



Photo courtesy of Knoxville Tourism & Sports Corporation

## City Spotlight: Knoxville

### 2008 Solar America City

Knoxville is one of 12 cities nationwide selected by the U.S. Department of Energy to work toward making solar power a competitive alternative energy in their cities.

**Date of Incorporation:**

1791

**Population:**

173,890

**County:**

Knox

**Grand Division:**

East

**Web site:**

<http://www.cityofknoxville.org>

University of Tennessee  
**Municipal Technical Advisory Service**  
600 Henley Street, Suite 120  
Knoxville, Tennessee 37996-4105  
Phone 865-974-0411  
Fax 865-974-0423  
<http://www.mtas.tennessee.edu>

## MTAS Post-graduate Internship

*Mike Tallent, MTAS Executive Director and*

*Margaret Norris, MTAS Management Consultant*

Since February 2006, MTAS has partnered with several cities to develop and offer a post-graduate internship program. MTAS and the cities enter into an inter-local agreement that allows them to recruit and hire a recent Masters of Public Administration graduate who will work for up to 24 months in the cities, spending one to three months in each city on a rotating basis. In addition to the participating cities MTAS also enters into a contract with TML or the respective development district. Since the intern is hired as an actual MTAS employee, each city and agency pays MTAS for the time that the intern works in their location.

The intern works for and reports to the respective city manager or development district director but rotates through each functional area of city government on a preplanned and coordinated basis. The city gets the benefit of a bright and eager worker who views issues with fresh eyes, and the city receives work products that are well researched, well written, and typically involve projects that take more time than a city manager or department head has to dedicate to a single effort. The intern earns a wealth of information and knowledge in each functional area and also has the opportunity to observe individual managers and their management styles. The goal is that after two years in the program interns will be positioned to enter local government as city managers or assistant city managers.

The two current MTAS post-graduate interns are Jennifer Ward and Tracy Baker. Ward has been working in middle Tennessee since July of 2008. Her rotation includes the cities of



Jennifer Ward

Brentwood, Columbia, Murfreesboro and White House as well as the Tennessee Municipal League. Baker began her internship in January of this year and will work for the cities of Cleveland, Collegedale, Dayton, East Ridge, Etowah, Signal Mountain and Soddy-Daisy in addition to Cleveland Utilities and the Southeast Tennessee Development District. These two interns are the second and third participants in the program. The first post-graduate

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intern was Honna Rogers, who is now the city manager at Signal Mountain. This inter-local effort has allowed cities to work together and employ a full-time intern, something they would not have been able to do by themselves. MTAS is always looking for other cities within workable geographical boundaries that would like to establish another internship.



Tracy Baker

For more information, contact Mike Tallent, MTAS Executive Director at [mike.tallent@tennessee.edu](mailto:mike.tallent@tennessee.edu) or at 865-974-0411.

## The State Gets Serious About Tobacco Use

*Bonnie Curran, MTAS Human Resources Consultant*

The State of Tennessee Insurance Committee recently announced an approved plan to implement a \$50 per month tobacco surcharge for health plan participants who use tobacco. It is scheduled to go into effect January 1, 2010. This will apply to all state, local education, and local government entities that participate in the state of Tennessee's health plans.

The members will have access to a plethora of resources to quit using tobacco, which will be funded via the surcharge.

The benefits include:

- Chantix and Zyban as covered by pharmacy benefit plan
- Free offers or discounts for patches, lozenges and gum
- Free tobacco cessation counseling (1-800-QUIT-NOW)

Health plan members will be required to submit a signed Tobacco Surcharge form during fall enrollment attesting to their tobacco use. Those who indicate they use tobacco (including spouses) will be charged the \$50 per month surcharge. Failure to turn in the required form will result in an automatic \$50 surcharge, even if they or their spouses do not use tobacco.

For more information about this plan visit <http://www.state.tn.us/finance/ins/html>.

## MTAS Staff Highlight

### Meet Don Darden, MTAS Management Consultant

Don Darden has been a Municipal Management Consultant with MTAS for 10-½ years. He teaches in the Elected Officials Academy, serves on the IPS Economic Development Council, and provides advice and assistance to city governments, principally in southern Middle Tennessee.



