

City Spotlight: Memphis



Downtown Memphis rises from a bluff along the Mississippi River, and the city sprawls outward over southwest Tennessee and into northern Mississippi and eastern Arkansas. Several large parks are scattered through the city, notably Overton Park in Midtown and the 4,500 acres Shelby Farms. The city is a national transportation hub and Mississippi River crossing for Interstate 40, Interstate 55, barge traffic, Memphis International Airport (FedEx's "SuperHub" facility) and numerous freight railroads that serve the city.

Date of Incorporation:
1826

Population:
646,889

County:
Shelby

Grand Division:
West Tennessee

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UT MTAS to Receive Tennessee Center for Performance Excellence Award

The University of Tennessee (UT) Municipal Technical Advisory Service (MTAS) has earned Interest Level Recognition in the annual Excellence in Tennessee recognition program administered by the Tennessee Center for Performance Excellence (TNCPE). TNCPE is the only statewide quality program and is patterned on the Baldrige Performance Excellence Program, the national standard for recognizing organizational excellence. MTAS will accept the award at the 19th annual Excellence in Tennessee Awards Banquet on February 22, 2012.



"We are very proud of this next step and our ongoing efforts for continuous improvement at MTAS," commented Executive Director Steve Thompson. MTAS is part of the UT Institute for Public Service (IPS) and provides technical assistance to cities and towns across the state.

Through an annual evaluation and assessment process, TNCPE recognizes high-performance organizations that exhibit continuous improvement and best practice processes. This year, TNCPE has named 28 organizations as 2011 award winners. They represent outstanding achievement in the following industry sectors: health care, manufacturing, service, education, government and nonprofit.

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Changes to Solution Point for MTAS Customers

MTAS is changing to a new training registration and tracking system to better meet the needs of our customers! With these improvements, MTAS will change to an online registration system effective January 1, 2012, and will accept registration and payment by credit card through your Solution Point account.

Most of our customers, the professionals serving cities and towns in Tennessee, will find that this is an improvement, but the needs of every city or town is important to us. If you need assistance with registration or payment, call Elaine or Sandy in the MTAS office at (865) 974-0411.

UT MTAS to Receive Tennessee Center for Performance Excellence Award

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“Tennessee is competing not just nationally but internationally for new jobs, and each award recipient contributes to the state’s success at the regional, national and international levels,” Tennessee Gov. Bill Haslam said. “Tennessee is a better place to live and work because of the commitment to excellence and continuous improvement embraced by these organizations. Strong organizations, such as these, bring in investment and resources, playing a critical role in making Tennessee the No. 1 location in the Southeast for high quality jobs.”

Organizations like MTAS apply to the TNCPE program at one of four levels. As the levels increase, so do the depth and complexity of the applications. Since the program was founded in 1993, only 21 organizations have attained the excellence designation. While there will not be an Excellence Award presented this year, six organizations will be honored with the Achievement Award; 17 will be awarded a Commitment Award, and five, including MTAS, will receive Interest Recognition, which is the beginning level for organizations interested in adopting and applying performance improvement principles. A full list of winners can be found on the TNCPE website.

“This program takes a true commitment from leadership and dedication by the entire organization to refine their processes, delight the customers, engage their workforce and get real results,” said TNCPE President Katie Rawls. “We are honored to work with organizations like the University of Tennessee Municipal Technical Advisory Service, as they pursue their journey toward continuous improvement and excellence.”

TNCPE is a nonprofit, public-private partnership and is available to all businesses, educational institutions, health care organization, government agencies and other nonprofit entities. To learn more, visit www.tncpe.org.

For more information on MTAS, go to the website, www.mtas.tennessee.edu.

From the Director

Steve Thompson, MTAS Executive Director

As we reach the end of the year, I want to take a moment to reflect on the events and work of the past year, trends for the future and how I see MTAS and the services of this organization change.



Steve Thompson

The year 2011 has been a difficult one for municipalities across the country, and unless your community is better than most – and some are – we are not seeing the JFK-inspired welcome of public service and public servants. For many elected and appointed officials, this is a challenging and unpleasant time to work in government. In addition to the uncivil and anti-government tone that is so often reflected in the newspapers and public meetings, we also see the distrust of the city, public and private technical experts that should be helping governments at all levels to work through the complex issues that they face. The trust level for public institutions, including the media, is extremely low. We can complain about the cynical and sophomoric rhetoric, the negativity of anonymous blogs and the other components that contribute to this mess, but the fact is, we’re in a funk, with no end in sight. Despite this tough environment, there is always good work to be done, and we – and you – are best prepared to do it in the coming year.

