

AGENDA
BOARD OF COMMISSIONERS AGENDA COMMITTEE MEETING
Tuesday, December 7, 2010, 6:30 p.m.
Room 430, Blount County Courthouse

A. ROLL CALL

B. PUBLIC INPUT ON ITEMS ON AGENDA.

C. APPROVAL OF AGENDA COMMITTEE MINUTES

1. November 9, 2010 meeting.

D. SETTING OF AGENDA.

E. ITEMS FOR CONSENT AGENDA.

1. Resolutions for special recognitions.
 - a. Proclamations honoring Emergency Personnel Responders for (3) (County Mayor)
 - b. Proclamation honoring Townsend Elementary School's recognition as a 2010 National Blue Ribbon School. (R French)
 - c. Proclamation honoring Carpenter's Middle School TSBA award. (Ron French)
2. Appointments/reappointments.
 - a. Blount Memorial Hospital Board of Directors – Robert P. Redwine. (County Mayor)
3. Election Results – November 2, 2010.

F. UNFINISHED BUSINESS:

1. A Resolution Amending Resolution No. 04-11-015 Entitled "Resolution Regarding Traffic Calming Measures on Public Roads Maintained by the Blount County Highway Department." (Brad Harrison)
2. Petition Regarding Traffic Calming Devices on Main Road in Eagleton Village Community. (Bill Dunlap)

G. NEW BUSINESS:

1. Budget Transfers.
 - a. Civil Defense
2. Budget Increases.
 - a. General County-Civil Defense Grant-\$255,386.37
 - b. General County-Highway Safety Grant-\$36,051.00
 - c. General County-Other General Admin-\$36,278.10
3. Other Budget Items.
 - a. Memo of Understanding regarding the Radio Communications System
 - b. State Mandated Uniform Traffic Control Devices
 - c. Scenarios regarding FY 11-12 budget
4. A Resolution Authorizing the Lease Under Tennessee Code Annotatd 7-51-904 of an Office Copier for the Purchasing Department of Blount Co.
5. A Resolution to Allow Safe Passage in Blount County Tennessee For a Certain Visitor From the North Pole. (Gary Farmer)
6. Request Received Concerning a Resolution in Support of Tennessee Beverage Container Deposit Legislation ("Bottle Bill") (Kenneth Melton)
7. Setting a Public Hearing for a Zoning Amendment. (Roger Fields)

H. PUBLIC INPUT NOT ON AGENDA.

I. ADJOURNMENT.

**STATE OF TENNESSEE
COUNTY OF BLOUNT**

BE IT REMEMBERED, that an Agenda Committee of the Blount County Board of County Commissioners meeting was held on Tuesday, November 9, 2010, at 6:30 pm at the courthouse in Maryville, Tennessee.

Roll call was taken by Roy Crawford, Jr., County Clerk:

Tonya Burchfield – absent	Roy Gamble – present	Peggy Lambert – present
Ted Burkhalter - present	Tom Greene – present	Mike Lewis– present
Richard Carver – present	Brad Harrison – present	Kenneth Melton – present
Mike Caylor – present	Mark Hasty– present	Jerome Moon – present
Gary Farmer – present	Scott Helton – present	Monika Murrell – absent
Jim Folts – present	Gerald Kirby – present	Steve Samples – present
Ron French - present	Holden Lail – present	Gordon Wright, Sr. – present

There were 19 present and 2 absent. Commissioner Burchfield arrived after the roll was taken. Chairman Pro Tem Farmer declared a quorum to exist. The following proceedings were held to-wit:

IN RE: APPROVAL OF MINUTES OF OCTOBER 12, 2010 AGENDA COMMITTEE MEETING.

Commissioner Lambert made a motion to approve the minutes of the meeting. Commissioner Carver seconded the motion.

A roll call vote was taken:

Burchfield – absent	French – yes	Kirby – yes	Murrell – absent
Burkhalter - yes	Gamble – yes	Lail – yes	Samples – yes
Carver – yes	Greene – yes	Lambert – yes	Wright – yes
Caylor – yes	Harrison – yes	Lewis – yes	
Farmer – yes	Hasty – yes	Melton – yes	
Folts – yes	Helton – yes	Moon – yes	

There were 19 voting yes and 2 absent. Chairman Pro Tem Farmer declared the motion to have passed.

IN RE: SETTING OF AGENDA.

Commissioner Melton made a motion to add discussion on the 2010-11 budget to the agenda, and set the agenda. Commissioner Hasty seconded the nomination.

A roll call vote was taken:

Burchfield – absent	French – yes	Kirby – yes	Murrell – absent
Burkhalter - yes	Gamble – yes	Lail – yes	Samples – yes
Carver – yes	Greene – yes	Lambert – yes	Wright – yes
Caylor – yes	Harrison – yes	Lewis – yes	
Farmer – yes	Hasty – yes	Melton – yes	
Folts – yes	Helton – yes	Moon – yes	

There were 19 voting yes and 2 absent. Chairman Pro Tem Farmer declared the motion to have passed.

IN RE: ADMINISTERING OF OATH OF OFFICE FOR SUICIDE PREVENTION COUNCIL and LITTLE TENNESSEE VALLEY EDUCATION COOPERATIVE APPOINTMENT.

Commissioner Samples made a motion to add the items to the agenda of the November County Commission meeting. Commissioner French seconded the motion.

A roll call vote was taken:

Burchfield – absent	French – yes	Kirby – yes	Murrell – absent
Burkhalter - yes	Gamble – yes	Lail – yes	Samples – yes
Carver – yes	Greene – yes	Lambert – yes	Wright – yes
Caylor – yes	Harrison – yes	Lewis – yes	
Farmer – yes	Hasty – yes	Melton – yes	
Folts – yes	Helton – yes	Moon – yes	

There were 19 voting yes and 2 absent. Chairman Pro Tem Farmer declared the motion to have passed.

IN RE: RESOLUTION TO OPT OUT OF PLANNING COMMISSION AND BOARD OF ZONING APPEALS EDUCATION REQUIREMENTS CONTAINED IN T.C.A. 13-3-101(J) AND 13-7-106(B).

Commissioner Wright made a motion to send the item to the agenda of the November County Commission meeting. Commissioner Lambert seconded the motion.

A roll call vote was taken on the motion:

Burchfield – yes	French – yes	Kirby – yes	Murrell – absent
Burkhalter - yes	Gamble – yes	Lail – yes	Samples – yes
Carver – yes	Greene – yes	Lambert – yes	Wright – yes
Caylor – yes	Harrison – yes	Lewis – yes	
Farmer – yes	Hasty – yes	Melton – yes	
Folts – yes	Helton – yes	Moon – yes	

There were 20 voting yes and 1 absent. Chairman Pro Tem Farmer declared the motion to have passed.

IN RE: AMENDING TRAFFIC CALMING DEVICES POLICIES.

Commissioner Harrison announced that he will bring a resolution for consideration to the Agenda Committee in December.

IN RE: BUDGET TRANSFER – GENERAL COUNTY - \$597.05.

Commissioner Wright made a motion to send the item to the agenda of the November County Commission meeting. Commissioner Melton seconded the motion.

A roll call vote was taken on the motion:

Burchfield – yes	French – yes	Kirby – yes	Murrell – absent
Burkhalter - yes	Gamble – yes	Lail – yes	Samples – yes
Carver – yes	Greene – yes	Lambert – yes	Wright – yes
Caylor – yes	Harrison – yes	Lewis – yes	
Farmer – yes	Hasty – yes	Melton – yes	
Folts – yes	Helton – yes	Moon – yes	

There were 20 voting yes and 1 absent. Chairman Pro Tem Farmer declared the motion to have passed.

IN RE: BUDGET TRANSFER – GENERAL COUNTY - \$3.75.

Commissioner Burkhalter made a motion to send the item to the agenda of the November County Commission meeting. Commissioner French seconded the motion.

A roll call vote was taken on the motion:

Burchfield – yes	French – yes	Kirby – yes	Murrell – absent
Burkhalter - yes	Gamble – yes	Lail – yes	Samples – yes
Carver – yes	Greene – yes	Lambert – yes	Wright – yes
Caylor – yes	Harrison – yes	Lewis – yes	
Farmer – yes	Hasty – yes	Melton – yes	
Folts – yes	Helton – yes	Moon – yes	

There were 20 voting yes and 1 absent. Chairman Pro Tem Farmer declared the motion to have passed.

IN RE: RESOLUTION TO AMEND GENERAL PURPOSE SCHOOL FUND BUDGET - \$19,560.00.

Commissioner Lewis made a motion to send the item to the November County Commission meeting. Commissioner Lail seconded the motion.

A roll call vote was taken on the motion:

Burchfield – yes	French – yes	Kirby – yes	Murrell – absent
Burkhalter - yes	Gamble – yes	Lail – yes	Samples – yes
Carver – yes	Greene – yes	Lambert – yes	Wright – yes
Caylor – yes	Harrison – yes	Lewis – yes	
Farmer – yes	Hasty – yes	Melton – yes	

Folts – yes Helton – yes Moon – yes
There were 20 voting yes and 1 absent. Chairman Pro Tem Farmer declared the motion to have passed.

IN RE: RESOLUTION TO AMEND GENERAL PURPOSE SCHOOL FUND BUDGET - \$116,000.00.

Commissioner Helton made a motion to send the item to the October County Commission meeting. Commissioner Kirby seconded the motion.

A roll call vote was taken on the motion:

Burchfield – yes	French – yes	Kirby – yes	Murrell – absent
Burkhalter - yes	Gamble – yes	Lail – yes	Samples – yes
Carver – yes	Greene – yes	Lambert – yes	Wright – yes
Caylor – yes	Harrison – yes	Lewis – yes	
Farmer – yes	Hasty – yes	Melton – yes	
Folts – yes	Helton – yes	Moon – yes	

There were 20 voting yes and 1 absent. Chairman Pro Tem Farmer declared the motion to have passed.

IN RE: RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET - \$36,728.10.

Commissioner Melton made a motion to send the item to the agenda of the November County Commission meeting. Commissioner Burchfield seconded the motion.

A roll call vote was taken on the original motion:

Burchfield – yes	French – yes	Kirby – yes	Murrell – absent
Burkhalter - yes	Gamble – yes	Lail – yes	Samples – yes
Carver – yes	Greene – yes	Lambert – yes	Wright – yes
Caylor – no	Harrison – yes	Lewis – yes	
Farmer – yes	Hasty – yes	Melton – yes	
Folts – yes	Helton – yes	Moon – yes	

There were 19 voting yes, 1 voting no, and 1 absent. Chairman Pro Tem Farmer declared the motion to have passed.

IN RE: RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET - \$60,000.00.

Commissioner Hasty made a motion to send the item to the agenda of the November County Commission meeting. Commissioner Melton seconded the motion.

A roll call vote was taken on the motion:

Burchfield – no	French – yes	Kirby – yes	Murrell – absent
Burkhalter - yes	Gamble – yes	Lail – no	Samples – yes
Carver – yes	Greene – yes	Lambert – yes	Wright – yes
Caylor – no	Harrison – yes	Lewis – yes	
Farmer – yes	Hasty – yes	Melton – yes	
Folts – no	Helton – yes	Moon – yes	

There were 16 voting yes, 4 voting no, and 1 absent. Chairman Pro Tem Farmer declared the motion to have passed.

IN RE: RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, SECTION 9.10 RURAL ARTERIAL COMMERCIAL, SUBSECTION F TO CHANGE THE LOT COVERAGE OF ALL BUILDINGS FROM 40 PERCENT TO 25 PERCENT AND OMIT THE LAST SENTENCE IN THIS SECTION.

Commissioner Wright made a motion to send the resolution to the agenda of the November County Commission meeting. Commissioner Lambert seconded the motion.

A roll call vote was taken on the motion:

Burchfield – yes	French – yes	Kirby – yes	Murrell – absent
Burkhalter - yes	Gamble – yes	Lail – yes	Samples – yes
Carver – yes	Greene – yes	Lambert – yes	Wright – yes
Caylor – yes	Harrison – yes	Lewis – yes	
Farmer – yes	Hasty – yes	Melton – yes	
Folts – yes	Helton – yes	Moon – yes	

There were 20 voting yes and 1 absent. Chairman Pro Tem Farmer declared the motion to have passed.

IN RE: CONSOLIDATION AND CENTRALIZATION OF COUNTY ORDINANCES.

Commissioner Burkhalter stated that he will bring the item to the Information Technology Committee.

IN RE: ADDITION OF AN ITEM TO ALL COMMISSION MEETINGS TO PROVIDE FOR A FINANCIAL HIGHLIGHTS REPORT FROM THE MAYOR, IMPLEMENTING T.C.A. 5-12-111.

Commissioner Folts stated that he will bring the item to the Ad Hoc Committee to Study Rules.

IN RE: MODIFICATION OF THE FINANCIAL ASSURANCE AGREEMENT FOR THE CITY OF ALCOA, THE CITY OF MARYVILLE, AND BLOUNT COUNTY LANDFILLS, PERMIT#(S) SNL 05-103-0105 ORIGINAL AND SNL 05-0105 EXTENSION, AS DETERMINED BY THE DIVISION OF SOLID WASTE MANAGEMENT, TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION.

Commissioner Melton made a motion to send the resolution to the agenda of the November County Commission meeting. Commissioner Kirby seconded the motion.

A roll call vote was taken on the motion:

Burchfield – yes	French – yes	Kirby – yes	Murrell – absent
Burkhalter - yes	Gamble – yes	Lail – yes	Samples – yes
Carver – yes	Greene – yes	Lambert – yes	Wright – yes
Caylor – yes	Harrison – yes	Lewis – yes	
Farmer – yes	Hasty – yes	Melton – yes	
Folts – yes	Helton – yes	Moon – yes	

There were 20 voting yes and 1 absent. Chairman Pro Tem Farmer declared the motion to have passed.

IN RE: ADJOURNMENT.

Chairman Pro Tem Farmer declared the meeting to be adjourned.



BLOUNT COUNTY MAYOR

Ed Mitchell

341 Court Street, Maryville, TN 37804-5906

Phone: (865) 273-5700

Fax: (865) 273-5705

Email: emitchell@blounttn.org



TO: Blount County Board of Commissioners

FROM: Jerry G. Cunningham, County Mayor

RE: Recommendation for Board of Directors of Blount Memorial Hospital

DATE: December 2, 2010

For the consideration of the full commission, I am submitting my recommendation for the re-appointment of the following name to serve a three-year term on the Board of Directors of Blount Memorial Hospital, beginning January 1, 2011:

Dr. Robert P. Redwine

Please see the attached correspondence and resume.



Blount Memorial
Hospital

907 East Lamar Alexander Parkway
Maryville, Tennessee 37804
865-983-7211

November 17, 2010

Ed Mitchell
Blount County Mayor
341 Court Street
Maryville, TN 37804

Dear Mayor Mitchell:

I am pleased to request that the Blount County Commission approve Mr. Robert P. Redwine for a new three-year term on the Blount Memorial Hospital Board of Directors. Mr. Redwine has been an excellent board member and currently serves as president of the Board. He brings a keen business sense to our deliberations as well as a good understanding of our community. He is very interested in the affairs of Blount Memorial Hospital and I believe he will continue to be a strong participant in the future. The term would be for the calendar years of 2011, 2012, and 2013.

The Board Nominating Committee voted unanimously to submit Mr. Redwine's name to the Commission for approval and would appreciate your taking his nomination through the Commission's process as soon as practical. Attached is some information about Mr. Redwine that you can share with the Commission.

The Nominating Committee and I would appreciate your letting me know when the Commission has made its decision. I can be reached at 982-7434.

Thank you for your consideration in this matter.

Sincerely,

Ted Flickinger, M.D.
Vice President
Blount Memorial Hospital Board of Directors

kcj

Attachment

c: Rhonda Pitts, Office Administrator
c: Pat James, Executive Administrative Assistant

Robert Redwine
President of the Board

Dr. Ted Flickinger
Vice President of the Board

Don Heinemann
Chief Executive Officer

Medical Staff

Dr. Deaver Shattuck
Chief of Staff

Dr. John Niethammer
Vice Chief of Staff

Dr. Peter Scott
Secretary/Treasurer

Dr. Mark Green
Immediate Past Chief of Staff

ROBERT P. REDWINE

534 Martin Mill Pike
Rockford, TN 37853

EMPLOYMENT: Spectratech, Inc., Oak Ridge, Tennessee
• Senior Electrical Engineer

Retired from ALCOA, Inc.:

- Training Manager
- Technical Training Manager
- Electrician Maintenance Superintendent
- Division Electrical Engineer
- Technical Consultant to ALCOA
- Technical Consultant to ALCOA

EDUCATION: Maryville High School, 1960-1963
University of Tennessee, 1968
B.S. Electrical Engineering

**COMMUNITY
ACTIVITIES:** Board, Blount Memorial Hospital
Board, Blount Memorial Foundation
Board, Tennessee Hospital Association (THA) 2007-2008
THA Trustee Council Chair, 2008
Board, Highlands Health Plan, 1995 - 2008
Board, Maryville Surgical Center
Leadership Blount Class of 2000

**HOBBIES &
SPECIAL
INTERESTS:** Sports
Computers
Investing

**SKILLS &
EXPERIENCE:** Computer Skills
Team Skills/Dynamics
People Skills
Engineering Background
Physical Plant Maintenance
Business Processes

BLOUNT COUNTY ELECTION COMMISSION

BLOUNT COUNTY COURTHOUSE
383 COURT STREET
MARYVILLE, TN 37804-5906
(865) 273-5920
FAX (865) 273-5927

DONALD G. WALKER, Chairman
BEN RAUHUFF, Secretary
LIBBY BREEDING,
Administrator of Elections



ROBERT L. CARROLL, Member
BILL CRISP, Member
H. LARRY GARNER, Member

November 17, 2010

Mr. Roy Crawford
County Clerk
300 Court Street
Maryville, TN 37804

Dear Mr. Crawford:

Enclosed is the second copy of the election results for the State General Election held in Blount County on November 2, 2010 and the accompanying Certification form.

Please sign and return the enclosed receipt of elections results letter. If you need any further information, please let me know.

John Herron is making me a CD of the certified results. I will forward a copy to you as soon as I receive it.

Sincerely,

A handwritten signature in cursive script that reads "Libby Breeding".

Libby Breeding
Administrator of Elections

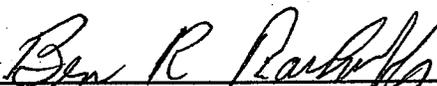
Enclosures

CERTIFICATION OF ELECTION RESULTS

WE, THE UNDERSIGNED MEMBERS OF THE BLOUNT COUNTY ELECTION COMMISSION, DO HEREBY CERTIFY THAT WE HELD A **GENERAL ELECTION ON TUESDAY, NOVEMBER 2, 2010**, IN ALL OF THE VOTING PRECINCTS IN OUR COUNTY, ACCORDING TO LAW, FOR THE PURPOSE OF ELECTING THE FOUR OFFICES AND RATIFYING THE CONSTITUTIONAL AMENDMENT SHOWN HEREINAFTER, AND THAT WE HAVE CANVASSED THE RETURNS OF SAID ELECTION AS REQUIRED BY LAW, AND WE DO HEREBY CERTIFY THAT THE FOLLOWING EIGHT PAGES OF TABULATION ARE A TRUE, CORRECT, AND COMPLETE ACCOUNTING OF THE RESULTS BY PRECINCT AND COUNTY OF SAID ELECTION AS ESTABLISHED BY THE CANVASSING OF THE RETURNS, THIS **17TH DAY OF NOVEMBER, 2010**.