Darden has an MPA from the University of Tennessee and a B.S. from Middle Tennessee State University, and is a graduate of the Economic Development Institute of the University of Oklahoma.

Darden served for 12 years as a city administrator/city manager in LaFollette and Jefferson City prior to becoming an MTAS consultant. He has prior experience as a county executive, as executive director of a 13-county economic development district, and as executive director of a municipal industrial board. Darden was honored by the state senate for outstanding service to the people of Coffee County and has received numerous honors and awards, including the IPS Robert S. Hutchison Outstanding Public Service Professional Award (2008). He is a veteran of the Vietnam War.

Don and his wife, Dianna, live in Tullahoma. Their oldest son, Greg, is an Army officer and has just completed tours in Korea, Iraq, and Afghanistan and currently is serving at Ft. Bliss, Texas; Jack is a computer programmer in Nashville; Emily works for Tennessee Retina Associates in Nashville and schedules eye surgeries; and David currently is serving in the United States Army at Ft. Jackson, South Carolina. Steven, a senior at Belmont University, is a commercial music major with emphasis in vocal performance. Don and Dianna are members of Unity Baptist Church in Tullahoma.

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## In the Courts ...

*Dennis Huffer, MTAS Legal Consultant*

***Crematory as expansion of non-conforming funeral home*** A crematory is an allowable expansion under T.C.A. § 13-7-208, of a nonconforming funeral home that pre-existed the zoning ordinance. The city thus acted illegally in denying the expansion. Moreover, the funeral home was entitled to have the city pay its costs and attorney fees, up to \$10,000, under the Equal Access to Justice Act (T.C.A. § 29-37-101 *et seq.*). *BMC Enterprises, Inc. d/b/a Bond Memorial Chapel v. City of Mt. Juliet*, 273 S.W. 3d 619 (Tenn. Ct. App. 2008).

### ***County's SOB ordinance upheld***

Knox County's ordinance establishing a licensing scheme for sexually oriented businesses has been upheld. The federal appeals court upheld the ordinance against claims of state preemption, prior restraint, vagueness, overbreadth, and inadequate findings of deleterious secondary effects. The court also found that the ban on serving alcohol in these establishments was reasonable. *Richland Bookmart, Inc. v. Knox County*, 555 F. 3d 512 (6<sup>th</sup> Cir. 2009).

## From the Attorney General ...

*Josh Jones, MTAS Legal Consultant*

### ***Opinion No. 09-02***

States that once a challenge to a wastewater fee increase is pending, if any city council member discusses the fee with a party to the proceedings - or with industries or individuals affected by the increase, the ex parte communication may be in violation of U.S. and Tennessee Constitutional due process provisions.

### ***Opinion No. 09-07***

Clarifies that *The Tennessean* is a newspaper of general circulation for publishing official notices in the following counties: Bedford, Benton, Cannon, Carroll, Cheatham, Clay, Coffee, Cumberland, Davidson, Dekalb, Dickson, Fentress, Franklin, Giles, Grundy, Henry, Hickman, Humphreys, Houston, Jackson,

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## The Alliance for Innovation and MTAS Partner to Deliver National Best Practices to Tennessee Cities

The Alliance for Innovation is a unique partnership with ICMA, Arizona State University (ASU) and its School of



Public Affairs, and the former Innovation Groups. The three organizations partnered in a mission to transform local government and advance community excellence through the discovery and application of leading ideas and practices.

Through the unique partnership with MTAS at the University of Tennessee, Tennessee local governments have exposure to local government innovations from throughout the U.S. and can participate in a network that fosters creativity and innovation. Knowing and understanding the creativity and innovation in other parts of the country enables our cities to bring that innovation home and better serve their citizens. We are thankful for the opportunity to work with the Alliance in providing this service to the cities of Tennessee. The Alliance engages members by proactively initiating timely information, studies, research, learning opportunities, publications, wikis, webinars, etc.