The MTAS Advisory Committee recently discussed a number of strengths that MTAS, the Institute for Public Service and the University of Tennessee bring to our work, and one that resonates for me is that we deliver unsurpassed technical advice with no agenda other than to support good government. Through the work of experienced and trained municipal experts, and by leveraging the resources of the university, MTAS supports you and your city with basic and extraordinary issues and challenges. We offer better, faster and less expensive technical assistance and training than most cities receive from any source, and I hope you find that our staff provides this service with enthusiasm and energy.

We are constantly changing in both small and large ways to improve our service to you; and, of course, please call if we can assist you and your city with the knowledge that comes from experienced and prepared consultants and experts.



Parliamentary Procedure: *Robert's Rules of Order*— *Robert's Rules* says that the chair can vote ... is this right?

Margaret Norris, Municipal Management Consultant

Section 4 of *Robert's Rules of Order Newly Revised 10th Edition* does indeed state that the presiding officer of a meeting has the same voting right as another member of the body. It goes on to state, however, that:

... the chair protects his impartial position by exercising his voting right only when his vote would affect the outcome, in which case he can either vote and thereby change the result, or he can abstain. If he abstains, he simply announces the result with no mention of his own vote. (§ 4, p. 50-51)

In a counted rising vote (or a count of hands) on a motion requiring a majority vote for adoption, the outcome will be determined by the chair's action in cases where, without his vote, there is (a) a tie, or (b) one more in the affirmative than in the negative.

So what do you do when your city has adopted *Robert's Rules* but your charter says that the mayor only votes to break a tie? Follow your charter. Well, what do you do if the mayor has the right to vote according to the charter but she never does? That is a mayoral decision that rests in her hands in that case.

On a side note, this column has been running for more than a year now, and my list of topics to cover is growing short. If you have any issues regarding *Robert's Rules* or a follow up question to a previous topic, please let me know, and I will be sure to address it in a future article.



Margaret Norris

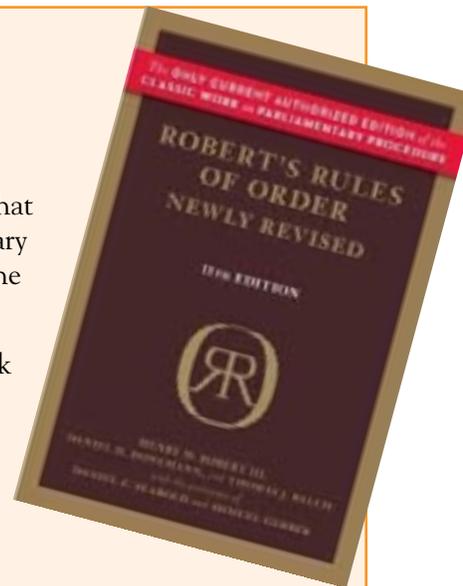
Hear Ye, Hear Ye! *Robert's Rules of Order* New Edition Is Available!

If you use MTAS for your codification services, chances are in Title 1 there is a section that says that your town or city has adopted *Robert's Rules of Order* as its guide for parliamentary procedure. Some cities specify the edition that has been adopted while some state that the "current" edition is in effect.

If you follow the current edition, then you need to know that the 11th edition of the book just came out (it is updated about every 10 years); and you may want to consider buying the new book. I recommend the spiral bound copy, but it is also available in hardcover, paperback, leather bound, CD-ROM, and there is even a Kindle version.

The preface of the 11th edition includes a highlight of the 17 notable changes, plus the 103 other changes that were made. If you would like to read all 120 changes, they are at <http://www.robertsrules.com/changes11.html>, the *Official Robert's Rules of Order* website.

Some of the amendments are as simple as acknowledging that a person who is unable to stand is permitted to speak while seated; while one of the major changes is a revision of Chapter XX dealing with disciplinary procedures. There were many changes regarding technology that gives boards authority to do many things electronically. Keep in mind that state open meeting requirements will trump any additional authority given by *Robert's Rules*.