MUST HAVE AT LEAST THREE (3) COMMISSIONERS SIGN:

Chairman, County Election Commission



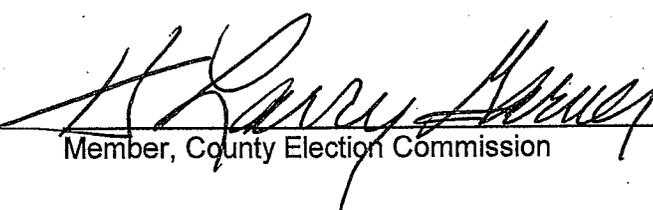
Secretary, County Election Commission



Member, County Election Commission



Member, County Election Commission



Member, County Election Commission

11/16/2010

State of Tennessee - BLOUNT County

November 2, 2010 - State General

Governor

1. Bill Haslam - R	23786
2. Mike McWherter - D	5449
3. Bayron Binkley - I	82
4. Brandon Dodds - I	160
5. Samuel David Duck - I	60
6. David Gatchell - I	7
7. June Griffin - I	59
8. Toni K. Hall - I	16
9. Mike Knois - I	5
10. Boyce T. McCall - I	21
11. Donald Ray McFolin - I	6
12. Linda Kay Perry - I	46
13. James Reesor - I	22
14. Thomas Smith II - I	16
15. Howard M. Switzer - I	39
16. Carl Twofeathers Whitaker - I	189
17. Write-in - James Lee	0
18. Write-in - Basil Marceaux	0
19. Write-in - Gary Nugent	0
Total Votes Cast	29963

Constitutional Amendment

1. Yes	24754
2. No	2700
Total Votes Cast	27454

U. S. House of Representatives District 2

1. John J. Duncan, Jr. - R	24411
2. Dave Hancock - D	3700
3. D.H. (Andy) Andrew - I	291
4. H. James Headings - I	84
5. Joseph R. Leinweber Jr. - I	660
6. Greg Samples - I	269
Total Votes Cast	29415

Tennessee House of Representatives District 8

1. Art Swann - R	9992
2. Marvin Pratt - D	2323
Total Votes Cast	12315

11/16/2010

State of Tennessee - BLOUNT County

November 2, 2010 - State General

Tennessee House of Representatives District 8

1. Art Swann - R	9992
2. Marvin Pratt - D	2323
Total Votes Cast	12315

Tennessee House of Representatives District 20

1. Bob Ramsey - R	14071
Total Votes Cast	14071

11/16/2010

State of Tennessee - BLOUNT County

State General

November 2, 2010

U. S. House of Representatives District 2

- 1. John J. Duncan, Jr. - R
- 2. Dave Hancock - D
- 3. D.H. (Andy) Andrew - I
- 4. H. James Headings - I
- 5. Joseph R. Leinweber Jr. - I

6. Greg Samples - I

Precinct	1	2	3	4	5	6
Alcoa	1148	144	13	5	33	19
Beech Grove	697	146	10	3	16	10
Big Springs	398	51	5	1	21	6
Board of Education	1097	167	6	1	18	15
Carpenters	810	113	12	4	28	10
Chilhowee View	637	114	6	0	23	8
Eagleton MS Caf�	538	83	3	1	19	13
Eagleton MS Gym	749	76	3	4	19	9
Everett	416	102	5	1	15	6
Fairview	830	90	12	0	31	7
Friendsville	586	64	7	2	9	6
Happy Valley	35	15	1	0	0	0
Heritage	751	102	7	2	19	8
John Sevier	848	121	5	0	27	7
Lanier	762	112	11	1	17	7
Louisville-City	802	125	9	5	40	10
Martin Luther King	220	127	2	1	1	2
Maryville College	459	87	7	5	9	3
Maryville HS	1022	153	12	7	21	11
Maryville Middle	1089	168	14	3	40	8
Maryville Municipal	458	92	6	3	15	0
Mentor	330	61	8	0	9	3
Middlesettlements	232	28	4	0	6	3
Miser Station	535	90	9	6	16	7
Montvale	1559	211	14	6	43	17
Oak View	862	114	6	3	17	7
Pellissippi	701	81	8	5	12	6
Porter	771	91	11	3	12	7
Rockford	602	116	12	3	9	5
Shoaks Gap	792	100	8	1	11	7
Townsend	692	115	9	2	13	7
Walland	391	50	8	0	10	4
William Blount HS	1218	193	16	3	29	12
Wm Blount Academy	1374	198	22	3	52	19
Totals	24411	3700	291	84	660	269

11/16/2010

State of Tennessee - BLOUNT County

1

State General
November 2, 2010
Governor

- 1. Bill Haslam - R
- 2. Mike McWherter - D
- 3. Bayron Binkley - I
- 4. Brandon Dodds - I
- 5. Samuel David Duck - I

- 6. David Gatchell - I
- 7. June Griffin - I
- 8. Toni K. Hall - I
- 9. Mike Knois - I
- 10. Boyce T. McCall - I

Precinct	1	2	3	4	5	6	7	8	9	10
Alcoa	1133	235	4	3	4	1	7	0	0	0
Beech Grove	676	198	6	2	5	1	2	0	0	1
Big Springs	392	78	1	10	0	0	1	0	0	0
Board of Education	1055	248	2	6	2	1	2	0	0	0
Carpenters	782	185	2	6	2	0	1	0	1	0
Chilhowee View	589	191	2	4	1	0	2	1	0	3
Eagleton MS Café	487	157	1	4	0	0	3	0	0	3
Eagleton MS Gym	727	148	3	1	1	0	1	0	0	0
Everett	392	144	2	9	0	0	0	0	1	1
Fairview	820	148	3	6	2	0	1	0	0	1
Friendsville	560	107	2	4	2	0	3	1	1	0
Happy Valley	37	17	0	1	0	0	0	0	0	0
Heritage	748	138	2	3	0	0	1	1	0	0
John Sevier	848	172	1	7	2	0	0	0	0	0
Lanier	721	173	2	8	0	1	1	1	1	0
Louisville-City	814	198	2	1	3	0	0	2	0	2
Martin Luther King	174	185	2	1	0	0	0	0	0	0
Maryville College	462	118	0	0	1	1	1	0	0	1
Maryville HS	1049	181	5	10	1	0	1	1	0	0
Maryville Middle	1108	221	2	5	1	0	3	0	0	1
Maryville Municipal	444	125	0	2	0	0	1	0	0	1
Mentor	309	95	0	4	1	0	2	0	0	0
Middlesettlements	205	58	1	0	0	0	2	0	0	1
Miser Station	538	121	3	4	1	0	0	0	0	0
Montvale	1518	303	8	15	5	0	1	0	0	1
Oak View	805	185	1	6	4	1	5	0	1	0
Pellissippi	699	116	1	1	7	0	2	1	0	1
Porter	729	137	3	4	1	0	1	0	0	1
Rockford	570	171	1	4	2	0	3	3	0	1
Shooks Gap	771	133	2	3	2	1	0	0	0	0
Townsend	694	139	2	4	0	0	2	1	0	1
Waland	369	78	6	2	1	0	1	0	0	0
William Blount HS	1199	257	3	2	5	0	5	2	0	0
Wm Blount Academy	1362	289	7	18	4	0	4	2	0	1
Totals	23786	5449	82	160	60	7	59	16	5	21

11/16/2010

State of Tennessee - BLOUNT County

1

State General
November 2, 2010
Governor

- 11. Donald Ray McFolin - I
- 12. Linda Kay Perry - I
- 13. James Reesor - I
- 14. Thomas Smith II - I
- 15. Howard M. Switzer - I

- 16. Carl Twofeathers Whitaker - I
- 17. Write-in - James Lee
- 18. Write-in - Basil Marceaux
- 19. Write-in - Gary Nugent

Precinct	11	12	13	14	15	16	17	18	19
Alcoa	1	2	2	0	0	5	0	0	0
Beech Grove	0	1	0	0	1	6	0	0	0
Big Springs	0	0	0	1	0	3	0	0	0
Board of Education	1	2	0	0	2	4	0	0	0
Carpenters	1	3	2	1	0	5	0	0	0
Chilhowee View	0	1	0	1	4	8	0	0	0
Eagleton MS Café	0	0	3	0	1	4	0	0	0
Eagleton MS Gym	0	1	1	1	0	4	0	0	0
Everett	0	1	0	0	1	5	0	0	0
Fairview	0	1	2	0	1	7	0	0	0
Friendsville	0	1	2	0	1	4	0	0	0
Happy Valley	0	0	0	0	0	0	0	0	0
Heritage	1	0	1	1	3	6	0	0	0
John Sevier	0	0	0	0	0	3	0	0	0
Lanier	0	6	1	1	1	5	0	0	0
Louisville-City	0	2	0	0	3	6	0	0	0
Martin Luther King	0	0	0	1	0	2	0	0	0
Maryville College	0	0	0	0	0	7	0	0	0
Maryville HS	0	1	0	0	4	2	0	0	0
Maryville Middle	0	1	1	1	0	2	0	0	0
Maryville Municipal	1	1	0	0	3	5	0	0	0
Mentor	0	2	0	1	1	2	0	0	0
Middle settlements	0	2	0	0	0	2	0	0	0
Miser Station	0	2	1	0	0	3	0	0	0
Montvale	0	2	1	2	0	13	0	0	0
Oak View	1	3	0	0	1	7	0	0	0
Pellissippi	0	0	0	1	0	6	0	0	0
Porter	0	3	0	1	4	13	0	0	0
Rockford	0	1	1	0	2	6	0	0	0
Shooks Gap	0	1	1	0	1	9	0	0	0
Townsend	0	3	0	0	0	5	0	0	0
Waland	0	2	1	0	1	5	0	0	0
William Blount HS	0	0	2	3	3	12	0	0	0
Wm Blount Academy	0	1	0	0	1	13	0	0	0
Totals	6	46	22	16	39	189	0	0	0

11/16/2010

State of Tennessee - BLOUNT County

1

State General

November 2, 2010

Constitutional Amendment

- 1. Yes
- 2. No

Precinct	1	2
Alcoa	1129	129
Beech Grove	746	83
Big Springs	417	32
Board of Education	1029	143
Carpenters	854	69
Chilhowee View	661	82
Eagleton MS Café	542	49
Eagleton MS Gym	755	53
Everett	439	66
Fairview	845	79
Friendsville	575	58
Happy Valley	43	6
Heritage	762	76
John Sevier	821	102
Lanier	800	49
Louisville-City	819	107
Martin Luther King	270	44
Maryville College	455	91
Maryville HS	1012	153
Maryville Middle	1054	172
Maryville Municipal	454	64
Mentor	344	33
Middlesettlements	228	22
Miser Station	578	53
Montvale	1592	143
Oak View	881	73
Pellissippi	689	63
Porter	775	62
Rockford	601	81
Shooks Gap	790	72
Townsend	689	88
Waland	398	40
William Blount HS	1269	131
Wm Blount Academy	1438	132
Totals	24754	2700

11/16/2010

State of Tennessee - BLOUNT County

1

State General

November 2, 2010

Tennessee House of Representatives District 8

1. Art Swann - R
2. Marvin Pratt - D

Precinct	1	2
Alcoa	1083	237
Beech Grove	621	220
Carpenters	789	149
Chilhowee View	609	154
Eagleton MS Gym	345	65
Happy Valley	29	21
Heritage	713	145
Louisville-City	53	10
Martin Luther King	162	163
Mentor	314	85
Montvale	1484	294
Oak View	822	157
Porter	732	135
Rockford	464	146
Shooks Gap	735	134
Townsend	664	131
Walland	373	77
Totals	9992	2323

11/16/2010

State of Tennessee - BLOUNT County

1

State General

November 2, 2010

Tennessee House of Representatives District 20

1. Bob Ramsey - R

Precinct	1
Blg Springs	420
Board of Education	1067
Eagleton MS Café	509
Eagleton MS Gym	381
Everett	434
Fairview	854
Friendsville	580
John Sevier	856
Lanier	790
Louisville-City	759
Maryville College	490
Maryville HS	1085
Maryville Middle	1104
Maryville Municipal	461
Middlesettlements	231
Miser Station	559
Pellissippi	701
Rockford	71
William Blount HS	1276
Wm Blount Academy	1443
Totals	14071

BLOUNT COUNTY ELECTION COMMISSION

BLOUNT COUNTY COURTHOUSE
383 COURT STREET
MARYVILLE, TN 37804-5906
(865) 273-5920
FAX (865) 273-5927

DONALD G. WALKER, Chairman
BEN RAUHUFF, Secretary
LIBBY BREEDING,
Administrator of Elections



ROBERT L. CARROLL, Member
BILL CRISP, Member
H. LARRY GARNER, Member

November 17, 2010

Mr. Roy Crawford
County Clerk
300 Court Street
Maryville, TN 37804

Dear Mr. Crawford:

Enclosed please find all election results for the Alcoa City, Louisville City, and Maryville City Elections held in Blount County on November 2, 2010 and the accompanying Certification forms.

Please sign and return the enclosed receipt of elections results letter. If you need any further information, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Libby Breeding".

Libby Breeding
Administrator of Elections

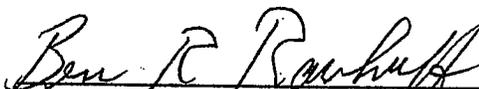
Enclosures

**CERTIFICATION OF ELECTION RESULTS
(MUNICIPAL ELECTION)**

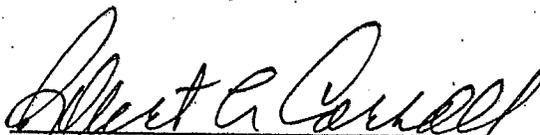
WE, THE UNDERSIGNED MEMBERS OF THE BLOUNT COUNTY ELECTION COMMISSION,
DO HEREBY CERTIFY THAT WE HELD A **MUNICIPAL ELECTION ON TUESDAY,
NOVEMBER 2, 2010**, IN ALL OF THE VOTING PRECINCTS IN THE CITY OF ALCOA,
ACCORDING TO LAW, FOR THE PURPOSE OF ELECTING THE TWO OFFICES SHOWN
HEREINAFTER, AND THAT WE HAVE CANVASSED THE RETURNS OF SAID ELECTION
AS REQUIRED BY LAW, AND WE DO HEREBY CERTIFY THAT THE FOLLOWING THREE
PAGES OF TABULATION ARE A TRUE, CORRECT, AND COMPLETE ACCOUNTING OF
THE RESULTS BY PRECINCT IN SAID ELECTION AS ESTABLISHED BY THE
CANVASSING OF THE RETURNS, THIS **17TH DAY OF NOVEMBER, 2010**.

MUST HAVE AT LEAST THREE (3) COMMISSIONERS SIGN:

Chairman, County Election Commission



Secretary, County Election Commission



Member, County Election Commission



Member, County Election Commission



Member, County Election Commission

11/16/2010

State of Tennessee - BLOUNT County

November 2, 2010 - Municipal Election

Board of Commissioners - Alcoa

1. Clint Abbott Jr.	1096
2. Vaughn D. Belcher	1013
3. Chuck Davis	690
4. Steve Marsh	961
5. Don Mull	981
Total Votes Cast	4741

Board of Education - Alcoa

1. Harry B. (Mickey) McClurg	1487
2. Julie Bramblett Rochelle	1483
Total Votes Cast	2970

11/16/2010

State of Tennessee - BLOUNT County

1

Municipal Election

November 2, 2010

Board of Commissioners - Alcoa

1. Clint Abbott Jr.
2. Vaughn D. Belcher
3. Chuck Davis
4. Steve Marsh
5. Don Mull

Precinct	1	2	3	4	5
Alcoa	792	769	504	656	746
Beech Grove	16	10	14	11	11
Eagleton MS Café	6	2	3	4	4
Eagleton MS Gym	7	6	5	4	7
Martin Luther King	208	179	127	232	146
Mentor	38	29	21	28	37
Pellissippi	12	8	6	15	13
Rockford	17	10	10	11	17
Totals	1096	1013	690	961	981

11/16/2010

State of Tennessee - BLOUNT County

1

Municipal Election

November 2, 2010

Board of Education - Alcoa

1. Harry B. (Mickey) McClurg
2. Julie Bramblett Rochelle

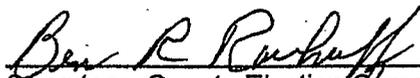
Precinct	1	2
Alcoa	1096	1073
Beech Grove	21	22
Eagleton MS Caf�	6	6
Eagleton MS Gym	10	9
Martin Luther King	265	285
Mentor	51	51
Pellissippi	19	16
Rockford	19	21
Totals	1487	1483

**CERTIFICATION OF ELECTION RESULTS
(MUNICIPAL ELECTION)**

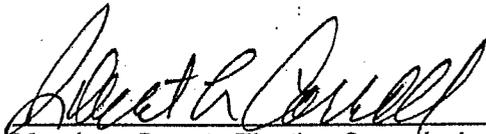
WE, THE UNDERSIGNED MEMBERS OF THE BLOUNT COUNTY ELECTION COMMISSION,
DO HEREBY CERTIFY THAT WE HELD A **MUNICIPAL ELECTION ON TUESDAY,
NOVEMBER 2, 2010**, IN ALL OF THE VOTING PRECINCTS IN THE CITY OF LOUISVILLE,
ACCORDING TO LAW, FOR THE PURPOSE OF ELECTING THE TWO OFFICES SHOWN
HEREINAFTER, AND THAT WE HAVE CANVASSED THE RETURNS OF SAID ELECTION
AS REQUIRED BY LAW, AND WE DO HEREBY CERTIFY THAT THE FOLLOWING THREE
PAGES OF TABULATION ARE A TRUE, CORRECT, AND COMPLETE ACCOUNTING OF
THE RESULTS BY PRECINCT IN SAID ELECTION AS ESTABLISHED BY THE
CANVASSING OF THE RETURNS, THIS **17TH DAY OF NOVEMBER, 2010**.

