught him how to make speeches and become comfortable talking in front of people to the point of entering a speech contest. He joined and held several offices in the local Future Farmers of America.

At UT Knoxville, he got his bachelor of science degree in Agricultural Mechanization from the College of Agriculture and he shared an apartment with a Morristown boy. He joined the FarmHouse International Fraternity and enjoyed having time away from home for the first time. The opportunity to be around guys and frat brothers with the same interests and to be part of an organization not connected to his family made him feel he had a family away from home.

After graduating from college in December 1983, Litz returned home to help work the 160-acre family farm, Litz Farms in Hamblen County. In 1999, he bought another farm of 85 acres.

In 2002, he beat an opponent in the primary and an incumbent in the general election to win a seat in the Tennessee House of Representatives. He has served as secretary of the Calendar and Rules Committee, vice chair of the House Elections Subcommittee, as a member of the Agriculture Committee and the State and Local Committee. After his election to a third term in 2006, the Democratic Caucus elected him assistant majority leader.

Litz and his wife, Lisa, were married in 1987. An Ocala, Fla., native, Lisa has a bachelor's degree from UT in forestry with a minor in horticulture and works as a state probation and parole officer.

What little free time farming and political service Litz finds, he loves spending it snow skiing in Colorado.

TT&C: What kind of farming do you do?

JL: We lease a lot of land and farm about 1,250 acres altogether. We raise about 250 acres of corn, 600 acres of soy beans, and more than 100 acres of tobacco. Tobacco is what pays the bills. Or, it did in the past, but it is getting tighter and tighter.

I've also explored the new opportunities for making a farm living. In 2002, we built two one-acre freshwater shrimp ponds and have been raising 17,000 baby or juvenile freshwater shrimp that I sell to local individuals.

Another venture I have is raising and selling about 20 acres of sod, a turf blend of fescue.

Two years ago, I started a vineyard but due to last year's drought and spring freeze that killed the blooms, we hope to get our first crop



Those H2A workers are assigned to me for up to 180 days and when that job's finished, they have to return to their home country.

of grapes this year. I have contracted with a winery in Pigeon Forge to sell our grapes.

TT&C: Do you have many fellow farmers in the legislature?

JL: No, we don't. In the House we still have some cattle producers like Stratton Bone, chairman of the Agriculture Committee, but I don't know of any full-time farmers besides myself. Gene Davidson used to farm several thousand acres, in the Senate, Tommy Burks was a farmer. Sen. Charlotte Burks still is.

It's kind of sad there because farmers can offer a kind of common sense that some people don't have, because we've lived through different circumstances. We never know what's going to go wrong next – the weather or a farm injury. In 1994, I injured my left hand in a corn combine and lost part of my hand including my thumb. My index finger was removed and made into a kind of thumb. You just never know. When April comes, it's time to plant corn and on May 10th it's time to set tobacco seedlings prepared 10 weeks before. But what will the weather be? What will your health be? Are you going to be able to find workers? One wrong decision could easily cost you \$15,000, \$20,000. So when the crop's ready, you've got to start at 5 in the morning and work till 8 or 9 that night. There have been nights I was out spraying fields or combining corn till midnight or 1 a.m. to beat the weather.

TT&C: How does a ruined crop due to weather or a shortage of workers affect your legislative style?

JL: Due to adversity and challenge, I know every decision I make here affects someone positively and someone negatively. Before I vote, I ask myself, will fewer people be affected negatively by this legislation? Are the positives going to outweigh the negatives? Then, you decide. I never forget that we're dealing with people's constitutional rights, whether state or federal.

TT&C: How critical are migrant seasonal workers to agriculture?

JL: People sometimes get the wrong idea that every Hispanic person they see is an illegal alien. That's just not the case. The federal government has an H2A worker program that allows seasonal migrants to enter the US. To get those workers you have to plan ahead four or five months and get the paperwork taken care of to bring H2A workers into the U.S. We employers have to pay for the transportation to get them here and to take them back home. We have to pay workers compensation on them and furnish them government approved housing. We have to take them back and forth to the grocery store and laundry at least once a week. We have to pay them about \$8 an hour.