TREEDC Making Connections

Warren Nevad, Municipal Management Consultant

On October 7, the mayors of the Tennessee Renewable Energy and Economic Development Council (TREEDC) collaborated with Genera Energy, Tennessee Reservoir Development Agency, Michael Brady, Inc. and Monroe County Office of Economic Development to sponsor a free community outreach forum to area citizens and clean energy stakeholders. The 86 attendees gathered to examine strategies to develop alternative energies in East Tennessee and to learn about renewable energy.

Monroe County Director of Economic Development and MTAS Management Consultant Warren Nevad developed the agenda which consisted of presentations by representatives from the UT Institute for Public Service (IPS), Tennessee Department of Agriculture, Genera Energy, Frontline Bioenergy, 49 Green, LTA Consulting, Inc., Oak Ridge National Laboratory (ORNL) and Tennessee Valley Authority (TVA). A networking lunch consisted of a presentation by Assistant Commissioner of State Department of Labor and Workforce Development Iliff McMahan, Jr., and an afternoon panel was spearheaded by Martin Penny with Cooley Public Strategies and included presentations on various renewable energy technologies available to local governments across the state.

Then, on November 18, the mayors of TREEDC joined with MTAS, USDA Rural Development, Shelby County Office of Sustainability, the City of Memphis, MLGW and TVA to sponsor a free community outreach forum to Memphis Area citizens and clean energy stakeholders. Attendees gathered to witness a new partnership between TVA and TREEDC to support more renewable energy for Tennessee communities by promoting a grassroots approach to recruit voluntary residential and commercial subscribers to green power in the Memphis community. Programs included presentations from MLGW President Jerry Collins, Shelby County Mayor Mark Luttrell and representatives from numerous leading organizations. A crowd of 92 stakeholders heard about various clean energy technologies to help Tennessee become more energy independent and to create more green jobs.

TREEDC Mayor Dennis Reagan dedicated the Sunbright municipal solar facility on September 30. The 20 kilowatt facility was constructed by the TREEDC member Outpost Solar and funded by an energy efficient block grant from the state Economic and Community Development (ECD) Energy Division. The solar facility will help lower energy costs for Sunbright's municipal facilities and possibly eliminate electric bills for the city hall. MTAS Management Consultant/TREEDC Executive Director Warren Nevad presented Mayor Reagan with an appreciation award and thanked the town for being a statewide role model in small town excellence in solar energy.

Jackson City Walk to Spur Downtown Business Boom

Downtown Jackson is being rejuvenated in big way. A 20-acre section of property is being transformed into a development named City Walk, an integrated commercial and residential planned community bringing the design principles of new urbanism to the Jackson center city area.

The initial phase of City Walk will feature a state-of-the-art medical wellness facility, LIFT (Living Fit in Tennessee). Acting as an anchor for City Walk, the 75,000-square-foot LIFT facility will be constructed and operated by West Tennessee Healthcare. LIFT will provide a wide variety of fitness and wellness programs including a swimming pool, a primary care clinic, a physical therapy rehab center and an aquatherapy program. It is anticipated that 4,000 to 6,000 people from throughout the city will participate in the LIFT activities. In addition to providing a wide variety of fitness and wellness programs, the new facility will include a walk-in primary care clinic, a SportsPlus physical therapy rehab center and its successful aquatherapy program. Other amenities at Central Creek include a new public park area along Central Creek; the West Tennessee Farmer's Market, which boasts 5,000 weekly visitors during spring, summer and fall months; and a new 150 unit upscale apartment complex. The close proximity to court square makes this a convenient stop for the thousands of individuals who work, shop or play in downtown every day.

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Jackson City Walk to Spur Downtown Business Boom

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Additionally, a new 20,000-square-foot retail and commercial center will be constructed along with 156 upscale apartments units and 20 new single-family residential lots within a park-like setting featuring, a scenic creek, greenways and trails.

The city of Jackson acquired and consolidated the property. With a mixture of private and public participation, the entire development will cost \$50.7 million.

Mayor Jerry Gist stated, “This is one of the most exciting ventures to occur in Jackson. City Walk will serve as a magnet that will attract people to shop, exercise and even live in a park-like setting within our beautiful downtown. I am confident that City Walk will invigorate the continued development of

our downtown. We are especially appreciative to West Tennessee Healthcare for making such a significant commitment by locating their LIFT facility within the City Walk development.”