MUST HAVE AT LEAST THREE (3) COMMISSIONERS SIGN:

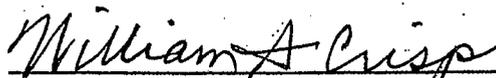
Chairman, County Election Commission



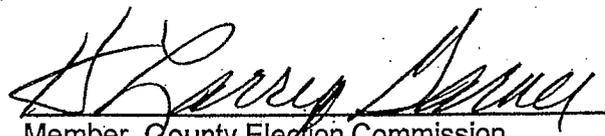
Secretary, County Election Commission



Member, County Election Commission



Member, County Election Commission



Member, County Election Commission

11/16/2010

State of Tennessee - BLOUNT County

November 2, 2010 - Municipal Election

Mayor - Louisville

1. Tom Bickers	638
2. Steve Dixon	391
Total Votes Cast	1029

Alderman - Louisville

1. Scott Anderson	346
2. Bob Gormley	604
3. Angie J. Holley	666
4. Donielle Stone	411
Total Votes Cast	2027

11/16/2010

State of Tennessee - BLOUNT County

1

Municipal Election
November 2, 2010
Mayor - Louisville

1. Tom Bickers
2. Steve Dixon

Precinct	1	2
Louisville-City	638	391
Totals	638	391

11/16/2010

State of Tennessee - BLOUNT County

Municipal Election
November 2, 2010
Alderman - Louisville

1. Scott Anderson
2. Bob Gormley
3. Angie J. Holley
4. Donielle Stone

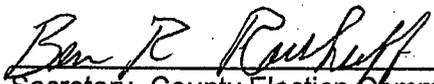
Precinct	1	2	3	4
Louisville-City	346	604	666	411
Totals	346	604	666	411

**CERTIFICATION OF ELECTION RESULTS
(MUNICIPAL ELECTION)**

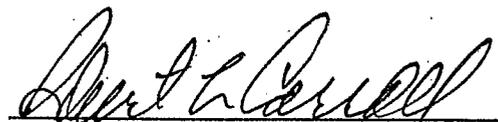
WE, THE UNDERSIGNED MEMBERS OF THE BLOUNT COUNTY ELECTION COMMISSION,
DO HEREBY CERTIFY THAT WE HELD A **MUNICIPAL ELECTION ON TUESDAY,
NOVEMBER 2, 2010**, IN ALL OF THE VOTING PRECINCTS IN THE CITY OF MARYVILLE,
ACCORDING TO LAW, FOR THE PURPOSE OF ELECTING THE TWO OFFICES SHOWN
HEREINAFTER, AND THAT WE HAVE CANVASSED THE RETURNS OF SAID ELECTION
AS REQUIRED BY LAW, AND WE DO HEREBY CERTIFY THAT THE FOLLOWING THREE
PAGES OF TABULATION ARE A TRUE, CORRECT, AND COMPLETE ACCOUNTING OF
THE RESULTS BY PRECINCT IN SAID ELECTION AS ESTABLISHED BY THE
CANVASSING OF THE RETURNS, THIS **17TH DAY OF NOVEMBER, 2010**.

MUST HAVE AT LEAST THREE (3) COMMISSIONERS SIGN:

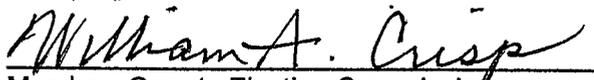
Chairman, County Election Commission



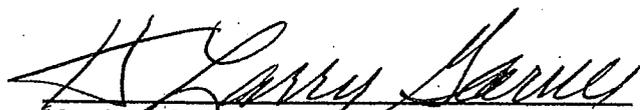
Secretary, County Election Commission



Member, County Election Commission



Member, County Election Commission



Member, County Election Commission

11/16/2010

State of Tennessee - BLOUNT County

November 2, 2010 - Municipal Election

Council Member - Maryville

1. Tommy F. Hunt	5122
2. Fred H. Metz	4891
3. Andy White	4976
Total Votes Cast	14989

Board of Education - Maryville

1. Dennis R. (Denny) Garner	4869
2. Bethany Hodson Pope	4848
3. Christi H. Sayles	4934
Total Votes Cast	14651

11/16/2010

State of Tennessee - BLOUNT County

1

Municipal Election

November 2, 2010

Council Member - Maryville

1. Tommy F. Hunt
2. Fred H. Metz
3. Andy White

Precinct	1	2	3
Board of Education	782	744	757
Everett	393	382	390
Fairview	60	54	60
John Sevier	755	717	743
Maryville College	427	421	432
Maryville HS	978	947	952
Maryville Middle	1055	971	973
Maryville Municipal	291	282	289
Pellissippi	42	38	38
William Blount HS	339	335	342
Totals	5122	4891	4976

11/16/2010

State of Tennessee - BLOUNT County

1

Municipal Election

November 2, 2010

Board of Education - Maryville

1. Dennis R. (Denny) Garner
2. Bethany Hodson Pope
3. Christi H. Sayles

Precinct	1	2	3
Board of Education	750	741	744
Everett	400	384	393
Fairview	57	54	61
John Sevier	739	727	730
Maryville College	410	418	426
Maryville HS	922	925	947
Maryville Middle	926	940	976
Maryville Municipal	293	286	287
Pellissippi	41	39	40
William Blount HS	331	334	330
Totals	4869	4848	4934

RESOLUTION NO. 10-12-003

SPONSORED BY COMMISSIONERS BRAD HARRISON AND TAB BURKHALTER

**A RESOLUTION AMENDING RESOLUTION NO. 04-11-015 ENTITLED
“RESOLUTION REGARDING TRAFFIC CALMING MEASURES ON PUBLIC ROADS
MAINTAINED BY THE BLOUNT COUNTY HIGHWAY DEPARTMENT”**

WHEREAS, on November 18, 2004, the Board of County Commissioners of Blount County, Tennessee, adopted Resolution No. 04-11-015 entitled “Resolution Regarding Traffic Calming Measures on Public Roads Maintained by the Blount County Highway Department;” and

WHEREAS, due to the increasing costs to the taxpayers of Blount County, it has been determined that it is necessary and proper to amend said Resolution No. 04-11-015 by placing a moratorium on the installation of traffic calming devices provided by the Blount County Highway Department for Blount County Roads.

NOW, THEREFORE BE IT RESOLVED, by the Blount County Board of Commissioners, meeting in regular session this 16th day of December, 2010, that a moratorium is hereby placed on all requests for traffic calming devices provided by the Blount County Highway Department for Blount County roads.

BE IT FURTHER RESOLVED that this amendment shall take effect upon the adoption, the public welfare requiring it.

Adopted this 16th day of December, 2010.

CERTIFICATION OF ACTION

ATTEST

Chairman County

Clerk

Approved: _____

Vetoed: _____

County Mayor Date



Blount County Highway Department

Field Operations Detailed Cost Report (By Road Name)

#Name?

SOUTH FORK PL

414.00 TRAFFIC CALMING

\$1,266.12

SOUTH FORK PL Total Cost :

\$1,266.12

November 18, 2004

By Recommendation of the Public Services Committee

**RESOLUTION REGARDING TRAFFIC CALMING MEASURES ON PUBLIC ROADS
MAINTAINED BY THE BLOUNT COUNTY HIGHWAY DEPARTMENT**

04-11-015
RESOLUTION

WHEREAS, certain roads in Blount County are maintained by the Blount County Highway Department and are listed on Blount County's "Official Roads List for Blount County"; and,

WHEREAS, the Blount County Highway Department receives many requests for solutions to the problem of motorists speeding and otherwise driving recklessly through residential areas; and,

WHEREAS, there are certain locations at which speeding and related traffic problems might most effectively be addressed through the use of one or more of a number of nationally recognized traffic calming measures custom designed for a specific type of problem at a specific location; and,

WHEREAS, it is important that prior to the installation of any traffic calming device on Blount County roads that procedures for implementing any traffic calming measure should be developed to provide for the receiving and processing of requests, the selection of the appropriate traffic calming measure for a specified location and problem, the adoption of a system of warrants to insure decisions are consistent, a means of setting priorities, a process for receiving community input, and for considering any other matter pertinent to an installation;

NOW, THEREFORE, BE IT RESOLVED by the County Legislative Body of Blount County, Tennessee, in regular session on this the 18th day of November, 2004, that the Blount County Highway Department staff shall begin the development of standards, specifications, and procedures for the adoption of a traffic calming program and for the application, installation, use, and maintenance of traffic calming devices on Blount County roads.

Duly passed and approved this 18th day of November, 2004.

Approved: Dale Robert H. Ramsey
Commission Chairman

Approved: Barclay Woodruff
County Executive

Attested: [Signature]
Blount County Clerk

Witnessed: _____
County Executive

IN RE: RESOLUTION REGARDING MAKING IMPROVEMENTS TO AND ADDING TO THE OFFICIAL ROADS LIST AN OLD ROAD FORMERLY SERVING THE HISTORIC SUNSHINE HOTEL NEAR TOWNSEND, TENNESSEE.

Commissioner Keeble made a motion to approve the resolution. Commissioner Farmer seconded the motion.

A voice vote was taken with Chairman Ramsey declaring the motion to have passed.

CRAWFORD, CRAWFORD & NEWTON

ATTORNEYS AT LAW

FIRST TENNESSEE BANK BUILDING

P.O. BOX 4230

MARTINVILLE, TENNESSEE 39001

JOHN C. CRAWFORD (1875-1948)
JOHN C. CRAWFORD, JR. (1896-1961)

DUNCAN V. CRAWFORD
NORMAN H. NEWTON
LAWMAN G. STUBBS

TELEPHONE (603) 862-3431
TELEFAX (603) 862-8300

TELECOPY MEMORANDUM

TO: Roy D. Crawford, Jr.
County Clerk

Telecopy No. 273-5815

FROM: Norman H. Newton *7/11/04*

DATE: October 11, 2004

SUBJECT: Inquiries from Public Services Committee

At its August 10, 2004, meeting, the Public Services Committee passed a motion to refer the following proposals to the Planning Commission for consideration and requested guidance from me with regard thereto.

Proposals

Delete the 60-day time limit for BZA decisions on special exceptions, and either (1) place a moratorium on commercial special exemptions (exceptions) to zoning along Highway 321 and 411 South until the Hunter Interests growth strategy is complete, or (2) delete commercial special exception provisions from the zoning regulations for Highway 411 South and Highway 321 until the Hunter Interests growth strategy plan is completed.

Opinions

Tenn. Ann. § 13-7-107(a) provides in pertinent part that "[t]he county legislative body may provide and specify, in its zoning or other ordinance, general rules to govern the organization, procedure and jurisdiction of the board of appeals. . . ." Tenn. Ann. 13-7-109 provides that "[t]he board of appeals has the power to: . . . (2) Hear and decide, in accordance with the provisions of any such ordinance requests for special exceptions . . ."

Based on the foregoing enabling legislation, I am of the opinion that the county's zoning resolution may be amended to delete the procedural 60-day time limit for BZA decisions, provided that the statutory procedures for amending zoning ordinance [resolution] provisions are followed. See Tenn. Code Ann. § 13-7-105. Likewise, I am of the opinion that the county's zoning resolution may be

amended to remove jurisdiction from the BZA to grant commercial special exceptions for properties along Highway 411 South and Highway 321.

November 18, 2004

By Recommendation of the Public Services Committee

RESOLUTION REGARDING TRAFFIC CALMING MEASURES ON PUBLIC ROADS MAINTAINED BY THE BLOUNT COUNTY HIGHWAY DEPARTMENT

RESOLUTION

WHEREAS, certain roads in Blount County are maintained by the Blount County Highway Department and are listed on Blount County's "Official Roads List for Blount County"; and,

WHEREAS, the Blount County Highway Department receives many requests for solutions to the problem of motorists speeding and otherwise driving recklessly through residential areas; and,

WHEREAS, there are certain locations at which speeding and related traffic problems might most effectively be addressed through the use of one or more of a number of nationally recognized traffic calming measures custom designed for a specific type of problem at a specific location; and,

WHEREAS, it is important that prior to the installation of any traffic calming device on Blount County roads that procedures for implementing any traffic calming measure should be developed to provide for the receiving and processing of requests, the selection of the appropriate traffic calming measure for a specified location and problem, the adoption of a system of warrants to insure decisions are consistent, a means of setting priorities, a process for receiving community input, and for considering any other matter pertinent to an installation;

NOW, THEREFORE, BE IT RESOLVED by the County Legislative Body of Blount County, Tennessee, in regular session on this the 18th day of November, 2004, that the Blount County Highway Department staff shall begin the development of standards, specifications, and procedures for the adoption of a traffic calming program and for the application, installation, use, and maintenance of traffic calming devices on Blount County roads.

Duly passed and approved this 18th day of November, 2004.

Approved:
Commission Chairman

Approved:
County Executive

Received 11/1/2010

We, residents of Main Road, Eagleton Village Community, Maryville, Tennessee having signed this petition, do request Blount County Highway Department to install traffic calming devices on Main Road.

Name	Address	Phone
Jean Lawhon	246 Main Rd	865-987- ²¹⁶³ 2163
Trula Cleough	244 Main Rd	
Beebe Wright	247 Main Rd	898-1906
Jamie R Frank	249 Main Rd	981-2699
Lynda S Parker	302 Main Rd	8681-6737
Robert Harris	303 Main Rd	(465) 385-8035
Mary Matychuk	307 Main Rd	233-4455
Michael McInnis	309 Main Rd	566-3174
Jan Jelt	312 Main Rd	850 8772
Melinda Malueg	314 Main Rd	310-1720
(Empty)	316 Main Rd.	—
Juan Alberto Carota	326 Main Rd	—
Diana Rahn	325 Main Rd.	9842594.
(Empty)	332 Main Rd	983
Bill Miles	338 Main Rd.	983-7693
Mary Charles Miles	338 Main Rd	983 7693
Karen Simerly	342 Main Rd.	6598029
Jim Robbins	405 MAIN Rd.	982-3486
Nancy Kellen	345 Main Rd.	566-1554-
William Simpson	415 MAIN RD	983-5596
Haley Letts	418 main RD	363 2184

We, residents of Main Road, Eagleton Village Community, Maryville, Tennessee having signed this petition, do request Blount County Highway Department to install traffic calming devices on Main Road.

Name	Address	Phone
Sharon Schlosshan	129 Main rd	865-379-1766
Amy D. Aromo	126 main Rd	865-300-4103
Pat Lyack	213 Kinsey St	865-200-8725
Michael Garrow	135 main Rd.	865-934-7040
Marco Rodriguez	133 Main Rd	865 384 0850
John Stephens J.	128 MAIN RD	865 360 5046
Darcus Delph	204 MAIN	282-8665
Lin Bippur	223 main	314-6812
Cal W Wandt	232 main	(517) 914-3083
Hollie Bradburn	230 main	617-3773
Richard Hutsell	242 main	983-2660
Jenny Withrow	241 main	
James Fagg	134 Main	681-1502
Peter Neulist	130 Main Rd	661-2060
Anders Faircloth	206 main rd	982-3541
George Wilson	207 Main rd	984 3906
Jonathan McCall	210 main Rd	865-441-1036
Aaron Ry	236 main Rd	
Paul Lamb	238 main Rd	
Empty	240 main rd.	
Evans Williams	243 main Rd	865-244-6213

We, residents of Main Road, Eagleton Village Community, Maryville, Tennessee having signed this petition, do request Blount County Highway Department to install traffic calming devices on Main Road. 314

Name	Address	Phone
Brenda Hamilton	220 Main Rd Maryville	356-0491
Brittney Pritchard	218 Main Rd Maryville	765-2413
Amber Gunter	210 Main Rd. Maryville	789-9179
Herbert Benton	136 Main Rd Maryville	980-9818
Kelly Bell	131 Main Rd Maryville	776-5690
(Empty)	311 MAIN RD.	
Laura Lee	132 Main rd Maryville	248-5002
Kim Robinson	106 Main Rd Maryville	258-2513
John Emily	226 MAIN Rd Maryville	
Ken W. Sko	320 Main Rd, Maryville	378 04 (865) 805-7240
Amy Wilcox	324 Main Rd, Maryville	386-4711
C. R. [Signature]	343 MAIN Rd MTN	37804 982-5283
Dennis Hamil	347. MAIN Rd Maryville TN	37804-742-2120
Empty	316 Main Rd	
Empty	318 Main Rd.	
Empty	221 Main Rd.	

BUDGET TRANSFER

(COMMISSION ACTION NEEDED)

<u>FUND</u>	<u>AMOUNT</u>	<u>BUDGET COMMITTEE</u>	<u>VOTE</u>
101-General County Civil Defense	\$40,348.97	Recommended	5 - yes



BLOUNT COUNTY MAYOR

Ed Mitchell

341 Court Street, Maryville, TN 37804-5906

Phone: (865) 273-5700

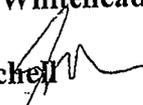
Fax: (865) 273-5705

Email: emitchell@blounttn.org



MEMO

TO: Ginger Whitehead, Payroll Manager

FROM: Ed Mitchell 

RE: December 2, 2010

DATE: Bart Stinnett

This Memo will confirm that the Request for Budget Transfer attached will be presented to the Budget Committee on Monday, December 6, 2010, relative to Bart Stinnett's salary and benefit amounts being transferred from the Emergency Management Cost Center to the Sheriff's Cost Center in order for him to maintain his POST Certification. I have attached the e-mail and attachments received from Bart Stinnett as back-up documentation of this matter.

It is important to note that this change does not affect Bart Stinnett's retirement with TCRS. He will continue his employment under the standard county retirement system inasmuch as this payroll transfer does not change his position as a Department under the Blount County Mayor.

Julie Talbott

From: Bart Stinnett [bastinnett@blounttn.org]
Sent: Thursday, December 02, 2010 9:35 AM
To: 'Julie Talbott'
Subject: POST
Attachments: Post Letter.pdf

Information regarding POST CERTIFICATION, After completing all the necessary paper work and submitting it to the Tennessee Officers Standard Training Commission Mr. John Welch(Phone # 615-532-0502) with the Tennessee Post Commission reviewed my paper work and confirmed that I do meet the necessary requirements of POST certification. I will be required to continue to meet all the standard training/in-service requirements. The additional training will be of no additional cost to the county. I have attached the letter that was sent to The POST commission on my behalf.

The issues with my status regarding TCRS ,after several communications with the staff with TCRS it was of their opinion that I do not meet the requirement for the current Sheriff's Office retirement plan. I will continue my employment under the standard county retirement .

Thanks you

Director Bart Stinnett
Blount County Emergency Management/Homeland Security
341 Court St
Maryville,Tn 37804
865-273-5837 Office
865-617-4905 Cell
865-273-5839 Fax
bastinnett@blounttn.org

July

19, 2010

Mayor Jerry Cunningham
Blount County Government
341 Court Street
Maryville, TN 37804-5906

Re: Reassignment of EMA Director Bart Stinnett

Dear Mayor Cunningham:

I am writing to you today to request that EMA Director Bart Stinnett be reassigned for payroll purposes from the EMA budget line item to the Sheriff's Office line item. Bart is a certified law enforcement officer, and had a long and distinguished career in law enforcement prior to taking the position of EMA director in Blount County. His P.O.S.T. (Peace Officer Standards and Training) certification will soon expire, unless he is reassigned to the Sheriff's Office.

The benefits of this change of status for the BEMA office, as well as to the citizens of Blount County, are great. Bart brought a wealth of law enforcement as well as incident management knowledge to the BEMA office when he took the position. He has many contacts in the law enforcement and emergency services community in East Tennessee, which he has drawn upon over his years as the BEMA director. That wouldn't have been possible without his law enforcement experience. Because of this, he has been able to secure grants and other funding for the Sheriff's Office and other departments within Blount County government. Lastly, his P.O.S.T. certification brings credibility to the BEMA office, which we have never had prior to his appointment as BEMA director.

I respectfully ask that you grant his reassignment to the Sheriff's Office, for salary purposes only. His job duties would remain the same. Please call me should you have any questions.

Sincerely

yours,

Sheriff James Lee Berrong



OFFICE OF SHERIFF JAMES L. BERRONG

October 25, 2010

Peace Officer Standards and Training Commission
3025 Lebanon Road
Nashville, TN 37214-2217

RE: Donald Bartlett Stinnett

To Whom It May Concern:

Mr. Stinnett is a P.O.S.T. Certified Deputy for the Blount County Sheriff's Office. He is also the Homeland Security Director for Blount County.

This letter is to advise the P.O.S.T. Commission that in addition to Mr. Stinnett's law enforcement duties he also does investigations for Homeland Security in terrorist related incidents.

Should you have any questions regarding this matter please do not hesitate to contact me. Thank you in advance for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads 'James L. Berrong'.