Two recent examples of the Alliance's commitment to produce quality information include:

### **[Navigating the Fiscal Crisis: Tested Strategies for Local Leaders](#)**

### **[Quarterly Ideas Journal](#)**

Additionally, our new line-up of Hot Topic webinars bring hundreds of local government professionals together every month to explore subjects such as sustainability, managing in tough economic times, alternative work schedules, and much more.

To learn more about the Alliance for Innovation contact Toni Shope, East Regional Director, at 800-777-2509 or [tshope@transformgov.org](mailto:tshope@transformgov.org).

## MTAS Training Classes

### MUNICIPAL ADMINISTRATION PROGRAM

#### Retail Economic Development

In the competition to attract retail development, it is important that each city know how to compete. This course focuses on the basics of attracting retail business to your city. It provides numerous tips on how to maneuver in the world of retail development and be competitive. To assist cities in preparing for economic development, it also introduces a detailed economic assessment tool and provides assistance to complete and use it. This class will give participants information that will have immediate and long-term benefits.

May 1	Knoxville
May 4	Johnson City
May 5	Collegedale
May 12	Bartlett
May 13	Jackson
May 14	Smyrna

### ELECTED OFFICIALS ACADEMY LEVEL II

May 7	Cleveland City Hall
May 14	Cleveland City Hall

Margaret Norris, Instructor

For more information on MTAS classes, go to our Web site at <http://www.mtas.tennessee.edu>

## New MTAS Class Teaches Administrative Penalty Process

*John Chlarson,*  
*MTAS Public Works Consultant*

UT Municipal Technical Advisory Service (MTAS) Public Works Consultant John Chlarson and MTAS Legal Consultant Sid Hemsley recognized some existing confusion about administrative penalties and set out to help cities understand laws on the matter.



MTAS consulted with Robert Karesh, TDEC's stormwater program coordinator, to secure TDEC support and Environmental Protection Agency (EPA) grant funding for course development. To provide class participants the most authoritative instruction possible, MTAS obtained the services of Karen Beyke, an attorney with authority on administrative penalties and hearings. Beyke is the former city attorney for Franklin and is president of the Williamson County Bar Association.

MTAS kept a clear vision for a class that would ground the participants in their statutory authority to collect administrative penalties of more than \$50 per day. Participants receive a handbook and checklist that clarifies the mechanics of putting the process in place, and the class takes them through the process of conducting an actual hearing. The class includes a video presentation that prepares the students to participate in a mock hearing.

MTAS has presented the course statewide to full venues and has received some of the highest ratings of any MTAS class. Watch our Web site and training announcements for upcoming classes.

*(Darden continued from page 2)*

Don serves the following cities:

Alexandria, Altamont, Ardmore, Auburntown, Beersheba Springs, Bell Buckle, Centertown, Coalmont, Cowan, Decherd, Dowelltown, Doyle, Eagleville, Estill Springs, Fayetteville, Gruetli-Laager, Huntland, LaVergne, Lebanon, Liberty, Lynchburg/Moore Co., McMinnville, Monteagle, Morrison, Mount Juliet, Murfreesboro, Nashville/Davidson Co., Normandy, Palmer, Petersburg, Shelbyville, Smithville, Smyrna, Sparta, Spencer, Tracy City, Viola, Wartrace, Watertown, Winchester, and Woodbury.

Don may be contacted at [don.darden@tennessee.edu](mailto:don.darden@tennessee.edu) or at 615-532-2588.

## ADA Amendments Act of 2008

*Bonnie Curran, MTAS Human Resources Consultant*

On September 25, 2008, the President signed the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) with an effective date of January 1, 2009 (S.



3406). This legislation passed with overwhelming bipartisan support in Congress and significantly broadens the meaning of “disability” under federal law.

The amendments restore benefits by making changes to the definition of the term “disability” that more closely mirror the intent of the original act as passed in 1990. Perhaps just as significantly, the ADAAA overturns more than a decade of court cases involving those with conditions such as epilepsy, diabetes, autism, attention deficit disorder, developmental delays, intellectual disabilities, muscular dystrophy and cancer. Additionally, other illnesses that affect major life activities such as working, communicating, concentrating, thinking, reading, and other activities of central importance now fall under the protections of ADA and are considered protected disabilities under ADA.