Submitted drawing of the Jackson City Walk

Bobby Arnold, CEO of West Tennessee Healthcare remarked, “It is part of our mission and vision to improve the health of our community. The LIFT medical-based health and wellness center will provide comprehensive health and wellness services, becoming the focal point of our community’s efforts to be a healthier community. I commend our city and county leaders, the CRA, Healthy Community, LLC and our board of West Tennessee Healthcare for their vision and investment in the future of our community. We are excited to be part of such an important and progressive initiative in the heart of our community.”



Going Green Can Be Less Work

Kurt Bookout, Director of Public Utilities, El Dorado, Kansas

Grass that’s a soft green, never needs mowed and is extremely heat and drought tolerant ... sound too good to be true? Well, there is such a grass that in tough economic times, many cities are catching on to.

The city of El Dorado, Kan., constructed a new wastewater treatment facility in 2007, and the theme was “green.” So much so, they won the National Environmental Project of the Year award from the American Public Works Association. One of the goals of this facility, besides producing great quality effluent, was to create an aesthetically pleasing facility while reducing landscape maintenance. The quarter-mile entrance road to the new plant is lined with a native tall-grass prairie species and framed with a 10-foot wide band of Buffalo Grass. The variety chosen was “Top-Gun.” The Buffalo Grass gives the entrance road a manicured look without all the mowing.

The beauty of Buffalo Grass is that it thrives in arid locations subject to the reflected heat of concrete and asphalt roadways. It also does a great job of self-repairing by sending out many branching stolons and rhizomes that produce a dense sod. El Dorado has also planted Buffalo Grass in some of the medians along the state highway running through town. You can irrigate Buffalo Grass, but go easy; it doesn’t like wet soggy ground. But the good news is, you don’t have to. The grass will go dormant in extreme drought and green up with the first shower.

The native tall grass prairie mix is comprised of Big Blue Stem, Little Blue Stem, Indian Grass, Switch Grass and Side Oats Grama. The native grass mix makes a great cover to control erosion. It also looks great, provides great wildlife habitat and crowds out weedy species. No need to mow, but it is recommended to perform a controlled burn in the spring every few years to control woody invasion and thatch build-up. If you’d like more information on El Dorado’s project, contact Kurt Bookout, director of public utilities, at wildcat@eldoks.org. Go green, and keep your mower in the garage!

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Tennessee Chapter Wins Awards in Denver at APWA's International Public Works Congress and Expo

Judy Keller, Tennessee Public Works Magazine

The Tennessee American Public Works Association (APWA) chapter won the PACE Award and Metro Nashville/Davidson County 2010 Flood Recovery won the Public Works Project of the Year award.



At the APWA National Congress, TCAPWA members David Himes, Metro; Sharon Rollins, UT MTAS; and Bob Fruedenthal, former APWA president, accepted the PACE Award from current APWA President, Diane Linderman.

The PACE Award was established to recognize chapters for contributions made to positively impact their membership, profession and community. Chapters are judged on membership, service to chapter members, advancement of public works and service to the community. In order to be eligible, any chapter with 500 members or less submitting for the PACE requires one other National nomination for any category.

This is the third year that the Tennessee chapter has won the award. Bo Mills, Region III director, and Judy Keller, *Tennessee Public Works Magazine* publisher, prepared the application submittal.

The APWA Public Works Project of the Year awards are presented annually to promote excellence in the management and administration of public works projects, recognizing the alliance between the managing agency, contractor, consultant and their cooperative achievements. This year, APWA selected projects in five categories: Disaster/Emergency Construction, Environment, Historical Restoration, Structures and Transportation.

Awarded in the Disaster/Emergency Construction/Repair category at a cost of between \$5 million to \$25 million, the Metro Nashville/Davidson County Flood Recovery of 2010 resulted from extreme and unprecedented weather conditions that produced large amounts of rainfall, causing a devastating and record-breaking flood of the area.

For the remainder of the article and more information on the Project of the Year award, read the complete article in the November/ December 2011 *Tennessee Public Works Magazine*.

Judy Keller, "Tennessee Chapter Wins Awards in Denver at APWA's International Public Works Congress and Expo," *Tennessee Public Works Magazine*, November/December 2011, pp. 26-27.