Sheriff James Berrong
Blount County Sheriff's Office

Registration No. 96679

State of Tennessee
Peace Officer Standards and Training Commission



This is to certify that
Donald Bartlett Stinnett
has met all the requirements cited in Title 38, Chapter 8, of the
Tennessee Code Annotated, and is therefore qualified to serve as a
Law Enforcement Officer in the State of Tennessee.

February 29, 1996

B.P. Maples

Chairman

Don Sundquist

Governor

Tennessee Law Enforcement Training Academy



Donald Bartlett Stinnett

is awarded this Certificate as evidence of the satisfactory completion of a Basic Police School in law enforcement which was attended from January 7 through February 29, 1996.

Don Sundquist
Governor

Mark Bracy
Director

BUDGET INCREASES/DECREASES

(COMMISSION ACTION NEEDED)

<u>FUND</u>	<u>AMOUNT</u>	<u>BUDGET COMMITTEE</u>	<u>VOTE</u>
101 – General County EMA (Civil Defense)	\$255,386.37	Recommended	5 - yes
101 – General County Sheriff's Office	\$ 36,051.00	Recommended	5 - yes

RESOLUTION NO. _____

Sponsored by: Commissioners Kenneth Melton and Mike Lewis

A RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET.

WHEREAS, Blount County would like to amend the General County Fund Budget to appropriate funds for Contract #34101-0000005689 received for training, planning and equipment purchases allowable under the 2010 Homeland security (SHSP) Grant Program. This grant is 100% reimbursable.

WHEREAS, it is deemed to be in the best interest of Blount County to amend the General County Fund Budget as requested.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 16th day of December, 2010 that the General County Fund Budget shall be amended as follows:

Revenue:

101-0-475900-5449 2010 Homeland Sec. Pass-Through SHSP Grant..... \$255,386.37

APROPRIATION:

101-054410-500716-5449 2010 Homeland Sec. Pass-Through SHSP Grant..... \$255,386.37

Duly authorized and approved this day of

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: ____

Vetoed: _____

County Mayor

Date

**Blount County, Tennessee
REQUEST FOR BUDGET INCREASE/DECREASE
Fiscal Year 2010-2011**

Fund Number 101 Cost Center Number 054410
 Fund Name General County Cost Center Name EMA (Civil Defense)

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-054410-500716-5449	2010 Homeland Security pass Through SHSP Grant	255,386.37
Total Appropriation:		255,386.37

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-04750-125446	2010 Homeland Security Pass Through SHSP Grant	255,386.37
101- 054410 -475900-5449		
8-		
Total Estimated Revenue:		255,386.37

Reason for requested increase/decrease:

Contract #34101-0000005689 received for training, planning and equipment purchases allowable under the 2010 Homeland Security (SHSP) Grant Program. This Grant is 100% reimbursable.

Note:
Total appropriation must agree with total estimated revenue.

Signature of Department Head Date
Jerry Shultz 11-15-10



GRANT CONTRACT

(cost reimbursement grant contract with a federal or Tennessee local or quasi-governmental entity)

Begin Date 08/01/2010		End Date 05/31/2013		Agency Tracking # 34101-31511		Edison ID 34101-0000005689	
Contractor Legal Entity Name Blount County						Contractor Registration ID 15	
Subrecipient or Vendor <input checked="" type="checkbox"/> Subrecipient <input type="checkbox"/> Vendor			CFDA # 97.067		FEIN or SSN 626000495		
Service Caption (one line only) U.S. DEPARTMENT OF HOMELAND SECURITY, FISCAL YEAR 2010 HOMELAND SECURITY GRANT PROGRAM, 2010-SS-T0-0027							
FY	State	Federal	Interdepartmental	Other	TOTAL Contract Amount		
2011		255,386.37			255,386.37		
TOTAL:		255,386.37			255,386.37		
American Recovery and Reinvestment Act (ARRA) Funding: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO							
Budget Officer Confirmation: There is a balance in the appropriation from which obligations hereunder are required to be paid that is not already encumbered to pay other obligations.				OCR USE - GG EXECUTED NOV 12 2010 DEPARTMENT OF MILITARY Tennessee Emergency Management BY: <i>[Signature]</i>			
M. Lisa R. Ufford 11/08/10 Speed Code _____ Account Code 71301000							

**GRANT CONTRACT
BETWEEN THE STATE OF TENNESSEE,
DEPARTMENT OF MILITARY, TENNESSEE EMERGENCY MANAGEMENT AGENCY
AND
BLOUNT COUNTY**

This Grant Contract, by and between the State of Tennessee, Department of Military, Tennessee Emergency Management Agency, hereinafter referred to as the "State" and Blount County, hereinafter referred to as the "Grantee," is for the provision of pass through funding provided by the United States Department of Homeland Security, Homeland Security Grant Program, as further defined in the "SCOPE OF SERVICES."

Grantee Federal Employer Identification or Edison Registration ID # 626000495

A. SCOPE OF SERVICES:

- A.1. The Grantee shall provide all service and deliverables as required, described, and detailed herein and shall meet all service and delivery timelines as specified by this Grant Contract.
- A.2. All Federal Fiscal Year (FFY) 2010 Homeland Security Grant Program (HSGP) Grantees are required to submit an investment justification, consistent with the investments approved for Tennessee by the U.S. Department of Homeland Security (DHS), that provides background information, strategic objectives and priorities addressed, their funding/implementation plan, and the anticipated impact of each proposed investment. As part of the FFY 2010 HSGP investment justifications, Grantees are required to establish specific outcomes pursuant to the target capabilities set forth by the State's Homeland Security Strategy, and associated with their proposed investments. The Grantee also agrees to comply with the approved Initial Strategy Implementation Plan (ISIP) based upon the State's Homeland Security Strategy, which is the representation of the jurisdiction's commitment to protect citizens from the threat of terrorism through detection and prevention, and to respond to terrorist acts and catastrophic natural disasters.
- A.3. It shall be understood by the Grantee that each Grant Contract funded from the FFY 2010 HSGP will be in compliance with the FFY 2010 HSGP Guidance and the State of Tennessee's Homeland Security Strategy.
- A.4. The Grantee has provided to the State the ISIP, which will be validated by the State and approved by the U.S. Department of Homeland Security prior to the Grantee initiating purchases, training, or any other activity to be paid with these funds.
- A.5. The Grantee will provide to the State a Biannual Strategy Implementation Report (BSIR) to update the ISIP, as of the end of June (due July 15th), and the end of December (due January 15th).
- A.6. The Grantee agrees to be responsible for the sustainment of previously established homeland security efforts, as well as FFY 2010 projects. The Grantee further agrees that the federal funds received through this agreement will be used to supplement, but not to supplant any funds for local governments.
- A.7. The Grantee agrees to comply with the financial and administrative guidelines as established by the U.S. Department of Homeland Security, Office of Grants and Training, Preparedness Directorate, Office of Grant Operations (OGO) Financial Guide. The Grantee further agrees to comply with the audit requirements of the Office of Management and Budget (OMB) Circular A-133 and the standards put forth by OMB Circular A-87, which deals with cost principles for local governments.

- A.8. The Grantee supports the implementation of State Homeland Security Strategies by addressing the identified planning, equipment, training and exercise needs required to prevent, respond to, and recover from acts of terrorism. In addition, the Grantee agrees to comply with the implementation of the National Preparedness Goal and the National Response Framework (NRF).
- A.9. The Grantee will comply with the Cash Management Act and understands that no federal funds received by the Grantee may be invested in an interest bearing account.

B. CONTRACT PERIOD:

- B.1. This Grant Contract shall be effective for the period beginning August 1, 2010, and ending on May 31, 2013. The Grantee hereby acknowledges and affirms that the State shall have no obligation for Grantee services or expenditures that were not completed within this specified contract period.
- B.2. Term Extension. The State reserves the right to extend this Grant Contract for an additional period or periods of time representing increments of no more than one year and a total contract period of no more than five (5) years, provided that such an extension of the contract period is effected prior to the current, contract expiration date by means of a contract amendment. If a term extension necessitates additional funding beyond that which was included in the original Grant Contract, such funding will also be effected through contract amendment.

C. PAYMENT TERMS AND CONDITIONS:

- C.1. Maximum Liability. In no event shall the maximum liability of the State under this Grant Contract exceed two hundred fifty-five thousand three hundred eighty-six and 37/100 (\$255,386.37). The Grant Budget, attached and incorporated hereto as Attachment 1, shall constitute the maximum amount due the Grantee for all service and Grantee obligations hereunder. The Grant Budget line-items include, but are not limited to, all applicable taxes, fees, overhead, and all other direct and indirect costs incurred or to be incurred by the Grantee.
- C.2. Compensation Firm. The maximum liability of the State is not subject to escalation for any reason unless amended. The Grant Budget amounts are firm for the duration of the Grant Contract and are not subject to escalation for any reason unless amended, except as provided in section C.6.
- C.3. Payment Methodology. The Grantee shall be reimbursed for actual, reasonable, and necessary costs based upon the Grant Budget, not to exceed the maximum liability established in section C.1. Upon progress toward the completion of the work, as described in section A of this Grant Contract, the Grantee shall submit invoices prior to any reimbursement of allowable costs.
- C.4. Travel Compensation. Reimbursement to the Grantee for travel, meals, or lodging shall be subject to amounts and limitations specified in the "State Comprehensive Travel Regulations," as they are amended from time to time, and shall be contingent upon and limited by the Grant Budget funding for said reimbursement.
- C.5. Invoice Requirements. The Grantee shall invoice the State no more often than monthly, with all necessary supporting documentation, and present such to:

Tennessee Emergency Management Agency
 3041 Sidco Drive
 Nashville, TN 37204
 Attn: Homeland Security Grant Program Manager

a. Each invoice shall clearly and accurately detail all of the following required information (calculations must be extended and totaled correctly).

- (1) Invoice/Reference Number (assigned by the Grantee).
- (2) Invoice Date.
- (3) Invoice Period (to which the reimbursement request is applicable).
- (4) Grant Contract Number (assigned by the State).
- (5) Grantor: Department of Military, Tennessee Emergency Management Agency.
- (6) Grantor Number (assigned by the Grantee to the above-referenced Grantor).
- (7) Grantee Name.
- (8) Grantee Federal Employer Identification, Social Security, or Tennessee Edison Registration ID Number Referenced in Preamble of this Grant Contract.
- (9) Grantee Remittance Address.
- (10) Grantee Contact for Invoice Questions (name, phone, and/or fax).
- (11) Itemization of Reimbursement Requested for the Invoice Period— it must detail, at minimum, all of the following:
 - i. The amount requested by Grant Budget line-item (including any travel expenditure reimbursement requested and for which documentation and receipts, as required by "State Comprehensive Travel Regulations," are attached to the invoice).
 - ii. The amount reimbursed by Grant Budget line-item to date.
 - iii. The total amount reimbursed under the Grant Contract to date.
 - iv. The total amount requested (all line-items) for the Invoice Period.

b. The Grantee understands and agrees to all of the following.

- (1) An invoice under this Grant Contract shall include only reimbursement requests for actual, reasonable, and necessary expenditures required in the delivery of service described by this Grant Contract and shall be subject to the Grant Budget and any other provision of this Grant Contract relating to allowable reimbursements.
- (2) An invoice under this Grant Contract shall not include any reimbursement request for future expenditures.
- (3) An invoice under this Grant Contract shall initiate the timeframe for reimbursement only when the State is in receipt of the invoice, and the invoice meets the minimum requirements of this section C.5.

C.6. Budget Line-items. Expenditures, reimbursements, and payments under this Grant Contract shall adhere to the Grant Budget. The Grantee may request revisions of Grant Budget line-items by letter, giving full details supporting such request, provided that such revisions do not result in funding for a line-item that was previously funded at zero dollars (\$0.00) and do not increase the total Grant amount. Grant Budget line-item revisions may not be made without prior, written approval of the State in which the terms of the approved revisions are explicitly set forth. Any such approval shall be superseded by a subsequent revision of the Grant Budget by contract amendment, and any increase in the total Grant amount shall require a contract amendment.

C.7. Disbursement Reconciliation and Close Out. The Grantee shall submit any final invoice and a grant disbursement reconciliation report within sixty (60) days of the Grant Contract end date and in form and substance acceptable to the State.

- a. If total disbursements by the State pursuant to this Grant Contract exceed the amounts permitted by the section C, payment terms and conditions of this Grant Contract, the Grantee shall refund the difference to the State. The Grantee shall submit said refund with the final grant disbursement reconciliation report.

- b. The State shall not be responsible for the payment of any invoice submitted to the state after the grant disbursement reconciliation report. The State will not deem any Grantee costs submitted for reimbursement after the grant disbursement reconciliation report to be allowable and reimbursable by the State, and such invoices will NOT be paid.
 - c. The Grantee's failure to provide a final grant disbursement reconciliation report to the state as required shall result in the Grantee being deemed ineligible for reimbursement under this Grant Contract, and the Grantee shall be required to refund any and all payments by the state pursuant to this Grant Contract.
 - d. The Grantee must close out its accounting records at the end of the contract period in such a way that reimbursable expenditures and revenue collections are NOT carried forward.
- C.8. Indirect Cost. Should the Grantee request reimbursement for indirect cost, the Grantee must submit to the State a copy of the indirect cost rate approved by the cognizant federal agency and the State. The Grantee will be reimbursed for indirect cost in accordance with the approved indirect cost rate to amounts and limitations specified in the attached Grant Budget. Once the Grantee makes an election and treats a given cost as direct or indirect, it must apply that treatment consistently and may not change during the contract period. Any changes in the approved indirect cost rate must have prior approval of the cognizant federal agency and the State. If the indirect cost rate is provisional during the period of this agreement, once the rate becomes final, the Grantee agrees to remit any overpayment of funds to the State, and subject to the availability of funds the State agrees to remit any underpayment to the Grantee.
- C.9. Cost Allocation. If any part of the costs to be reimbursed under this Grant Contract are joint costs involving allocation to more than one program or activity, such costs shall be allocated and reported in accordance with the provisions of Department of Finance and Administration Policy Statement 03 or any amendments or revisions made to this policy statement during the contract period.
- C.10. Payment of Invoice. A payment by the State shall not prejudice the State's right to object to or question any reimbursement, invoice, or matter in relation thereto. A payment by the State shall not be construed as acceptance of any part of the work or service provided or as approval of any amount as an allowable cost.
- C.11. Unallowable Costs. Any amounts payable to the Grantee shall be subject to reduction for amounts included in any invoice or payment theretofore made, which are determined by the State, on the basis of audits or monitoring conducted in accordance with the terms of this Grant Contract, not to constitute allowable costs.
- C.12. Deductions. The State reserves the right to deduct from amounts, which are or shall become due and payable to the Grantee under this or any contract between the Grantee and the State of Tennessee any amounts, which are or shall become due and payable to the State of Tennessee by the Grantee.
- C.13. Prerequisite Documentation. The Grantee shall not invoice the State under this Grant Contract until the State has received the following documentation properly completed.
- a. The Grantee shall complete, sign, and present to the State an "Authorization Agreement for Automatic Deposit (ACH Credits) Form" provided by the State. By doing so, the Grantee acknowledges and agrees that, once said form is received by the State, all payments to the Grantee, under this or any other contract the Grantee has with the State of Tennessee shall be made by Automated Clearing House (ACH).

- b. The Grantee shall complete, sign, and present to the State a "Substitute W-9 Form" provided by the State. The taxpayer identification number detailed by said form must agree with the Federal Employer Identification Number or Social Security Number referenced in this Grant Contract or the Grantee's Tennessee Edison Registration.

D. STANDARD TERMS AND CONDITIONS:

- D.1. Required Approvals. The State is not bound by this Grant Contract until it is signed by the contract parties and approved by appropriate officials in accordance with applicable Tennessee laws and regulations (depending upon the specifics of this contract, said officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Personnel, and the Comptroller of the Treasury).
- D.2. Modification and Amendment. Except as specifically provided herein, this Grant Contract may be modified only by a written amendment signed by all parties hereto and approved by both the officials who approved the base contract and, depending upon the specifics of the contract as amended, any additional officials required by Tennessee laws and regulations (said officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Personnel, and the Comptroller of the Treasury).
- D.3. Termination for Convenience. The State may terminate this Grant Contract without cause for any reason. Said termination shall not be deemed a breach of contract by the State. The State shall give the Grantee at least thirty (30) days written notice before the effective termination date. The Grantee shall be entitled to compensation for authorized expenditures and satisfactory services completed as of the termination date, but in no event shall the State be liable to the Grantee for compensation for any service which has not been rendered. The final decision as to the amount, for which the State is liable, shall be determined by the State. Should the State exercise this provision, the Grantee shall not have any right to any actual general, special, incidental, consequential, or any other damages whatsoever of any description or amount.
- D.4. Termination for Cause. If the Grantee fails to properly perform its obligations under this Grant Contract in a timely or proper manner, or if the Grantee violates any terms of this Grant Contract, the State shall have the right to immediately terminate the Grant Contract and withhold payments in excess of fair compensation for completed services. Notwithstanding the above, the Grantee shall not be relieved of liability to the State for damages sustained by virtue of any breach of this Grant Contract by the Grantee.
- D.5. Subcontracting. The Grantee shall not assign this Grant Contract or enter into a subcontract for any of the services performed under this Grant Contract without obtaining the prior written approval of the State. If such subcontracts are approved by the State, each shall contain, at a minimum, sections of this contract pertaining to "Conflicts of Interest," "Lobbying," "Nondiscrimination," "Public Accountability," "Public Notice," and "Records" (as identified by the section headings). Notwithstanding any use of approved subcontractors, the Grantee shall be the prime contractor and shall be responsible for all work performed.
- D.6. Conflicts of Interest. The Grantee warrants that no part of the total Grant Amount shall be paid directly or indirectly to an employee or official of the State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the Grantee in connection with any work contemplated or performed relative to this Grant Contract.
- D.7. Lobbying. The Grantee certifies, to the best of its knowledge and belief, that:
- a. No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or

an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

- b. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this contract, grant, loan, or cooperative agreement, the Grantee shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- c. The Grantee shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into and is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, *U.S. Code*.

- D.8. Nondiscrimination. The Grantee hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Grant Contract or in the employment practices of the Grantee on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Grantee shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

- D.9. Public Accountability. If the Grantee is subject to *Tennessee Code Annotated*, Title 8, Chapter 4, Part 4, or if this Grant Contract involves the provision of services to citizens by the Grantee on behalf of the State, the Grantee agrees to establish a system through which recipients of services may present grievances about the operation of the service program, and the Grantee shall display in a prominent place, located near the passageway through which the public enters in order to receive Grant supported services, a sign at least twelve inches (12") in height and eighteen inches (18") in width stating:

NOTICE: THIS AGENCY IS A RECIPIENT OF TAXPAYER FUNDING. IF YOU OBSERVE AN AGENCY DIRECTOR OR EMPLOYEE ENGAGING IN ANY ACTIVITY WHICH YOU CONSIDER TO BE ILLEGAL, IMPROPER, OR WASTEFUL, PLEASE CALL THE STATE COMPTROLLER'S TOLL-FREE HOTLINE: 1-800-232-5454

- D.10. Public Notice. All notices, informational pamphlets, press releases, research reports, signs, and similar public notices prepared and released by the Grantee shall include the statement, "This project is funded under an agreement with the State of Tennessee." Any such notices by the Grantee shall be approved by the State.
- D.11. Licensure. The Grantee and its employees and all sub-grantees shall be licensed pursuant to all applicable federal, state, and local laws, ordinances, rules, and regulations and shall upon request provide proof of all licenses.
- D.12. Records. The Grantee (and any approved subcontractor) shall maintain documentation for all charges under this Contract. The books, records, and documents of the Grantee (and any approved subcontractor), insofar as they relate to work performed or money received under this Contract, shall be maintained for a period of three (3) full years from the date of the final payment

and shall be subject to audit at any reasonable time and upon reasonable notice by the state agency, the Comptroller of the Treasury, or their duly appointed representatives. The records of not-for-profit entities shall be maintained in accordance with the *Accounting Manual for the Recipients of Grant Funds in the State of Tennessee*, published by the Tennessee Comptroller of the Treasury (available at <http://comptroller.state.tn.us/ma/nonprofit/nonprofit1.pdf>). The financial statements shall be prepared in accordance with generally accepted accounting principles.