In summary the new ADAAA legislation:

- Prohibits consideration of mitigating measures other than “ordinary contact lenses or eyeglasses” when determining whether someone has a disability.
- Redefines the definition of “disability” to include a condition or impairment that “substantially limits a major life activity” standard.
- Includes “bodily functions” as part of major life activities. ADAAA provides that major bodily functions covered under the ADA include functions of the immune system; normal cell growth; and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions. This drastically expands the list of conditions that fall under the protections of ADA.
- Includes impairments that are in remission or episodic in nature. These conditions would count as disabilities even if they do not substantially limit major life activity. They include conditions such as epilepsy,

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## New MTAS Resources

Each publication title listed below also is a hyperlink that will take you to the actual publication on the MTAS Web site.

### [ADA Amendments Act of 2008:](#)

#### [Back to Basics](#)

*Bonnie Curran, MTAS Human Resources Consultant*  
(See summary this page.)

## Looking for Contact

### Information for Another City?

If you have not used the “City Information” listing on the MTAS Web site recently, please take a look. The information provided on all cities in Tennessee includes address, Web site, city hall hours of operation, population, form of government, link to charter, list of utility services provided, date of incorporation, MTAS consultant, and more.

On our Web site, the link “**Locate City Information**” will take you to the online directory. The link is on the navigator on the left side of the MTAS Web site.

<http://www.mtas.tennessee.edu>

## Receive Updates on

### New Materials Added to MTAS Library Collections

*Becky Smeltzer, MTAS Technical Services Librarian*

The MTAS Library is always adding new materials to its collection. Some of these items are electronic and may be downloaded directly from the MTAS Web site. Other materials are physically located in the MTAS Library and may be borrowed by city officials.

A list of new library materials, the New Acquisitions List, is distributed monthly and also is posted on the front page of the MTAS Web site.

If you would like to receive the New Acquisitions List monthly, please contact Becky Smeltzer at [becky.smeltzer@tennessee.edu](mailto:becky.smeltzer@tennessee.edu) or at 865-974-9841.

## The Future of America's Workforce

Don Darden, MTAS Management Consultant

**Tough Choices or Tough Times: The Report of the New Commission on the Skills of the American Workforce** of the National Center on Education and the Economy is worth reading if you are concerned about the preparation of students and adults for the workforce. The report argues that the core problem with the American education system is that current programs were built for another era, an era in which most workers needed only a basic education. Today's American workers need to be the most competent, most creative, and most innovative in order to compete for and to receive top pay for their services. And, the report argues, our current education system does not, and cannot, provide that for us.

Among other recommendations, "Tough Choices or Tough Times" advocates doing the job right the first time to reduce or eliminate remedial education expenses of some \$60 billion nationally, more efficient use of available facilities, teachers from the top third of graduating classes and pay to a level comparable to other professionals, regional competitive authorities, high quality early childhood education and creating high performance schools and districts everywhere.

To date six states have committed to implementing the recommendations of the reform agenda outlined in the report: Arizona, Delaware, Massachusetts, New Hampshire, New Mexico and Utah.

For more information go to <http://skillscommission.org/>.

*(Attorney General continued from page 3)*

Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Warren, Wayne, White, Williamson, and Wilson.

Also, opines that *The Tennessean* is not a newspaper of general circulation in Decatur, Hamilton, Perry and Stewart counties.

## Coming in June! 2008 Tennessee Municipal Benchmarking Project

The 2008 Tennessee Municipal Benchmarking Project (TMBP) report marks its seventh year, covering the fiscal year July 1, 2007, through June 30, 2008. Thirteen cities participated in the development of the report covering four service areas. The project traditionally has reported on specific measures and cost data for police, fire and solid waste collection, and this year, an initial survey of benefits for employees and retirees was also included.

Contact Melanie Purcell, MTAS Assistant Director, at [melanie.purcell@tennessee.edu](mailto:melanie.purcell@tennessee.edu) or 865-974-9829 for more information.