MTAS Conducts First Administrative Hearing Officer Training Series

Kurt Frederick, Training Consultant

On November 30 and December 1, 27 attendees participated in the first administrative hearing officer training program for those who will be designated by their cities as administrative hearing officers.

This training program was the result of T.C.A. § 6-54-1001. Pursuant to this law, a city can, via ordinance, create an administrative hearing office with jurisdiction to hear violations of certain locally-adopted codes, including building code and property maintenance ordinances. The law also allows its administrative hearing officer to levy fines for such violations in excess of \$50.

Training participants included city managers and administrators, municipal judges, municipal attorneys, building inspectors, a fire chief, a storm water program manager and codes and planning officials. The attendees received 12 hours of instruction in the mechanics of the bill, housing and property maintenance codes, the administrative hearing process and the rules of open records and open meetings. Facilitators were from the legal team of MTAS, the Director of Codes and Building Safety for Metropolitan Davidson County, Administrative Law Judges from the Administrative Procedures Division of the Tennessee Secretary of State's office and the Open Records Counsel of the Tennessee Comptroller's office.

Successful completion of this training authorizes participants to serve as Municipal Administrative Hearing Officers.

Tullahoma Readiness Center: “Ready” for New Geothermal HVAC System

Bennie Pandorf, Jr. P.E., MBA, LEED AP+ I.C.
Thomasson Associates, Inc., Nashville

In 2007, when the Tennessee Army National Guard envisioned its new readiness center in Tullahoma, it had two goals in mind.

It wanted a home for the soldiers of the 30th Troop Command and the 1175th Transportation Company. It also wanted to be a good neighbor to the local community.

Readiness centers provide full-time operations support for planning, administration, training, storage and recruiting associated with the assigned military units. These facilities must be designed to allow operational compartmentalization of certain areas while other functions remain active. In addition, readiness centers provide for both military and public social function as well as for shelters during emergencies or natural disasters.

To fulfill the multiple functions of this new state-of-the-art facility – and to keep it safe, comfortable and sustainable with a low maintenance heating, ventilation and air conditioning (HVAC) system – the National Guard partnered with Hart Freeland Roberts, Inc. and I.C. Thomasson Associates, Inc. (ICT).

ICT modeled the HVAC energy usage for different types of systems, with the goal of LEED Silver-NC version 2.2 in mind. A water-source heat pump system with dedicated 100 percent outside air seemed to be a good fit to provide the required compartmentalization and still allow the number of thermostat control points that would be necessary for comfort.



Submitted drawing of the Tullahoma Readiness Center

DECISION POINTS FOR THE GEOTHERMAL SYSTEM

The two options for the cooling/heating water loop system were: 1) a standard cooling tower and boiler plant (herein referred to as “WSHP”) or 2) an underground geothermal loop (Ground Source: herein referred to as “GSHPs”) with a vertically piped borefield.

Comparisons of both systems were performed with the goal of minimizing energy usage. In the end, it was clear that the GSHP system was the more energy efficient option, saving approximately \$14,000 a year compared to the standard WSHP system and more than \$33,000 a year when compared to the ASHRAE “baseline” packaged rooftop system.

The more complex method of calculation required by LEED enabled us to show a 28 percent improvement (six credits of the 33 total required for LEED Silver status) over 2004-ASHRAE 90.1, which is the prevailing energy standard for LEED evaluation.

Article used with permission of author and the American Council of Engineering Companies of Tennessee.

Bennie Pandorf, “Tullahoma Readiness Center: ‘Ready’ for New Geothermal HVAC System,” *The Voice*, American Council of Engineering Companies of Tennessee, Nashville, November 2011, p.1.

GEOTHERMAL HVAC SYSTEM AT TULLAHOMA READINESS CENTER

Total Capacity: 173 tons

Expandability: 56 tons

Vertical Bore piping:
1” U-tube configuration

Vertical Bore depth: 300 ft.

Vertical Bore separation: 25 ft.

Borefield piping material: HDPE

USFA 2010 Annual Report on Firefighter Fatalities in the United States Available

The United States Fire Administration (USFA) recently released the report *Firefighter Fatalities in the United States in 2010* (PDF, 2.5 Mb). The report continues a series of annual studies by the USFA of on-duty firefighter fatalities.