- D.13. Prevailing Wage Rates. All grants and contracts for construction, erection, or demolition or to install goods or materials that involve the expenditure of any funds derived from the State require compliance with the prevailing wage laws as provided in *Tennessee Code Annotated*, Section 12-4-401 *et seq.*.
- D.14. Monitoring. The Grantee's activities conducted and records maintained pursuant to this Grant Contract shall be subject to monitoring and evaluation by the State, the Comptroller of the Treasury, or their duly appointed representatives.
- D.15. Progress Reports. The Grantee shall submit brief, periodic, progress reports to the State as requested.
- D.16. Annual Report and Audit. The Grantee shall prepare and submit, within nine (9) months after the close of the reporting period, an annual report of its activities funded under this Grant Contract to the commissioner or head of the Granting agency, the Tennessee Comptroller of the Treasury, and the Commissioner of Finance and Administration. The annual report for any Grantee that receives five hundred thousand dollars (\$500,000) or more in aggregate federal and state funding for all its programs shall include audited financial statements. All books of account and financial records shall be subject to annual audit by the Tennessee Comptroller of the Treasury or the Comptroller's duly appointed representative. When an audit is required, the Grantee may, with the prior approval of the Comptroller, engage a licensed independent public accountant to perform the audit. The audit contract between the Grantee and the licensed independent public accountant shall be on a contract form prescribed by the Tennessee Comptroller of the Treasury. Any such audit shall be performed in accordance with generally accepted government auditing standards, the provisions of OMB Circular A-133, if applicable, and the *Audit Manual for Governmental Units and Recipients of Grant Funds* published by the Tennessee Comptroller of the Treasury. The Grantee shall be responsible for reimbursement of the cost of the audit prepared by the Tennessee Comptroller of the Treasury, and payment of fees for the audit prepared by the licensed independent public accountant. Payment of the audit fees of the licensed independent public accountant by the Grantee shall be subject to the provisions relating to such fees contained in the prescribed contract form noted above. Copies of such audits shall be provided to the designated cognizant state agency, the State Granting Department, the Tennessee Comptroller of the Treasury, and the Department of Finance and Administration and shall be made available to the public.
- D.17. Procurement. If other terms of this Grant Contract allow reimbursement for the cost of goods, materials, supplies, equipment, and/or contracted services, such procurement(s) shall be made on a competitive basis, including the use of competitive bidding procedures, where practical. The Grantee shall maintain documentation for the basis of each procurement for which reimbursement is paid pursuant to this Grant Contract. In each instance where it is determined that use of a competitive procurement method is not practical, supporting documentation shall include a written justification for such decision and non-competitive procurement. Further, and notwithstanding the foregoing, if such reimbursement is to be made with funds derived wholly or partially from federal sources, the determination of cost shall be governed by and reimbursement shall be subject to the Grantee's compliance with applicable federal procurement requirements.

The Grantee shall obtain prior approval from the State before purchasing any equipment under this Grant Contract.

- D.18. Strict Performance. Failure by any party to this Grant Contract to insist in any one or more cases upon the strict performance of any of the terms, covenants, conditions, or provisions of this agreement shall not be construed as a waiver or relinquishment of any such term, covenant, condition, or provision. No term or condition of this Grant Contract shall be held to be waived, modified, or deleted except by a written amendment signed by the parties hereto.
- D.19. Independent Contractor. The parties hereto, in the performance of this Grant Contract, shall not act as employees, partners, joint venturers, or associates of one another. It is expressly acknowledged by the parties hereto that such parties are independent contracting entities and that nothing in this Grant Contract shall be construed to create a principal/agent relationship or to allow either to exercise control or direction over the manner or method by which the other transacts its business affairs or provides its usual services. The employees or agents of one party shall not be deemed or construed to be the employees or agents of the other party for any purpose whatsoever.
- The Grantee, being a political subdivision of the State, is governed by the provisions of the Tennessee Government Tort Liability Act, *Tennessee Code Annotated*, Sections 29-20-101 *et seq.*, for causes of action sounding in tort. Further, no contract provision requiring a Tennessee political entity to indemnify or hold harmless the State beyond the liability imposed by law is enforceable because it appropriates public money and nullifies governmental immunity without the authorization of the General Assembly.
- D.20. State Liability. The State shall have no liability except as specifically provided in this Grant Contract.
- D.21. Force Majeure. The obligations of the parties to this Grant Contract are subject to prevention by causes beyond the parties' control that could not be avoided by the exercise of due care including, but not limited to, natural disasters, riots, wars, epidemics, or any other similar cause.
- D.22. State and Federal Compliance. The Grantee shall comply with all applicable state and federal laws and regulations in the performance of this Grant Contract.
- D.23. Governing Law. This Grant Contract shall be governed by and construed in accordance with the laws of the State of Tennessee. The Grantee agrees that it will be subject to the exclusive jurisdiction of the courts of the State of Tennessee in actions that may arise under this Grant Contract. The Grantee acknowledges and agrees that any rights or claims against the State of Tennessee or its employees hereunder, and any remedies arising there from, shall be subject to and limited to those rights and remedies, if any, available under *Tennessee Code Annotated*, Sections 9-8-101 through 9-8-407.
- D.24. Completeness. This Grant Contract is complete and contains the entire understanding between the parties relating to the subject matter contained herein, including all the terms and conditions of the parties' agreement. This Grant Contract supersedes any and all prior understandings, representations, negotiations, and agreements between the parties relating hereto, whether written or oral.
- D.25. Severability. If any terms and conditions of this Grant Contract are held to be invalid or unenforceable as a matter of law, the other terms and conditions hereof shall not be affected thereby and shall remain in full force and effect. To this end, the terms and conditions of this Grant Contract are declared severable.
- D.26. Headings. Section headings are for reference purposes only and shall not be construed as part of this Grant Contract.

E. SPECIAL TERMS AND CONDITIONS:

- E.1. Conflicting Terms and Conditions. Should any of these special terms and conditions conflict with any other terms and conditions of this Grant Contract, these special terms and conditions shall control.

- E.2. Communications and Contacts. All instructions, notices, consents, demands, or other communications required or contemplated by this Grant Contract shall be in writing and shall be made by certified, first class mail, return receipt requested and postage prepaid, by overnight courier service with an asset tracking system, or by EMAIL or facsimile transmission with recipient confirmation. Any such communications, regardless of method of transmission, shall be addressed to the respective party at the appropriate mailing address, facsimile number, or EMAIL address as set forth below or to that of such other party or address, as may be hereafter specified by written notice.

The State:

Cindy Hopkins, Program Manager
Tennessee Emergency Management Agency
3041 Sidco Drive
Nashville, TN 37204
chopkins@tnema.org
Telephone #: (615) 253-3108
FAX #: (615) 242-6630

The Grantee:

Ed Mitchell, County Mayor
Blount County
Courthouse
341 Court Street
Maryville, TN 37804
emitchell@blounttn.org
Telephone #: (865) 273-5703
FAX #: (865) 273-5705

The Point of Contact:

Kathy Shields, Assistant Director
Blount County EMA
Courthouse
341 Court Street
Maryville, TN 37804
kshields@blounttn.org
Telephone #: (865) 273-5835
FAX #: (865) 273-5839

All instructions, notices, consents, demands, or other communications shall be considered effectively given upon receipt or recipient confirmation as may be required.

- E.3. Subject to Funds Availability. The Grant Contract is subject to the appropriation and availability of State and/or Federal funds. In the event that the funds are not appropriated or are otherwise unavailable, the State reserves the right to terminate the Grant Contract upon written notice to the Grantee. Said termination shall not be deemed a breach of contract by the State. Upon receipt of the written notice, the Grantee shall cease all work associated with the Grant Contract. Should such an event occur, the Grantee shall be entitled to compensation for all satisfactory and authorized services completed as of the termination date. Upon such termination, the Grantee

shall have no right to recover from the State any actual, general, special, incidental, consequential, or any other damages whatsoever of any description or amount.

E.4. Charges to Service Recipients Prohibited. The Grantee shall not collect any amount in the form of fees or reimbursements from the recipients of any service provided pursuant to this Grant Contract.

E.5. State Interest in Equipment. The Grantee shall take legal title to all equipment and to all motor vehicles, hereinafter referred to as "equipment," purchased totally or in part with funds provided under this Grant Contract, subject to the State's equitable interest therein, to the extent of its *pro rata* share, based upon the State's contribution to the purchase price. "Equipment" shall be defined as an article of nonexpendable, tangible, personal property having a useful life of more than one year and an acquisition cost which equals or exceeds \$5,000.00.

As authorized by the provisions of the terms of the Tennessee Uniform Commercial Code — Secured Transaction, found at Title 47, Chapter 9 of the *Tennessee Code Annotated*, and the provisions of the Tennessee Motor Vehicle Title and Registration Law, found at Title 55, Chapter 1 of the *Tennessee Code Annotated*, an intent of this Grant document and the parties hereto is to create and acknowledge a security interest in favor of the State in the equipment and/or motor vehicles acquired by the Grantee pursuant to the provisions of this Grant document. A further intent of this Grant document is to acknowledge and continue the security interest in favor of the State in the equipment or motor vehicles acquired by the Grantee pursuant to the provisions of this program's prior year Grants between the State and the Grantee.

The Grantee hereto grants the State a security interest in said equipment. This agreement is intended to be a security agreement pursuant to the Uniform Commercial Code for any of the equipment herein specified which, under applicable law, may be subject to a security interest pursuant to the Uniform Commercial Code, and the Grantee hereby grants the State a security interest in said equipment. The Grantee agrees that the State may file this Grant Contract or a reproduction thereof, in any appropriate office, as a financing statement for any of the equipment herein specified. Any reproduction of this or any other security agreement or financing statement shall be sufficient as a financing statement. In addition, the Grantee agrees to execute and deliver to the State, upon the State's request, any financing statements, as well as extensions, renewals, and amendments thereof, and reproduction of this Grant Contract in such form as the State may require to perfect a security interest with respect to said equipment. The Grantee shall pay all costs of filing such financing statements and any extensions, renewals, amendments and releases thereof, and shall pay all reasonable costs and expenses of any record searches for financing statements the State may reasonably require. Without the prior written consent of the State, the Grantee shall not create or suffer to be created pursuant to the Uniform Commercial Code any other security interest in said equipment, including replacements and additions thereto. Upon the Grantee's breach of any covenant or agreement contained in this Grant Contract, including the covenants to pay when due all sums secured by this Grant Contract, the State shall have the remedies of a secured party under the Uniform Commercial Code and, at the State's option, may also invoke the remedies herein provided.

The Grantee agrees to be responsible for the accountability, maintenance, management, and inventory of all property purchased totally or in part with funds provided under this Grant Contract. The Grantee shall maintain a perpetual inventory system for all equipment purchased with funds provided under this Grant Contract and shall submit an inventory control report which must include, at a minimum, the following:

- a. Description of the equipment;
- b. Manufacturer's serial number or other identification number, when applicable;
- c. Consecutive inventory equipment tag identification;
- d. Acquisition date, cost, and check number;
- e. Fund source, State grant number, or other applicable fund source identification;

- f. Percentage of state funds applied to the purchase;
- g. Location within the Grantee's operations where the equipment is used;
- h. Condition of the property or disposition date if Grantee no longer has possession;
- i. Depreciation method, if applicable; and
- j. Monthly depreciation amount, if applicable.

The Grantee shall tag equipment with an identification number which is cross referenced to the equipment item on the inventory control report. The Grantee shall inventory equipment annually. The Grantee must compare the results of the inventory with the inventory control report and investigate any differences. The Grantee must then adjust the inventory control report to reflect the results of the physical inventory and subsequent investigation.

The Grantee shall submit its inventory control report of all equipment purchased with funding through this contract within thirty (30) days of the Grant Contract end date and in form and substance acceptable to the State. This inventory control report shall contain, at a minimum, the requirements specified above for inventory control. The Grantee shall notify the State, in writing, of any equipment loss describing reason(s) for the loss. Should the equipment be destroyed, lost, or stolen, the Grantee shall be responsible to the State for the *pro rata* amount of the residual value at the time of loss based upon the State's original contribution to the purchase price.

Upon termination of the Grant Contract, where a further contractual relationship is not entered into, or at another time during the term of the Grant Contract, the Grantee shall request written approval from the State for any proposed disposition of equipment purchased with Grant funds. All equipment shall be disposed of in such a manner as parties may agree from among alternatives approved by Tennessee Department of General Services as appropriate and in accordance with any applicable federal laws or regulations.

- E.6. Confidentiality of Records. Strict standards of confidentiality of records and information shall be maintained in accordance with applicable state and federal law. All material and information, regardless of form, medium or method of communication, provided to the Grantee by the State or acquired by the Grantee on behalf of the State shall be regarded as confidential information in accordance with the provisions of applicable state and federal law, state and federal rules and regulations, departmental policy, and ethical standards. Such confidential information shall not be disclosed, and all necessary steps shall be taken by the Grantee to safeguard the confidentiality of such material or information in conformance with applicable state and federal law, state and federal rules and regulations, departmental policy, and ethical standards.

The Grantee's obligations under this section do not apply to information in the public domain; entering the public domain but not from a breach by the Grantee of this Grant Contract; previously possessed by the Grantee without written obligations to the State to protect it; acquired by the Grantee without written restrictions against disclosure from a third party which, to the Grantee's knowledge, is free to disclose the information; independently developed by the Grantee without the use of the State's information; or, disclosed by the State to others without restrictions against disclosure. Nothing in this paragraph shall permit Grantee to disclose any information that is confidential under federal or state law or regulations, regardless of whether it has been disclosed or made available to the Grantee due to intentional or negligent actions or inactions of agents of the State or third parties.

It is expressly understood and agreed the obligations set forth in this section shall survive the termination of this Grant Contract.

- E.7. Certification Regarding Drug-Free Workplace Requirements. This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 44 CFR Part 17, Subpart F. The regulations, published in the January 31, 1989 Federal Register, require certification by grantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a

material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or government-wide suspension or debarment, (See 44 CFR Part 13, Subpart C 13.300 and Subpart D 13.400).

The grantee certifies that it will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - b. Establishing a drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations in the workplace;
 - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (E.7.a.);
 - d. Notifying the employee in the statement required by paragraph (E.7.a.) that, as a condition of employment under the grant, the employee will:
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
 - e. Notifying the agency within ten days after receiving notice under subparagraph [E.7.d.(2)], from an employee or otherwise receiving actual notice of such conviction;
 - f. Taking one of the following actions, within 30 days of receiving notice under subparagraph [E.7.d.(2)], with respect to any employee who is convicted.
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (E.7.a.), (E.7.b.), (E.7.c.), (E.7.d.), (E.7.e.), (E.7.f.), and (E.7.g.).
- E.8. Environmental Tobacco Smoke. Pursuant to the provisions of the federal "Pro-Children Act of 1994" and the Tennessee "Children's Act for Clean Indoor Air of 1995," the Grantee shall prohibit smoking of tobacco products within any indoor premises in which services are provided to individuals under the age of eighteen (18) years. The Grantee shall post "no smoking" signs in appropriate, permanent sites within such premises. This prohibition shall be applicable during all hours, not just the hours in which children are present. Violators of the prohibition may be subject to civil penalties and fines. This prohibition shall apply to and be made part of any subcontract related to this Grant Contract.
- E.9. Grantee Participation. Grantee Participation amount(s) detailed in the Grant Budget are intended as a goal for the total project, and the amount of actual Grantee Participation expenditures will

not impact the maximum amounts reimbursable to the Grantee as detailed by the Grant Budget column, "Grant Contract."

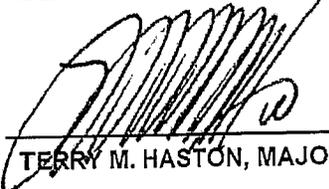
- E.10. Compliance With Title VI of the Civil Rights Act of 1964. The Grantee agrees to comply with the provisions contained in Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d), and any federal regulations specific to the funding of this grant. The Grantee further agrees to complete and return a self-compliance report as provided by the Grantor.
- E.11. Compliance With National Incident Management System (NIMS). The Grantee will be in compliance with NIMS Standards established by the U.S. Department of Homeland Security and the Federal Emergency Management Agency authorized by Homeland Security Presidential Directive 08 (HSPD-08). The Grantee agrees that it has met NIMS compliance standards. The Grantee further agrees to complete within the announced suspense date the National Incident Management System Compliance Assistance Support Tool (NIMSCAST) report or provide any Correction Action Plan report for items not meeting compliance. The report and any suspense dates are provided by NIMSCAST at <http://www.fema.gov/nimscast/index.jsp>. The compliance items are in the Resources box under Metrics/Legacy Assessment (pdf). The Grantee will use the current year and the NIMS Implementation Matrix for Tribal and Local Jurisdictions.

IN WITNESS WHEREOF,

BLOUNT COUNTY:

 _____ 11-1-10
 GRANTEE SIGNATURE DATE
 ED MITCHELL, COUNTY MAYOR
 PRINTED NAME AND TITLE OF GRANTEE SIGNATORY (above)

DEPARTMENT OF MILITARY, TENNESSEE EMERGENCY MANAGEMENT AGENCY:

 _____ 8 Nov 2010
 TERRY M. HASTON, MAJOR GENERAL, THE ADJUTANT GENERAL DATE

*I Certify that this Entity Meets
 Civil Rights Title VI Compliance*
 for *Boise Case*

 Signature

 5 Nov 10
 Date
 Reviewed by Department of Military Civil Rights Title VI Officer

ATTACHMENT 1

Page 1

GRANT BUDGET				
GRANTEE NAME: BLOUNT COUNTY				
U.S. Department of Homeland Security, FY 2010 Homeland Security Grant Program				
The grant budget line-item amounts below shall be applicable only to expense incurred during the following				
Applicable Period: BEGIN: 08/01/2010 END: 05/31/2013				
POLICY 03 Object Line-Item Reference	EXPENSE OBJECT LINE-ITEM CATEGORY ¹	GRANT CONTRACT	GRANTEE PARTICIPATION	TOTAL PROJECT
1.2	Salaries, Benefits & Taxes	0.00	0.00	0.00
4.15	Professional Fee, Grant & Award ²	255,386.37	0.00	255,386.37
5, 6, 7, 8, 9, 10	Supplies, Telephone, Postage & Shipping, Occupancy, Equipment Rental & Maintenance, Printing & Publications	0.00	0.00	0.00
11.12	Travel, Conferences & Meetings	0.00	0.00	0.00
13	Interest ²	0.00	0.00	0.00
14	Insurance	0.00	0.00	0.00
16	Specific Assistance To Individuals	0.00	0.00	0.00
17	Depreciation ²	0.00	0.00	0.00
18	Other Non-Personnel ²	0.00	0.00	0.00
20	Capital Purchase ²	0.00	0.00	0.00
22	Indirect Cost	0.00	0.00	0.00
24	In-Kind Expense	0.00	0.00	0.00
25	GRAND TOTAL	255,386.37	0.00	255,386.37

¹ Each expense object line-item shall be defined by the Department of Finance and Administration Policy 03, *Uniform Reporting Requirements and Cost Allocation Plans for Subrecipients of Federal and State Grant Monies, Appendix A.* (posted on the Internet at: <http://www.state.tn.us/finance/act/documents/policy3.pdf>).