It can be expensive, but you've got a crop in the fields that has got to be harvested in a timely manner. When we start cutting tobacco, we'll employ 15. It would be cheaper to hire local people if local people were available. I began to use migrants several years ago when I couldn't find enough local people to do seasonal work.



I'd been approached to sign that same pledge, but I declined because I can't predict the future. I gave myself slack to act in a crisis.

TT&C: When these temporary green card holders finish your job, can they go work for other employers?

JL: Those H2A workers are assigned to me for up to 180 days and when that job's finished, they have to return to their home country. They can't go work for someone else.

Migrant workers that are not H2A workers also come through, and when the work is finished in our area, a lot of them move over to North Carolina to cut Christmas trees or up to Virginia to pick apples and down to Florida to pick oranges and citrus fruit through the winter. I can almost guarantee that if you eat today, you have had food that has been touched by a migrant worker somewhere along the line.

TT&C: What percentage of seasonal workers lack documentation?

JL: I don't know. We passed immigration legislation in the House last year making it a felony for you to knowingly hire an illegal immigrant. Everyone who works on our farm has to show us proper identification within 72 hours. We don't work them on our farm if they don't have proper identification.

TT&C: When did you first get involved in public service?

JL: The first public service I got involved with was by running for the House in 2002. If you'd told me five years before I would ever run for public office, I would have laughed. I had no interest in that at all. It got to that point during the state income tax debates of 2000-2001. It seemed like everybody was saying we had to raise taxes, and there wasn't any effort to cut spending. I felt they needed to hear from some new voices down there.

My district includes the 58,000 people in Hamblen County, and only three other Democrats had been elected to a state office there since the Civil War. Only one of them was elected to more than one term, and that was for just two terms.

TT&C: Did the incumbent you ran against support an income tax?

JL: He did. I'm not saying that was the right thing or the wrong thing to do. The legislators studied the pros and cons and made up their minds. The problem I had with Stencil Ford was that he signed a no-tax pledge, then turned around and voted for the



Photos by Gael B. Stahl

I'm concerned that the way the AT&T bill is set up to allow them to come in and cherry pick where they want and don't want to go.

state income tax and an increase in the sales tax.

I figure if you're going to give people your word not to do something, you should keep it. I'd been approached to sign that same pledge, but I've declined because I can't predict the future. I gave myself slack to act in a crisis, because sometimes we have to back up and redo things. When you go out on a limb and just sign a pledge not to do something, you pretty well tie yourself in and can't serve the electorate by thinking on your feet when new circumstances arise.

TT&C: To beat an incumbent, did you have good support?

JL: I had an opponent in the Democratic primary, too. I'd never met Joe Moore before, but we sat down and talked and then ran clean races against each other. After it was over, he became one of my biggest supporters and best friends. He helped recruit people to work the polls and get people to vote. I give Joe a lot of credit for my winning that race.

TT&C: What has being the only Democrat to be elected three times taught you?

JL: That if you are interested in being elected for the right reasons, people will elect you whether you're a Republican or a Democrat. It taught me that the philosophy I learned from my father a long time ago is right. If you look after working people – the ones who have their names on their shirts, who get up every morning and worry about whether or not they are going to have enough money for their children to have a good meal at school, and if their kids are going to be safe when they get on the Internet and when they go back and forth to school, and if they have enough money to pay for health insurance – if you'll work to take care of those people, everybody else will take care of themselves.

We men and women in the legislature are a family even though we're from different backgrounds and bring differing philosophies.

TT&C: Based on your philosophy of service, what legislation have you favored?

JL: One of the best bills I ever passed was one the city of Morristown brought to me and my senator, Steve Southerland. The city asked us to try to pass legislation to allow the Morristown Utility Service to offer

cable television beyond its utility district out to the Hamblen County line. The cable companies fought hard against us but we were successful. MUS is now offering fiber net cable television service out to the city limits and is getting ready to move out into the county.

The best legislation the General Assembly passed in the five years I've been here and helped the most people was the lottery scholarship program.