The USFA is the single public agency source of information for all on-duty firefighter fatalities in the United States each year.

Eighty-seven on-duty firefighters from 31 states lost their lives as the result of 83 fatal incidents that occurred in 2010. This is the second consecutive year of substantially fewer firefighter deaths in the United States. During the previous six-year period of 2004-2009, the average number of annual on-duty firefighter deaths was 112. Illinois experienced the highest number of fatalities with nine firefighters killed; New York and Ohio had the next highest totals with eight firefighter deaths each.

An overview of the 87 firefighters who died while on duty in 2010:

- The total breakdown included 56 volunteer, 28 career and three wildland agency firefighters.
- There were four firefighter fatality incidents where two firefighters were killed in each, claiming a total of eight firefighters.
- 11 firefighters died in duties associated with wildland fires. Along with 11 such deaths in 2007, it was the lowest number of annual firefighter deaths associated with wildland fires in a decade.
- Activities related to emergency incidents resulted in the deaths of 48 firefighters.
- 22 firefighters died while engaging in activities at the scene of a fire.
- 16 firefighters died while responding to or returning from 15 emergency incidents. Nine of the firefighters killed while responding to incidents died from heart attacks (eight) or stroke (one).
- Heart attacks were the most frequent cause of death with 50 firefighter deaths.
- 12 firefighters died while they were engaged in training activities.
- 15 firefighters died after the conclusion of their on-duty activity.

The unique and specific objective of *Firefighter Fatalities in the United States* is to identify all on-duty firefighter fatalities that occurred in the United States and its protectorates during the calendar year and to present in summary narrative form the circumstances surrounding each occurrence.

For 34 years, USFA has tracked the number of firefighter fatalities and conducted an annual analysis. Through the collection of information on the causes of firefighter deaths, the USFA is able to focus on specific problems and direct efforts toward finding solutions to reduce the number of firefighter fatalities in the future. This information is also used by many organizations to measure the effectiveness of their current efforts directed toward firefighter health and safety.

For additional information on firefighter fatalities, including the annual fatality reports from 1986-2010, 2011 firefighter fatality notices and the report *Firefighter Fatality Retrospective Study 1990-2000*, [CLICK HERE](#).

2012 Upcoming Events

MARK YOUR CALENDARS!

January 20	TPMA Middle Tennessee Membership Meeting, Location TBA
January 21-22	Fire Chief Orientation, Loudon
March 5-6	Tennessee Municipal League Legislative Conference, Nashville

Planning Commission and Board of Zoning Appeals Training Update

The Training and Continuing Education Act of 2002 provides that each planning commissioner shall within one year of initial appointment, and each calendar year thereafter, attend a minimum of four hours of training and continuing education. Each full-time or contract professional planner or other administrative official whose duties include advising the planning commission shall, each calendar year, attend a minimum of eight hours of training and continuing education. A professional planner who is a member of the American Institute of Certified Planners and who has obtained a current certificate in the AICP Continuing Professional Development Program shall be exempt from this requirement. A professional planner who is a member of the American Institute of Certified Planners shall submit a copy of such member's current certificate from the AICP Continuing Professional Development Program.

Planning and commission members and full-time contract professional planners shall certify by December 31 of each calendar year such individual's attendance by a written statement filed with the secretary of such individual's respective planning commission (approving authority of training). Each statement shall identify the date of each program attended, its subject matter, location, sponsors and the time spent in each program.

The subjects for the training and continuing education required by this act shall include, but not be limited to, the following:

- Land use planning
- Zoning
- Flood plain management
- Transportation
- Community Facilities
- Ethics
- Public utilities
- Wireless telecommunications facilities
- Parliamentary procedure
- Public hearing procedure
- Land use law
- Natural resources and agricultural land conservation
- Economic development
- Housing
- Public buildings
- Land subdivision
- Powers and duties of the planning commission

Training opportunities are also available through such sources as the Tennessee Department of Economic and Community Development (ECD), the Tennessee Valley Authority (TVA) and the Tennessee Emergency Management Agency (TEMA). The websites for training events from these training providers are listed below:

<http://www.tva.gov/training/>

<http://www.tn.gov/ecd/whatsnew/>

<http://www.tnema.org/ema/training/trainingcalendars.html>

The TREEDC workshops across the state are also an excellent source of information on natural resources (www.treedc.us).