² Applicable detail follows this page if line-item is funded.

ATTACHMENT 1

Page 2

GRANT BUDGET LINE-ITEM DETAIL:

PROFESSIONAL FEE, GRANT & AWARD	AMOUNT
FUNDING OF TRAINING, EXERCISES, PLANNING AND EQUIPMENT PURCHASES ALLOWABLE UNDER THE FY 2010 HOMELAND SECURITY GRANT PROGRAM	255,386.37
TOTAL	255,386.37

RESOLUTION NO. _____

Sponsored by: Commissioners Steve Samples and Holden Lail

A RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET.

WHEREAS, Blount County would like to amend the General County Fund Budget to appropriate funds for overtime grant from the Governor’s Highway Safety for DUI and multiple violations enforcement. This grant ends September 30, 2011. The remainder of the grant will have to be appropriated for three months in the 2011-2012 Budget, if approved.

WHEREAS, it is deemed to be in the best interest of Blount County to amend the General County Fund Budget as requested.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 16th day of December, 2010 that the General County Fund Budget shall be amended as follows:

Revenue:

101-00000-462902 Governor’s Highway Safety\$ 36,051.00

APPROPRIATION:

101-054110-500187	Overtime	\$ 28,680.00
101-054110-500201	Social Security	\$ 1,778.00
101-054110-500204	State Retirement.....	\$ 3,946.00
101-054110-500206	Employee Insurance – Life.....	\$ 145.00
101-054110-500208	Employee Insurance – Dental	\$ 300.00
101-054110-500210	Unemployment Compensation.....	\$ 72.00
101-054110-500212	Employer Medicare Liability.....	\$ 416.00
101-054110-500513	Workers Compensation.....	\$ 714.00
	Total	\$36,051.00

Duly authorized and approved this day of

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: ____

Vetoed: _____

County Mayor

Date

**Blount County, Tennessee
REQUEST FOR BUDGET INCREASE/DECREASE
Fiscal Year 2010-2011**

Fund Number 101 Cost Center Number 054110

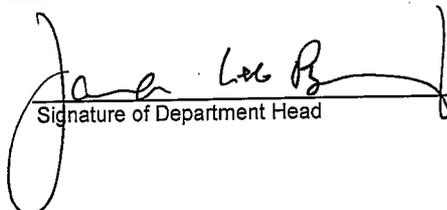
Fund Name General Cost Center Name Sheriff's Office

		ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
Appropriation: To		101-054110-500187	Overtime	28680.00
		101-054110-500201	Social Security	1778.00
		101-054110-500204	State Retirement	3946.00
		101-054110-500206	Employee Insurance-Life	145.00
		101-054110-500208	Employee Insurance-Dental	300.00
		101-054110-500210	Unemployment Compensation	72.00
		101-054110-500212	Employer Medicare Liability	416.00
		101-054110-500513	Workers Compensation	714.00
Total Appropriation:				36051.00

		ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
Appropriation: From		101-000000-462902	Governor's Highway Safety	36051.00
Total Estimated Revenue:				36051.00

Reason for requested increase/decrease:
Overtime grant from the Governor's Highway Safety for DUI and Multiple violations enforcement. The grant ends September 30, 2011.
The remainder of the grant will have to be appropriated for 3 months in the 2011-2012 budget, if approved.

Note:
 Total appropriation
 must agree with total
 estimated revenue.


 Signature of Department Head

11/19/10
 Date

ATTACHMENT 2
FEDERAL FISCAL YEAR 2010-2011
APPLICATION FOR HIGHWAY SAFETY GRANT

State of Tennessee - Governor's Highway Safety Office

Address: James K. Polk Building
505 Deaderick Street, Suite 1800, Nashville, TN 37243-0341
Phone: (615) 741-2589
Fax: (615) 253-5523

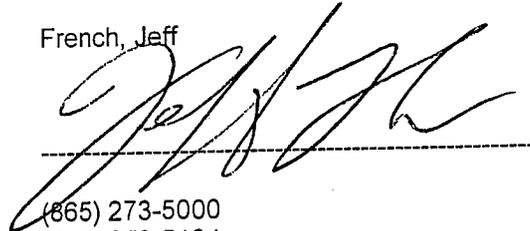
PROJECT TITLE: 2011 Traffic Law Enforcement Agency Services - Multiple Violations

Applicant Information

Agency Name: Blount County Sheriff's Department
Type: Law Enforcement
Tax ID: 626000495
Governmental Unit: County
Address 1: 942 East Lamar Alexander Parkway
Address 2:
City: Maryville
State: TN
County: Blount
Zip: 37804-5906
Main Phone: (865) 273-5000
Main Fax: (865) 273-5134

Project Director: French, Jeff
Title:

Project Director Signature:



Phone: (865) 273-5000
Fax: (865) 273-5134
Email: Jfrench@BCSO.com

Financial Officer: French, Jeff
Title:
Phone: (865) 273-5000
Fax: (865) 273-5134
Email: Jfrench@BCSO.com

Cost Estimates (SUMMARY FROM PART TWO)

PERSONNEL SERVICES (salaries & benefits):	\$74,935.09
PROFESSIONAL FEES (consultants, personal services contractors, accounting & auditing fees):	\$0.00
NON-PERSONNEL (supplies, communications, postage printing, occupancy, equipment rental & maintenance, travel, meetings and conferences):	\$0.00
OTHER NON-PERSONNEL (advertising, organization permits):	\$0.00
CAPITAL PURCHASES (Equipment Under \$5,000 & Over \$5,000):	\$0.00
SUB-TOTAL:	\$74,935.09
INDIRECT COSTS (0%):	\$0.00
TOTAL COSTS:	\$74,935.09

Revenue Sources

Federal:	100%	\$74,935.09
Local Government:	0%	\$0.00
Other:	0%	\$0.00
Total Revenue:	100%	\$74,935.09

Claim Submitted: Quarterly

PART TWO - DETAILED GRANTEE APPLICATION

**APPLICATION FOR
HIGHWAY SAFETY GRANT**

RFP TITLE: 10482-Traffic Law Enforcement Agency Services - Multiple violations

PROJECT TITLE: 2011 Traffic Law Enforcement Agency Services - Multiple Violations

Application ID:	13292	Grant Class:	Initial
Grant Category:	Police Traffic Services	Prior ID:	1236004419277
Status:	Submitted	Grant Year:	2011
State:	Locked		

Contact Information

Agency Name:	Blount County Sheriff's Department	Project Director:	French, Jeff
Type:	Law Enforcement	Title:	
Tax ID:	626000495	Phone:	(865) 273-5000
Governmental Unit:	County	Fax:	(865) 273-5134
Address 1:	942 East Lamar Alexander Parkway	Email:	Jfrench@BCSO.com
Address 2:			
City:	Maryville	Financial Officer:	French, Jeff
State:	TN	Title:	
County:	Blount	Phone:	(865) 273-5000
Zip:	37804-5906	Fax:	(865) 273-5134
Main Phone:	(865) 273-5000	Email:	Jfrench@BCSO.com
Main Fax:	(865) 273-5134		

Cost Estimates (SUMMARY FROM PART TWO)

PERSONNEL SERVICES (salaries & benefits):	\$74,935.09
PROFESSIONAL FEES (consultants, personal services contractors, accounting & auditing fees):	\$0.00
NON-PERSONNEL (supplies, communications, postage printing, occupancy, equipment rental & maintenance, travel, meetings and conferences):	\$0.00
OTHER NON-PERSONNEL (advertising, organization permits):	\$0.00
CAPITAL PURCHASES (Equipment Under \$5,000 & Over \$5,000):	\$0.00
SUB-TOTAL:	\$74,935.09
INDIRECT COSTS (0%):	\$0.00
TOTAL COSTS:	\$74,935.09

Revenue Sources

Federal:	100%	\$74,935.09
Local Government:	0%	\$0.00
Other:	0%	\$0.00
Total Revenue:	100%	\$74,935.09

Claim Submitted: Quarterly

Personnel Costs

Personnel Services

Classification	Number	Role	Pay Rate	Pay Periods	Sub-Total	Benefits	Sub-Total	Total
Internal Staff	1.0	Overtime	\$4,780.00	12.0M	\$57,360.00	30.64%	\$17,575.10	\$74,935.10
Sub-Totals:					\$57,360.00		\$17,575.10	

Personnel Costs Total: \$74,935.10

Professional Fees

Professional Fees
Classification

Total: \$0.00

Professional Fees Total: \$0.00

Non-Personnel Costs

(A) Supplies

Name Classification

Cost Quantity Total: \$0.00

(B) Occupancy

Name Classification

Cost Quantity Total: \$0.00

(C) Communications thru Printer etc.

Name Classification

Cost Quantity Total: \$0.00

(D) Travel

Name Classification

Cost Quantity Travel Total: \$0.00

(E) Other Travel & Conferences

Name Classification

Cost Quantity Other Travel & Conferences Total: \$0.00

(F) Meetings & Conferences

Name Classification

Cost Quantity Meetings & Conferences Total: \$0.00

All Travel Items Sub-Total(D+E+F): \$0.00

Non-Personnel Costs Total(A+B+C+D+E+F): \$0.00

Other Non-Personnel Costs

Other
Name Classification

Cost Quantity Total

Other Non-Personnel Costs Total: \$0.00

Capital Purchases

Equipment (Less Than \$5,000)

Name Classification

Cost Quantity Total

Total: \$0.00

Equipment (\$5,000 or More)
Name Classification

Cost Quantity **Total: \$0.00**

Capital Purchases Total: \$0.00

Indirect Cost

(audited rate as determined by cognizant federal agency or the state Comptroller's Office subject to approval by NHTSA - Explain and submit copy of Certificate of Indirect Cost (maximum allowed - 15%))

Indirect Cost Details
Percent
0%

Total
\$0.00

Indirect Cost Total: \$0.00

Total Costs

\$74,935.09

Total Costs

Attachments

Problem Statement

Identify current problems. Include summary of past and current GHSO Projects. Focus on human, vehicle, and environmental factors contributing to crashes and their severity; identify target locations. Use data to support the need for the project (include at a minimum, data over a three year period). Include an explanation as to how the problem was documented.

The Blount County Sheriff's Office is requesting assistance from the Governor's Highway Safety Office for the Sheriff's Traffic Safety Unit under the Emphasis Area of Police Traffic Services (Traffic Law Enforcement Agency Services Multiple Violations) for the enforcement necessary to directly impact traffic crashes, fatalities, and injuries.

The Sheriff's Traffic Safety Unit is and shall be directly involved in DUI enforcement, speeding, aggressive driving, occupant protection, as well as visibility through sustained traffic, speeding and aggressive driving enforcement, work zone enforcement, saturation patrols, DUI checkpoints and safety belt enforcement in order to significantly reduce the number speeding, aggressive driving, work-zone and alcohol and drug-related collisions, fatalities, injuries as well as to reduce property damage.

To date, the Blount County Sheriff's Traffic Safety Unit has been a highly visible and successful model of combined targeted patrolling, traffic enforcement, community policing, aggressive driving enforcement strategies, accident reconstruction, education, and working case loads for the GHSO. The Blount County Sheriff's Traffic Safety Unit has become an easily recognized part of the Sheriff's Patrol locally with black traffic enforcement vehicles as well as motorcycles and the dedicated deputies of the unit are the outward statement of the Sheriff's determination to let aggressive drivers and offenders know that this is a fulltime operation and ever present reminder how serious this community is about having safer roadways for everyone. DUI enforcement and aggressive driving enforcement are priority one for the Sheriff's Traffic Safety Unit. In addition the presence of this elite traffic safety unit is a very proactive and positive sight to citizens and visitors alike. Continued support from the GHSO is critical in keeping the unit functioning intact and with out interruptions as local resources are limited.

This request for funding under the Traffic Law Enforcement Agency Services Multiple Violations is based on the Blount County Sheriff's Traffic Safety Units effectiveness to date combined with local fiscal shortages and the continued strain on local resources and the growth of Blount County. The effectiveness and visibility of the Sheriff's Traffic Safety Unit and the desire to make the roadways of Blount County safer for all who travel them has also been a catalyst for Maryville Police Department's Traffic Safety Unit and the citizens through local support. This program is and will continue to be a priority for the Sheriff.

The Blount County Sheriff and City of Maryville Traffic Safety Units are a model for cooperative policing, traffic enforcement, DUI checkpoints and mutual aid. These programs are timely, responsive, proactive, and unfortunately necessary with the volume of traffic and traffic related accidents, speeding, aggressive driving, impaired driving and property damage that continues to occur in a very popular and growing area. The Sheriff's Traffic Safety Unit is critical at this point in time as well as GHSO assistance to make sure the Traffic Safety Unit can continue its proactive sustained deployment.

Blount County has experienced rapid population growth over the past 15 years. In particular, the population figures just released for July 1, 2007 show Blount County has grown by 13,630 from 2000 to 2007. This is the second highest population growth in the 16 County East Tennessee Development District Region, second only to Knox County. Between 1990 and 2000 Blount County has had a 23.1% increase in population. Blount County and surrounding areas will be experiencing rapid population growth for the next 20 years as conditions continue to be ideal for new development in this newly discovered southern destination. The 2009 population is 122,784 indicating that Blount County is still growing at a rapid rate, one that out paces the ability of local government resources to adequately support such specialized operations such as the traffic safety unit.

In addition, Blount County is the Gateway to the Great Smokey Mountain National Park, which is the most, visited National Park in the U.S. with more than 12 million annual visitors. The Blount County Sheriff's Department is requesting funding from the GHSO for manpower and overtime for the Traffic Safety Unit due to several factors listed below and the severity of the existing situation.

Based on the continued effectiveness of the Traffic Safety Unit as reported for the previous years (and currently), the Blount County Sheriff intends to continue and expand of the role and visibility of the Traffic Safety Unit in 2010-2011 and is requesting funding of overtime for sustained enforcement of aggressive driving and speeding, DUI checkpoints, saturation patrols and related aggressive driving casework. This Unit has and will continue to specialize and target DUI enforcement and the backlog of cases in addition to aggressive driving and speed related enforcement and casework.

Currently all of the Traffic Safety Unit deputies are engaged full-time in focusing on making the roadways of Blount County safer for all drivers under the direction of the Blount County Sheriff. Since inception of the Traffic Safety Unit; all of the tools, training and resources have been made available to the Unit by the GHSO and the Sheriff in order to make this a highly specialized and effective Unit. The continuing and expanded need for this program is warranted by the problems associated with the dynamics of a growing population and increased traffic due to the fact that so many additional people are coming to Blount County. This in combination with the pace of growth has made it difficult for the Sheriff's Department to secure local resources to respond in a timely fashion to a series of specific problems and conditions that are contributing to a serious need to address the DUI and Aggressive Driving problem locally.

Problem:

Blount County has an expanding population of elderly and senior citizens as the local population ages, In addition, Blount County Tennessee is one of the top ten retirement communities in the country and Maryville, Tennessee is one of the most desired small towns in the United States to move to.

Blount County has grown in population from 85,969 to 105,823 from 1990 to 2000, this 23% growth rate over the past decade suggests that Blount County is an attractive place to live or visit in part due to the fact that crime is not out of hand. Since 2000 alone, the population of the county has increased by approximately 16,572 more people since this program was initiated.

In order to maintain this long-term result and the mission of the Blount County Sheriff's Office, the Traffic Safety Unit must maintain an equal to or greater level of service for the community; especially a community that is subject to so many changes with a growing population.

The Initial catalyst for the program was the fact there were 26 Traffic Fatalities in Blount County in 2001. This was unfortunately a record number of fatalities in one year on Blount County roadways and was an increase of 9.5% from 2000 to 2001. In 2004 there was another record of 38 fatalities on Blount County Roadways. There was a 21% increase in DUI Arrests from 2000 to 2001. In addition there was a 9% increase in non-injury related accidents from 2000 to 2001. There was an increase of 10% for all accidents in Blount County from 2000 to 2001. The Problem Roadways are Morganton Road, Louisville Road, Highway 321 and Highway 411. Since the inception of the Sheriffs' Traffic Safety Unit, DUI arrests have increased. The Traffic Safety Unit utilizes six specially equipped traffic enforcement interceptors and the Sheriff has added four motor cycles to the Unit for peak spring and summer travel times.

From October of 2002 through February of 2005, the Traffic Safety Unit has logged over 251,000 road miles. In the same time, there were 11,402 traffic stops of which 7,419 citations have been issued by the Unit. 512 DUI arrests have been made in the same time. Although the Traffic Enforcement Unit had been highly successful, Blount County had a record 38 Traffic Fatalities in 2004. Growth and congestion, increased, traffic and speed have combined to traffic enforcement a continued priority. The pure volume of traffic in Maryville, Alcoa and greater Blount County is growing by the day. The daytime, work and visitor population to the area is significantly higher then a few years ago. The completion of the four-lane of Highway 411, the expansion of 321 South, The extension of the Pellissippi Parkway have all contributed to bringing large amounts of new traffic to the area. All three are also higher speed corridors as well as other target roadways. While the Traffic Unit has taken a significant bite out of DUI crime, much work needs to be done with the aggressive driving, speed enforcement and the volume of traffic in the area, especially during peak seasons. Expansion of the Traffic Safety Unit and the Maryville City Traffic Safety Unit intend to work together to continue to make the roadways of Blount County safer for

everyone.

During the period from January 1, 2009 through December 31, 2009 the Blount County Sheriff's Office investigated a total of 1173 traffic crashes. There were (0) fatalities investigated, 4 pedestrian, 899 non-injury, 274 injury crashes. 83 (7%) of the crashes investigated were alcohol related. There were 114 citations issued from the crashes. During 2009 the Sheriff's Office issued 2443 citations and 5701 warning citations for a total of 8144 citations. There were also 145 DUI arrests made and 9 DUI citations issued. The Sheriff's Office participated in Sobriety Checkpoints with the Tennessee Highway Patrol and Alcoa Police Department and participated in several wide area saturation patrols with multiple agencies.

During the period from January 1, 2008 through December 31, 2008 the Blount County Sheriff's Office investigated a total of 1,169 traffic accidents. There were three (3) accidents with fatalities, 2 pedestrian accidents, 859 non-injury accidents, and 279 injury accidents. 82 (or 7%) of the accidents investigated were alcohol related. There were 130 citations issued and 759 seat belt violations. During the same period, the Sheriff's Office issued 5,593 citations and 8,280 warning citations for a total of 13,873 citations written. The Sheriff's office also made 146 DUI arrests and issued 11 citations for DUI.

According to the University of Memphis TDOS data, Blount County had "greater than average rate of problems" in all three major categories of crash related problems.