## First TPMA Health Benefits Survey



Richard Stokes, MTAS Human Resources Consultant

Numerous public agencies across the state were invited to participate in a health benefits survey sponsored by the Tennessee Chapter of the International Public Management Association for Human Resources (TPMA) in cooperation with MTAS. The survey was prepared by Sherrill Morgan, an information and consulting firm specializing in government-sponsored benefit programs. The purpose of the survey was to communicate current government employee benefit statistics and health plan trends in Tennessee. A summary report of the findings can be found on the TPMA Web site at <http://www.tnipma.org>. The results also will be placed on the MTAS Web site.

If your city did not get an opportunity to respond to the survey, it's not too late. The survey remains open at <http://survey.sherrillmorgan.com>.

If you have general questions about the survey, please contact Richard Stokes at [richard.stokes@tennessee.edu](mailto:richard.stokes@tennessee.edu) or 615-532-6827. If you need technical support, please contact Michelle Middendorf at 800-291-4222 or at [michelle@sherrillmorgan.com](mailto:michelle@sherrillmorgan.com).

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cancer, multiple sclerosis, migraines, and conditions that may be in remission.

- Impairments that are transitory and minor (less than six months in duration) are not considered disabilities under ADA. Also, there is no reasonable accommodation requirement for those who are only “regarded as” being disabled.

The new legislation has prompted the EEOC, the attorney general, and the secretary of transportation to issue updated regulations. While no date has been set, we eagerly await further guidance.

For more information visit <http://www.ada.gov/>. You also may contact either of the MTAS human resource consultants for assistance:

Richard Stokes at [richard.stokes@tennessee.edu](mailto:richard.stokes@tennessee.edu) or 615-532-4956

Bonnie Curran at [bonnie.curran@tennessee.edu](mailto:bonnie.curran@tennessee.edu) or 615-532-4948.

## Calendar of Events

### May 4-8

Tennessee Basic Economic Development Course (Nashville)

### May 5-8

TAMCAR Institute and Academy (Franklin)

### May 13-15

Tennessee Advisory Committee on Arson (Murfreesboro)

### May 28-30

Tennessee Firemen’s Association Annual Convention (Murfreesboro)

### May 28

Reinventing Government: Manager’s Virtual Forum  
Noon-1 p.m. EST (Alliance Webinar)

### June 14-15

TML Annual Conference (Chattanooga)

## Not Receiving E-mail from MTAS?

If you are not receiving e-mail communications from your MTAS management consultant or other MTAS consultants you may want to check your spam folder or junk mail folder.

All of our e-mail should come from the “tennessee.edu” domain. If you would like to make sure that you receive e-mail from us, please add this domain to your white list.

Also, if you would like to receive our publication e-mails and electronic newsletters you will need to add our campaign providers network “e2ma.net” to your white list.

If you have any questions on this topic, please contact Justin O’Hara, MTAS IT Consultant at [justin.ohara@tennessee.edu](mailto:justin.ohara@tennessee.edu) or 865-974-0628.

## Share Your MTAS Memories...



Has MTAS been of service to your city in an important or pivotal way?

Is there an MTAS project that has had a significant positive impact on your community?

If you have an MTAS story that you'd like to share on the occasion of our 60th anniversary, please send your story to us by e-mail.

Memories received will be posted to the MTAS Web site and published in the MTAS *Municipal E-News* newsletter throughout 2009 as part of the year-long celebration of our 60 years of serving Tennessee cities. Please include photos if you'd like.

E-mail your MTAS memory to [melanie.purcell@tennessee.edu](mailto:melanie.purcell@tennessee.edu).

“*Municipal E-News*” is provided by the University of Tennessee Municipal Technical Advisory Service in an effort to meet the challenge of providing timely, valuable information and assistance to Tennessee cities to build better communities.

If you have any questions or comments related to this newsletter please contact Frances Adams-O’Brien at [frances.adams-obrien@tennessee.edu](mailto:frances.adams-obrien@tennessee.edu)

... in cooperation with the Tennessee Municipal League