The worst legislation we as a General Assembly passed during my time here was the ethics legislation. I understand that the Tennessee Waltz fueled the fire under it, but the fact is that everything wrong that the Tennessee Waltz sting uncovered was already illegal in existing law. The sting did what it was supposed to do. It caught people who were breaking existing laws.

Our overreaction to it limits what we can do back home. If my bank, First Tennessee Bank, has a Christmas banquet and invites Sen. Southerland and me, we can't go if we had collected per diem for that day unless we pay for our own meals. That's because the state banking association has lawyers and lobbyists. The ban also limits them from spending more than \$50 on us. It can get embarrassing to have to go up and say you have to pay for your meal.

If you're an honest legislator you're not going to do anything wrong knowingly, and if you're a dishonest legislator, you're going to work around the system.

TT&C: How does Morristown/Hamblen feel about AT&T's bill allowing it to come in there with a statewide franchise?

JL: Hamblen/Morristown is in a unique situation when AT&T states its big argument: "We bring competition on costs." With Charter and Comcast cable companies servicing our area and MUS getting out there now, we already offer competition.

I don't know that AT&T would be a big asset to the people in my district. I'm inclined to vote against it, right now. I'm concerned that the way the AT&T bill is set up to allow them to come in and cherry pick where they want and don't want to go. Taking the subdivisions and leaving the outlying areas for Charter and MUS and Comcast means the others can't survive. I'm worried about that. It bothers me that if you lose MUS, Comcast, and Charter, rural people won't have any cable service at all.

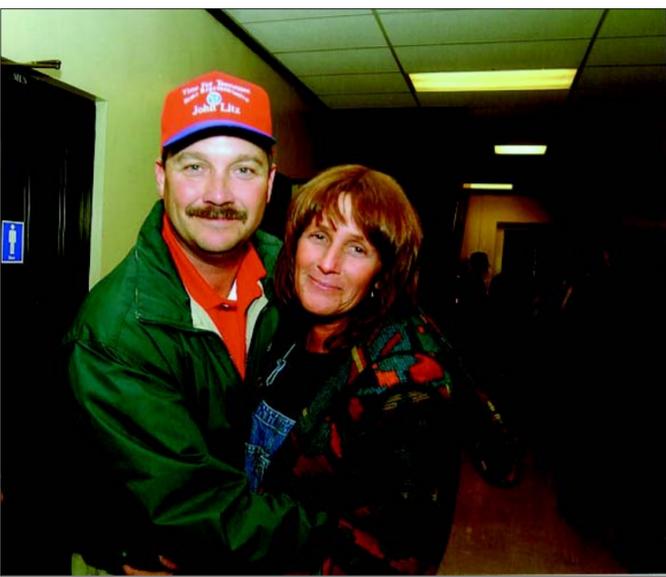
The citizens of Morristown invested about \$38 million into this fiber net system. If MUS cable service goes broke, the people of Morristown are going to have to foot the bill for that. I'm certainly not in love with that idea either.

TT&C: Did you oppose the cigarette tax and smoking ban last session?

JL: I was one of 11 that voted against it on the House floor. It's hard to stand up against the governor when he and I are of the same party and even though he and Speaker Naifeh have made good decisions on other things. I just thought he was wrong in his thinking on this. I wasn't successful, and I'll give the governor and the speaker due credit. We respected each other's feelings. Afterwards, we shook hands and were ready to move on. I just felt that smokers have rights too, that they were being unfairly treated.

TT&C: What bills are you sponsoring this year?

JL: One that comes to mind makes changes in the lottery scholarship program. Currently, when a student completes 120 hours, the lottery funds run out. The problem is that there are kids in my district who paid out of their pocket for some hours that weren't eligible for the lottery scholarship. Due to summer school courses or from changing their majors, students might have 125 accumulative hours. The lottery won't pay for anything over 120 even though the parents paid for 30 of those hours. The students are still locked out from the needed hours because they went over the 120 hour limit. I'm going to do my level best to pass a bill this year to change that.



John and Lisa Litz