Contributing Factors/Data:

- Blount County, Tennessee has grown in population from 85,969 to 105,823 from 1990 to 2000, a growth rate of 23%. The 2009 County Population is 122,784.
- Blount County is the Gateway to the Great Smokey Mountain National Park, which is the most visited National Park in the United States. Traffic volume year round and congestion on many local roads is increased with the large number of motorists/tourists.
- Blount County has over 1,200 road miles patrolled by the Blount County Sheriff's Department. In addition, the current expansion of the Pellissippi Parkway, 411 and 321 are all already generating new traffic and high speeds. In addition the Sheriff Patrols the highly visited Highway 129, "The Dragon" with large number of motorcycle riders and sports car enthusiasts.
- Construction and road improvements on several roads and highways increased congestion and traffic hazards; several existing and planned highway projects include the Pellissippi Parkway extension (still in progress), widening of Highway 321 South to Lenoir City, Highway 129 (Motor Mile Improvements), Highway 411 completion (in Blount County, volume is expected to rise even higher when Monroe and Bledsoe County projects are completed on 411 South)
- New liquor by the drink and package liquor sales laws have been approved in Maryville. The City of Alcoa now also has liquor by the drink and three new package liquor stores. The Town of Louisville is considering similar laws now and is under the jurisdiction of the Blount County Sheriff.

Online information about the Blount County Traffic Safety Unit is available at

http://www.bcsso.com/divisions/traffic_safety.aspx

Traffic Safety Unit Reports (Available to GHSO upon request. Contact Chief James Long at 865.273.5000)

Attachments

Proposed Solution

What long-range goal in the GHSO Performance Plan does this project support?

The Blount County Sheriff's Traffic Safety Unit is part of the GHSO's Emphasis Area to establish comprehensive traffic enforcement units including DUI enforcement and Aggressive Driving enforcement. The Goal of the Blount County Sheriff's Department is (and has been) the same as the GHSO's for Alcohol Countermeasures, which is to significantly reduce the number of alcohol and drug-related collisions, fatalities, and injuries.

The Sheriff's Department has created and intends to continue a comprehensive countermeasure Traffic Safety Unit with sustained deployment that is fully involved in prevention, education, intervention, deterrence, arrests, adjudication as well as continuing to work on previous DUI and other speed and aggressive driving cases. The Traffic Safety Unit tracks this information, reports all data to the Sheriff and state as required; reports all progress as required through the grant period and seeks to target high-risk groups including under-age drinkers and school-aged drivers in order to prevent and deter impaired driving as much as possible in this community. The Traffic Safety Unit has been working proactively to stay educated and trained in the latest enforcement and educational techniques through the support and under the direction of the Sheriff (this application does not seek training funds).

Identify the target groups where the solution is designed to affect.

There are essentially two target groups. One is the entire population of the Blount County community and all of the drivers passing through. The idea being to enforce the existing DUI and other driving laws proactively and through deterrence and a more meaningful presence in order to address the seriousness of the DUI and Aggressive Driving Problem in Blount County. The Second is to target the more impressionable younger drivers and school-aged drivers through education programs taken into the middle and high schools and elderly drivers.

Describe the chosen interventions.

The Sheriff's Traffic Safety Unit shall continue to be proactive in its with respect to Speed/Aggressive Driving Enforcement, and Impaired Driving Enforcement and is requesting continued assistance for the Traffic Safety Unit with two officers. All other enforcement related tools are to be supplied by the Sheriff's Office. The Chief of the Traffic Safety Unit is the LEL Area Network Manager and this program is a Police Traffic Services model. All citation data required shall be entered into the Tracker Log for analysis by University of Memphis. The Traffic Safety Unit works with the Fifth Judicial District Attorney and the DA's DUI Special Prosecutor with citation information for tracking repeat offenders. The Following Project priorities and objectives outline the plan for the Traffic Unit in order to reduce incidence of fatalities, accidents, injuries and property damage, as well as increase public visibility and education.

The following are the objectives and priorities of the Traffic Safety Unit: 1) The Blount County Sheriff intends to continue to support sustained Impaired Driving enforcement, dedicated to the enforcement of DUI and related aggressive driving and speed laws, the investigation of accidents involving injuries, fatalities, and property damage. 2) To reduce the incidence of speed - related crashes, associated fatalities and incapacitating injuries, and reduction in speed-related crashes, associated fatalities and injuries by the end of 2009/10. 3) To reduce the local incidence of driver-aggression caused crashes, fatalities and injuries by the end of 2009/10. 4) To decrease work-zone crashes. 5) Continue aggressive saturation patrols tailored to peak hours of DUI and Aggressive Driving violations. 6) Sobriety Checkpoints at different locations in Blount County and areas identified as problems will be a priority. 7) Continued education programs conducted at the eighth grade and high school levels, the local community college, Safety day with Rural Metro and other functions. 8) The Traffic Safety Unit deputies work with the School Resource Officers (Blount County Has Resource Officers in all 14 Schools) in sponsoring DUI awareness with younger drivers, including the D.A.R.E. program and role models, as well as placing signs at local businesses where alcohol is sold warning against the sale of alcohol to and by underage individuals. 9) Education programs have been extended into the elementary schools including safety-belt usage and the dangers of drinking and driving. 10) The Traffic Safety Unit deputies conduct In-Service training for new and other deputies to enhance their knowledge regarding DUI detections and prosecution. 11) All members of the Traffic Safety Unit will be qualified as Child Restraint Technicians to better educate the

public on the proper utilization of child safety restraints. 12) All Unit deputies will be trained for Accident Reconstruction in order to better provide a thorough criminal investigation in the detection and prosecution of DUI offenses involving accidents especially where injuries or fatalities result.

Describe the rationale behind the interventions (i.e., why you believe the intervention(s) will work).

The Traffic Safety Unit shall utilize all of the above objectives to address the Aggressive Driving, DUI problems, Speeding and Accident problems facing the county. As new technology and/or techniques to addressing DUI and Aggressive Driving become available, the Blount County Sheriff will employ them as applicable and in a timely fashion. The Blount County Sheriff believes this strategy is not only comprehensive but also proactive and timely and has provided meaningful and effective intervention that should allow the Sheriff's Department to do exactly what it intends to do: which is to significantly reduce the number of alcohol and drug-related collisions, fatalities, and injuries on Blount County roadways. As of this time, the Blount County Sheriff believes that in the time the Traffic Safety Unit has been active that there is a definite and effective strategy in place that is not only being proactive, but actually working in Blount County to address the Goals of the GHSO which has had an impact on reducing the number of alcohol and drug-related collisions, fatalities, and injuries.

Describe the resources to be used in carrying out the intervention(s):

- Manpower requirements and how they will be utilized
- Equipment requirements and how it will be utilized

The role of this Unit requires adequate funding for overtime pay for deputies, particularly when engaged in DUI checkpoints, saturation patrols and accident investigations. Local fiscal restraints have increased with the continued stress on local funding and the ever-increasing popularity of Blount County. The Blount County Sheriff is requesting funding for overtime. All other equipment, supplies, vehicles, etc will be supplied by the Blount County Sheriff's Office. All new and existing officers will be or have been trained in their respective areas of expertise and all are involved in community education and in-service training and all shall conduct and operate all checkpoints under the direction of the Blount County Sheriff.

If the project contains training or similar activities, indicate:

- Specific type training planned
- How the need for and type of training planned was identified
- Number of persons affected
- Where the training will be held, duration of training, subjects covered, etc

All members of the Sheriff's Traffic Safety Unit are being trained in Child Safety, Accident Reconstruction, DUI and Speed enforcement, all are trained (sworn officers) and all conduct community and school age education programs (D.A.R.E. training) and In-Service to other local officers and Deputies, training related to their field of expertise and all conduct and operate all checkpoints under the direction of the Blount County Sheriff. Any new effective techniques for dealing with DUI enforcement and Aggressive Driving Enforcement have been employed including officer driving and training. All Traffic Safety Unit deputies are sworn officers with training. Child Safety, Accident Reconstruction, and DUI Enforcement training have been conducted and are ongoing with the Unit. All internal expertise is being utilized to build this Unit and train additional officers. All deputies have begun and will continue to be trained in all areas designated in a timely fashion under the direction of the Blount County Sheriff. All of the Sheriff's Traffic Safety Unit officers will work closely with the Maryville Traffic Safety Unit to share ideas, technologies, information, case work information and for sustained patrols, saturation, work-zone safety and driver checkpoints.

List the specific goals and objectives for the project.

Goals: As previously stated, the main goal of the Sheriff's Department is the same as the GHSO which is to significantly reduce the number of alcohol and drug-related collisions, fatalities, and injuries through sustained and targeted enforcement, public education and visibility.

Objectives: 1) The Sheriff's Department will continue to develop a comprehensive countermeasures Unit that will be fully involved in prevention, education, intervention, deterrence, arrest, adjudication as well as continuing to work solely on previous DUI and other speed and aggressive driving cases. 2) The Unit will continue to educate and target high-risk groups including under-age drinkers and school-aged drivers in order to prevent and deter impaired driving as much as possible. 3) The Traffic Safety Unit proactively

maintains sobriety checkpoints though out the county in order to increase visibility and enforcement on local roadways. 4) The Unit will continue to enhance the ability of prosecutors to seek prosecution for offenders, and to actively work on the backlog of cases involved with DUI and Aggressive Driving. 5) The Unit will continue to maintain an active presence on outlying local roadways where offenses are greatest, through saturation patrols on a more regular basis, with highly trained Deputies actively pursuing DUI and Aggressive drivers. 6) The Unit shall continue with patrols, 7) The Unit shall begin a comprehensive work-zone safety enforcement program.

Attachments

Method of Evaluation

Evaluation of program effectiveness should be able to answer such questions as:

- Was the program conducted as planned?
- Did the program reach the intended target group?
- Did the program achieve what it intended (e.g., change behavior or attitudes, educate people)?
- What did the program cost (in terms of dollars, person-hours of effort, donated materials)?

Describe the outcome(s) you are measuring.

An increase in arrests and prosecutions is an expected outcome, which is already apparent. A reduction in the numbers of alcohol and drug-related collisions, fatalities, and injuries, as well as property damage is the intended and desired result (The Goal). Another Outcome is education and awareness, and a safer Blount County.

Describe the method(s) you will be using for collecting data (e.g., self-report, observations, physical trace analysis, surveys, etc.)

As previously reported; the Sheriffs Department monitors and evaluates the effectiveness of the program in progress. A simple method of reporting all data (Arrest reports, property damage, etc.) to the Sheriffs Department and to TIBRS will be the data collection process. The Effectiveness will be determined through a simple analysis in the number of alcohol and drug-related collisions, fatalities, and injuries from before, during, and after the creation and deployment of the Enhanced DUI & Aggressive Driving Enforcement Unit. Citations shall be entered into Tracker as required.

For the next three, describe the type(s) of data you will be collecting:

- Administrative data

The evaluation of program will attempt to answer and measure the following outcomes as per program guidelines: 1) If the program conducted as planned? 2) Did the program reach the intended target group? 3) Did the program achieve what it intended? As of this time the answer to the above three questions is yes.

- Police and/or Traffic Engineering data

Data will be collected on DUI Arrests, all alcohol and drug-related collisions, injuries, fatalities, and property damage, Speed and Aggressive Driving arrests, collisions, fatalities, and property damage. Information on offenders will be gathered for developing cases and working on the backlog of casework. Citations shall be entered into Tracker as required.

- Cost data

The Traffic Safety Unit as well as all other Deputies are trained in reporting of any and all offenses and

arrests, through a written procedure which is also translated into computerized data for other reporting and later analysis.

Detail the data analysis technique(s) used to examine the data.

Data will be analyzed by comparing the number and frequency of DUI, Speed and Aggressive Driving arrests; all alcohol and drug-related collisions, injuries, fatalities, and property damage on a regular basis over time. The intended results are a larger number of arrests and a reduction in the number of collisions, injuries, fatalities and property damage from DUI, Speed and Aggressive Driving and work-zones.

Attachments

Schedule of Tasks by Quarter

List performance schedule of tasks by quarters referring specifically to the tasks you provided in the Proposed Solution (part IV) and defining the components of the tasks to be accomplished by quarters. Identify the person(s) responsible for each task. Tasks that extend beyond one quarter should specify the elements of the tasks that are to be performed for the particular quarters.

1st Quarter (Oct., Nov., Dec.):

All Tasks will be essentially the same for all Quarters. The Traffic Safety Unit will all be trained in DUI, Child Safety, and Accident Reconstruction training. The Unit will be Dedicated to the enforcement of DUI and related laws as well as investigation of accidents involving injury or death. The Unit will focus on sustained enforcement, aggressive saturation patrols, sobriety checkpoints, working backlogged cases, community and school-aged education programs, and In-Service Training. Reporting of all offenses and arrests will be conducted with due diligence and quarterly reports on arrest and prosecutions vs. all Speed, Aggressive Driving, Alcohol and Drug-Related collisions, work-zone accidents, injuries, fatalities, and property damage will be evaluated. All of the above are the overall program of the new Traffic Safety Unit under the terms of this grant.

Input DUI information into Tracker on a weekly basis
Upload Crash data weekly electronically to DOS

2nd Quarter (Jan., Feb., Mar.):

All Tasks will be essentially the same for all Quarters. The Traffic Safety Unit will all be trained in DUI, Child Safety, and Accident Reconstruction training. The Unit will be Dedicated to the enforcement of DUI and related laws as well as investigation of accidents involving injury or death. The Unit will focus on sustained enforcement, aggressive saturation patrols, sobriety checkpoints, working backlogged cases, community and school-aged education programs, and In-Service Training. Reporting of all offenses and arrests will be conducted with due diligence and quarterly reports on arrest and prosecutions vs. all Speed, Aggressive Driving, Alcohol and Drug-Related collisions, work-zone accidents, injuries, fatalities, and property damage will be evaluated. All of the above are the overall program of the new Traffic Safety Unit under the terms of this grant.

Input DUI information into Tracker on a weekly basis
Upload Crash data weekly electronically to DOS

3rd Quarter (Apr., May, Jun.):

All Tasks will be essentially the same for all Quarters. The Traffic Safety Unit will all be trained in DUI, Child Safety, and Accident Reconstruction training. The Unit will be Dedicated to the enforcement of DUI and related laws as well as investigation of accidents involving injury or death. The Unit will focus on sustained enforcement, aggressive saturation patrols, sobriety checkpoints, working backlogged cases, community and school-aged education programs, and In-Service Training. Reporting of all offenses and arrests will be conducted with due diligence and quarterly reports on arrest and prosecutions vs. all

RESOLUTION NO. 10-11-006

Sponsored by: Steve Samples and Holden Lail

A RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET.

WHEREAS, Blount County would like to amend the General County Fund Budget to appropriate funds in order to settle 2009 audit finding by TDOT monitoring group for improper purchasing bid procedures in 2005 while administering federal grant for Little River Railroad Museum.

WHEREAS, it is deemed to be in the best interest of Blount County to amend the General County Fund Budget as requested.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 18th day of Fgeember, 2010 that the General County Fund Budget shall be amended as follows:

Revenue:

101-0-499998-0 Use of Fund Balance\$36,278.10

APPROPRIATION:

101-051900-500599-0 Other Charges\$36,278.10

Duly authorized and approved this 18th day of Fgeember, 2010.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: ____

Vetoed: ____

County Mayor

Date

**Blount County, Tennessee
REQUEST FOR BUDGET INCREASE/DECREASE
Fiscal Year 2010-2011**

Fund Number 101 Cost Center Number 051900
 Fund Name Gen Co Cost Center Name Other Gen Admin

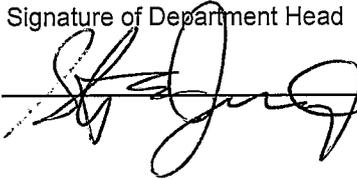
	ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
Appropriation:	101-051900-500599-0	Other Charges	36,278.10
	Total Appropriation:		36,278.10

	ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
Estimated Revenue:	101-0-499998-0	Use of Fund Balance	36,278.10
	Total Estimated Revenue:		36,278.10

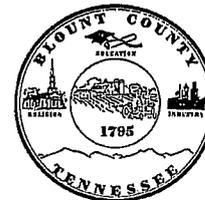
Reason for requested increase/decrease:

settle 2009 audit finding by TDOT monitoring group for improper purchasing
 bid procedures in 2005 while administering federal grant for Little River Railroad Museum.

Note:
 Total appropriation
 must agree with total
 estimated revenue.

Signature of Department Head Date
 11/02/2010

BLOUNT COUNTY GOVERNMENT



341 COURT STREET
MARYVILLE, TN 37804-5906
PHONE (865) 273-5700
FAX (865) 273-5705

STEPHEN E. JENNINGS
FINANCE DIRECTOR

October 20, 2010

Mr. Ron McDermitt, Fiscal Director 2
State of Tennessee, Dept. of Transportation
505 Deaderick St., Ste 800
Nashville, TN 37243-0329

Mr. McDermitt:

In an effort to insure total accuracy, we dove deeper into each RFR and invoice for this project and compared our expense records with those of the Little River Railroad Museum, to be totally sure that the items being contested are within the scope of the \$46,666 bid awarded to Don Headrick Construction. After our review which included discussions and further corroboration with the East Tennessee Development District, we have several adjustments, one of which is in the State's favor and the remainder being in the County's favor.

We now believe that the amount that you believe should not be reimbursable due to the technical violation of the federal purchasing guidelines to be \$2,073.74 less than the previous amount supplied on your spreadsheet as questioned cost. This change would lower the number to \$36,278.10.

Please find attached our reconciliation along with all detail invoices from our review, and respond as soon as possible as to whether you will further adjust downward the Questioned Cost as we suggest.

Regards,

A handwritten signature in black ink, appearing to read "Stephen E. Jennings".

Stephen E. Jennings
Blount County Finance Director

pj

Enclosure

Julie Talbott

From: Rhonda Pitts [rpitts@blounttn.org]
Sent: Wednesday, October 27, 2010 11:47 AM
To: Julie Talbott
Cc: Steve Jennings; Pat James
Subject: Budget Committee Agenda

Julie,

Please see below from October 21, 2010, County Commission Meeting short summary minutes regarding item referred to Budget Committee Agenda.

IN RE: RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET - \$44,393.00.

Commissioner Farmer made a motion to send the resolution back to the Budget Committee pending the outcome of the County Attorney's research. Commissioner Helton seconded the motion.

A vote was taken on the motion:

Burchfield – yes	Gamble – yes	Lail – yes	Samples – yes
Carver – yes	Greene – yes	Lambert – yes	Wright – yes
Caylor – yes	Harrison – yes	Lewis – yes	
Farmer – yes	Hasty – absent	Melton – yes	
Folts – yes	Helton – yes	Moon – yes	
French – yes	Kirby – yes	Murrell – yes	

There were 19 voting yes, 1 absent and 1 vacancy. Chairman Melton declared the motion to have passed.

*Rhonda Pitts CPS/CAP
Office Administrator
Blount County Commission
359 Court Street
Maryville, TN 37804
865-273-5830 - voice
865-273-5832 - fax*

M E M O

TO: BLOUNT COUNTY COMMISSIONERS

FROM: CRAIG L. GARRETT, BLOUNT COUNTY ATTORNEY

RE: RESOLUTION NO. 10-11-006 (A Resolution to Amend General County Budget)
Budget Increase \$36,278.10 – Re: Little River Railroad Museum Grant

DATE: NOVEMBER 17, 2010

Members of the Commission:

I continue to be involved in discussions and negotiations with the State in an effort to resolve this matter without payment of funds, so I respectfully ask that you defer this issue to the December Commission Meeting.

cc: Mayor Ed Mitchell



MEMORANDUM OF UNDERSTANDING REGARDING
PAYMENT FOR AND USE OF EMERGENCY RADIO SYSTEM

THIS MEMORANDUM OF UNDERSTANDING is entered into on this the ____ day of _____, 2010, by and between THE CITY OF MARYVILLE, TENNESSEE ("Maryville"), a municipal corporation located in Blount County, Tennessee; THE CITY OF ALCOA, TENNESSEE ("Alcoa"), a municipal corporation located in Blount County, Tennessee; and BLOUNT COUNTY, TENNESSEE ("Blount County"), a political subdivision of the State of Tennessee.

WITNESSETH;

THAT WHEREAS, Maryville, Alcoa and Blount County wish to participate in the Tennessee Valley Regional Public Safety Interoperable Communication ("TVR-PSIC") system for emergency radios, and

WHEREAS, participation by all three governments as a partner in the TVR-PSIC system requires an annual payment by the group collectively of Sixty Thousand Dollars (\$60,000.00) for a period of ten (10) years plus certain annual fees for the maintenance of system radios, and

WHEREAS, the three governments desire to make one collective payment to the appropriate parties for participation in the TVR-PSIC system and further desire for the City of Maryville to collect the payments and to enter into the agreement on behalf of all three governments for participation in the system, and

WHEREAS, Maryville, Alcoa, and Blount County all intend to benefit from the system and use radios that will access the system.

WHEREFORE, the parties hereto enter into this Memorandum of Understanding as follows regarding the shared costs:

1. Money Owed. Maryville will collect Twenty Thousand Dollars (\$20,000.00) per year each from Alcoa and Blount County for a period of ten (10) years for TVR-PSIC system related costs to be paid toward the collective Sixty Thousand Dollar (\$60,000.00) annual payment for Maryville, Alcoa and Blount County's participation in the TVR-PSIC system for public safety radios. Maryville will contribute the remaining Twenty Thousand Dollars (\$20,000.00) per year for the ten (10) year period. Maryville will further invoice and collect from Blount County and Alcoa their share of annual radio fees for the maintenance of system radios which will be charged on a per radio basis. The current fee per radio per year is Forty Dollars (\$40.00), but this is subject to change.
2. Invoice. Maryville will pay the required amounts as set forth above for its participation in

the TVR-PSIC system. Maryville will determine the amounts owed by and will provide an invoice to Alcoa and Blount County. Maryville will also provide what back-up documentation as is necessary to show how Maryville arrived at the amounts in the invoices.

3. Payment To Be Remitted. Maryville will timely remit payments made to it under this contract to the appropriate party to which the money is owed for participation in the TVR-PSIC system. If Maryville fails to do so, it will be liable for any late fees or related costs incurred due to its failure in addition to being in breach of contract.
4. Timing. Within thirty (30) days of receipt of this invoice, Alcoa and Blount County will each pay the amounts due and owing for their portion of the payment for participation in the system as set forth above.
5. Non-Payment: Consequence. In the event of non-payment of monies due after at least sixty (60) days after invoice, the radios for the non-paying entity may be prevented from using the system.
6. Unpaid Invoices. Unpaid invoices will additionally accrue interest at a rate of 10% per annum. Any costs of collection of amounts owed under this agreement, including reasonable attorney fees, will be paid by the prevailing party.

IT IS SO AGREED on the day and date first written above.

THE CITY OF MARYVILLE, TENNESSEE:

BY: _____

ITS: _____

THE CITY OF ALCOA, TENNESSEE:

BY: _____

ITS: _____

BLOUNT COUNTY, TENNESSEE

BY: _____

ITS: _____



MEMORANDUM OF UNDERSTANDING REGARDING
PAYMENT FOR AND USE OF EMERGENCY RADIO SYSTEM

THIS MEMORANDUM OF UNDERSTANDING is entered into on this the ____ day of _____, 2010, by and between THE CITY OF MARYVILLE, TENNESSEE (“Maryville”), a municipal corporation located in Blount County, Tennessee; THE CITY OF ALCOA, TENNESSEE (“Alcoa”), a municipal corporation located in Blount County, Tennessee; and BLOUNT COUNTY, TENNESSEE (“Blount County”), a political subdivision of the State of Tennessee.

WITNESSETH:

THAT WHEREAS, Maryville, Alcoa and Blount County wish to participate in the Tennessee Valley Regional Public Safety Interoperable Communication (“TVR-PSIC”) system for emergency radios, and

WHEREAS, participation by all three governments as a partner in the TVR-PSIC system requires an annual payment by the group collectively of Sixty Thousand Dollars (\$60,000.00) for a period of ten (10) years plus certain annual fees for the maintenance of system radios, and

WHEREAS, the three governments desire to make one collective payment to the appropriate parties for participation in the TVR-PSIC system and further desire for the City of Maryville to collect the payments and to enter into the agreement on behalf of all three governments for participation in the system, and

WHEREAS, Maryville, Alcoa, and Blount County all intend to benefit from the system and use radios that will access the system.

WHEREFORE, the parties hereto enter into this Memorandum of Understanding as follows regarding the shared costs:

1. Money Owed. Maryville will collect money for TVR-PSIC system related costs on a pro-rata basis from Blount County and Alcoa based on their appropriate portions of the Sixty Thousand Dollar (\$60,000.00) annual payment for ten (10) years for participation in the TVR-PSIC system for public safety radios. Maryville will further collect from Blount County and Alcoa their share of annual fees for the maintenance of system radios which will be charged on a per radio basis.
2. Invoice. Maryville will pay its pro-rata share for its participation in the TVR-PSIC system. Maryville will determine the amounts owed by and will provide an invoice to Alcoa and Blount County. Maryville will also provide what back-up documentation is necessary to show how Maryville arrived at the amounts in the invoices.

3. Timing. Within thirty (30) days of receipt of this invoice, Alcoa and Blount County will each pay the amounts due and owing for their portion of the payment for participation in the system as set forth above.
4. Non-Payment; Consequence. In the event of non-payment of monies due after at least sixty (60) days after invoice, the radios for the non-paying entity may be prevented from using the system.
5. Unpaid Invoices. Unpaid invoices will additionally accrue interest at a rate of 10% per annum. Any costs of collection of amounts owed under this agreement, including reasonable attorney fees, will be paid by the prevailing party.

IT IS SO AGREED on the day and date first written above.

THE CITY OF MARYVILLE, TENNESSEE:

BY: _____

ITS: _____

THE CITY OF ALCOA, TENNESSEE:

BY: _____

ITS: _____

BLOUNT COUNTY, TENNESSEE:

BY: _____

ITS: _____

MEMO

TO: Blount County Commission
FROM: Blount County Budget Committee
RE: Mandated Traffic Control Devices (see attached information)
DATE: December 7, 2010

The Blount County Budget Committee voted unanimously to support Highway Superintendent Bill Dunlap and Mayor Ed Mitchell's efforts to work together on compiling reasons why Blount County does not want to take part in this Mandate and to take the necessary steps to voice our County's disapproval for this project.

The Budget Committee is requesting a letter of support from the full commission if you agree with our recommendation.

DEPARTMENT OF TRANSPORTATION

[4910-22-P]

Federal Highway Administration

[FHWA Docket no. FHWA-2010-0159-]

Manual on Uniform Traffic Control Devices (MUTCD) Compliance Dates

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice; Request for comments.

SUMMARY: This notice requests comments on compliance dates for highway agencies to upgrade their existing non-compliant traffic control devices to comply with certain requirements established in the Manual on Uniform Traffic Control Devices (MUTCD). This notice asks for responses to a series of questions about compliance dates, their benefits and economic impacts, and other related issues.

DATES: Comments must be received on or before [Insert date 45 days after date of publication in the Federal Register].

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room W12-140, 1200 New Jersey Avenue, S.E., Washington, DC 20590, or fax comments to (202) 493-2251. Alternatively, comments may be submitted to the Federal eRulemaking portal at <http://www.regulations.gov>. All comments must include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or you may print the acknowledgment page that appears after submitting comments electronically. Anyone is

able to search the electronic form of all comments in any one of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, or labor union). Anyone may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (Volume 65, Number 70, Pages 19477-78), or you may visit <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For questions about the program discussed herein, contact Mr. Hari Kalla, MUTCD Team Leader, FHWA Office of Operations, (202) 366-5915, or via e-mail at hari.kalla@dot.gov. For legal questions, please contact Mr. Raymond Cuprill, Senior Attorney Advisor, FHWA Office of the Chief Counsel, (202) 366-1392, or via e-mail at raymond.cuprill@dot.gov. Business hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

You may submit or retrieve comments online through the Federal eRulemaking portal at: www.regulations.gov. The Web site is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the Web site.

An electronic copy of this document may also be downloaded from Office of the Federal Register's home page at: http://www.archives.gov/federal_register and the Government Printing Office's Web page at: <http://www.gpoaccess.gov>.

Background

The MUTCD is incorporated by reference within Federal regulations at 23 CFR Part 655, approved by FHWA, and recognized as the national standard for traffic control devices used on all public roads. When new provisions are adopted in a new edition or revision of the MUTCD, any new or reconstructed traffic control devices being installed after adoption are generally required to be in compliance with the new provisions. Existing devices in the field that do not meet the new MUTCD provisions are expected to be upgraded by highway agencies over time to meet the new provisions via a systematic upgrading process, but there are no specific dates for required completion of the upgrades. The Code of Federal Regulations, at 23 CFR 655.603(d)(1), authorizes FHWA to establish target compliance dates for compliance of particular existing devices. The FHWA establishes such compliance dates via the Federal rulemaking process.

The Final Rule for the 2009 edition of the MUTCD¹ established 12 new specific compliance dates in Table I-2 for upgrading existing devices to comply with certain new provisions adopted in that edition. Table I-2 in the 2009 MUTCD also included 46 other compliance dates that had not been reached by 2009 that were established in previous Final Rules in 2000², 2003³, and 2007⁴ for new provisions adopted in those Final Rules. The FHWA is aware of concerns on the part of some State and local highway agencies about the potential impacts of MUTCD compliance dates in the current economic downturn, which has significantly reduced the resources available to such agencies.

¹ 74 FR 66732, December 16, 2009.

² 65 FR 78923, December 18, 2000.

³ 68 FR 65496, November 20, 2003.

⁴ 72 FR 72574, December 21, 2007.

Purpose of this Notice

The FHWA is interested in examining the issues of the safety benefits provided by traffic control device uniformity and the economic hardships to State and local governments that might result from specific compliance dates for upgrading some non-compliant existing devices.

The purpose of this notice is to present a general discussion of issues related to MUTCD compliance dates, to present a discussion of existing compliance dates for seven specific 2009 MUTCD provisions, and to request comments and input on those issues and dates. This notice also includes a series of specific questions for which the FHWA requests input on each.

While there are questions presented on specific aspects of MUTCD compliance dates, comments and input may be offered on any part of this notice.

The FHWA is seeking comments from all interested parties to help FHWA in further examining these issues and evaluating potential future alternative courses of action, including additional rulemaking.

Discussion of General Compliance Date Issues

The FHWA has established MUTCD compliance dates for upgrading existing non-compliant devices based on what it believes to be a reasonable balance of the safety benefits afforded by uniformity of traffic control devices and the economic costs to agencies to achieve compliance. Highway agencies are allowed to use systematic upgrading programs (without specific compliance dates) to upgrade their existing devices in the field to meet the vast majority of all new MUTCD provisions. For example, the 2009 MUTCD requires that the lettering on street name signs shall be composed of

combination of lower-case letters with initial upper case letters. However, there is no specific compliance date for replacement of existing Street Name signs that use all capital lettering. Existing Street Name signs using all capital letters can remain in place until they need to be replaced due to end of service life or some other reason. As a result, agencies do not incur any additional cost to meet this MUTCD requirement. In addition, FHWA has established specific compliance dates predominantly based on the useful service life of devices. This approach enables highway agencies to defer upgrading non-compliant devices until the device wears out, is damaged or destroyed, or is replaced due to other events such as highway reconstruction, thus minimizing economic impacts.

In the 2009 MUTCD, specific compliance dates were established for only 12 of the hundreds of new provisions that were adopted with that new edition. In those 12 cases, FHWA determined that the safety benefits that the traveling public would derive from those new provisions were so critical that compliance of existing devices in the field potentially prior to the end of their service lives was necessary. Traffic control device upgrades are eligible for use of Federal-aid highway funds, thus mitigating the impacts on State and local highway agencies.

The FHWA understands that there are many competing demands on State and local government resources, particularly to highway and public works agencies, that State and local governments must balance with highway safety and traffic control device uniformity in allocating their limited resources. The FHWA also believes that traffic control device uniformity is important to the safety of not only of motor vehicles, but also of pedestrians, bicyclists, and other road users, and as such this uniformity provides important benefits to society. The MUTCD was originally developed in 1930s because

of the consensus among State and local governments, organizations representing motorists, and many safety-related organizations, that traffic control device uniformity was essential to reducing crashes and the deaths, injuries, and property damage that results from crashes. The 1966 Highway Safety Act⁵ further recognized the safety benefits of traffic control device uniformity by legislating the change in status of the MUTCD from a recommended practice with voluntary compliance to a national standard with mandatory compliance.

Further, FHWA believes that the establishment of specific compliance dates for limited numbers of new MUTCD requirements is effective in achieving uniformity for those critical items. Requirements with specific compliance dates receive much greater attention and upgrading action by highway agencies because of the potential for tort liability and the potential loss of Federal-aid funds.

Discussion of Specific Compliance Dates

The FHWA has identified three compliance dates established in the December 2007 Final Rule on maintaining minimum sign retroreflectivity and four of the new compliance dates established in the Final Rule for the 2009 edition of the MUTCD that might potentially present the greatest challenges to overcome. A discussion of each follows.

Maintaining Minimum Sign Retroreflectivity (Section 2A.08)

On December 21, 2007, the Final Rule for revision number 2 of the 2003 edition of the MUTCD was issued regarding maintaining minimum levels of sign

⁵ P.L. 89-564, 80 Stat. 731.

retroreflectivity. This rulemaking was in response to a statutory requirement.⁶ As a part of this Final Rule, three specific compliance dates were established regarding the new requirements: 1) January 22, 2012 (4 years) – implementation and continued use of an assessment or management method that is designed to maintain traffic sign retroreflectivity at or above the established minimum levels; 2) January 22, 2015 (7 years) – replacement of regulatory, warning, and post-mounted guide (except street name) signs that are identified using the assessment or management method as failing to meet the established minimum levels; and 3) January 22, 2018 (10 years) – replacement of street name signs and overhead guide signs that are identified using the assessment or management method as failing to meet the established minimum levels.

The new minimum sign retroreflectivity requirements were intended to assure adequate nighttime visibility of traffic signs, especially for older drivers, but with significant safety benefits for all drivers, as clearly documented by research.⁷ Further, the 7-year and 10-year compliance periods were set based on expected service life of sign sheeting materials.

One-Way Signs (Section 2B.40)

On December 16, 2009, the Final Rule for the 2009 edition of the MUTCD was issued and a compliance date of December 31, 2019, (10 years) was established for upgrading existing field locations to comply with a new requirement for the number and location of One-Way regulatory signs. The new requirement is that One-Way signs shall

⁶ Section 406 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Pub. L. 102-388; October 6, 1992)

⁷ D. Ripley. Quantifying the Safety Benefits of Traffic Control Devices—Benefit-Cost Analysis of Traffic Sign Upgrades. Accepted for publication in the proceedings of the 2005 Mid-Continent Research Symposium, Ames, Iowa, August 2005. This paper can be found at <http://tcd.tamu.edu/Documents/MinRetro/MinRetro.htm>.

be installed on the near-right and far-left corners of each intersection with the directional roadways of a divided highway having a median width of 30 feet or more. This was a recommendation (Guidance) in the 2003 MUTCD that was strengthened to a requirement (Standard) in the 2009 MUTCD.

Some highway agencies already have a policy, per the 2003 guidance, to install near-right and far-left One-Way signs at each directional roadway intersection of their divided highways with medians 30 feet or wider. However, agencies that did not comply with the 2003 guidance at all or only at some of the applicable intersections now must change their policy for use of One-Way signs at newly constructed intersections, and, by the end of 2019, install any additional One-Way signs needed at their existing locations to meet the Standard. Even though 10 years is allowed for this work to be done, this might constitute a burden for some agencies with significant mileage of divided highways with medians 30 feet or wider.

The strengthening of this provision to a Standard was based on safety research as detailed in the Older Driver Handbook.⁸ Further, the 10-year compliance date for existing locations was established in consideration of the demonstrated safety issues associated with wrong-way travel on divided highways and because FHWA anticipates that installation of the required additional signs at existing locations will provide significant safety benefits to road users. The FHWA believes that State and local highway agencies and owners of private roads open to public travel can schedule the installation of the additional required signs in conjunction with their programs for

⁸ "Guidelines and Recommendations to Accommodate Older Drivers and Pedestrians," FHWA Report no. FHWA-RD-01-051, May 2001, can be viewed at the following Internet Web site: <http://www.tfhrc.gov/humanfac/01105/cover.htm>. Recommendations I.E(4), I.K(2), and I.K(3).

maintaining and replacing other signs at existing locations along divided highways that are worn out or damaged, thus minimizing any impacts.

Horizontal Alignment Warning Signs (Sections 2C.06 through 2C.14)

The 2009 MUTCD established new requirements that engineering practices shall be used to determine the appropriate advisory speed on horizontal curves and requiring a hierarchal approach to determine the use of various horizontal alignment warning signs, including Turn or Curve signs, Advisory Speed plaques, Chevrons and Large Arrow signs, and Exit Speed/Ramp Speed signs. For these signs, the Table 2C-5 matrix of "Required, Recommended, or Optional" must be used to determine use of each type of sign, based on the difference between the speed limit on the approach and the advisory speed of the curve. The new requirement applies to arterials and collectors with an Average Annual Daily Traffic volume of over 1,000 vehicles per day. A compliance date of December 31, 2019 (10 years), was established for upgrading signing at existing field locations to comply with the new horizontal alignment warning sign requirements.

Even though 10 years is allowed for this work to be done, this might constitute a burden for some agencies with a network of higher volume arterial and collector roads having large numbers of horizontal curves.

The new requirement for use of engineering practices to determine advisory speeds for curves and to use Table 2C-5 to determine the required, recommended, and optional use of horizontal alignment warning signs and plaques was determined to be needed because fatalities at horizontal curves account for 25 percent of all highway fatalities, even though horizontal curves are only a small portion of the nation's highway mileage, and because the past application of engineering judgment for determination of

advisory speeds and horizontal curve signing, without specific uniform criteria, has not sufficiently improved the safety performance of horizontal curves. Also, the 10-year compliance date was established because of the demonstrated safety issues associated with run-off-the-road crashes at horizontal curves and because FHWA anticipates that a uniform method of determining advisory speeds and installation of the required additional signs at existing locations will provide significant safety benefits to road users. The FHWA believes that State and local highway agencies and owners of private roads open to public travel can schedule the installation of the additional required signs in conjunction with their programs for maintaining and replacing other signs at existing locations that are worn out or damaged, thus minimizing any financial impacts.

Yellow Change Intervals and Red Clearance Intervals (Section 4D.26)

The 2009 MUTCD established a new requirement that durations of yellow change intervals and red clearance intervals for traffic signals shall be determined using engineering practices, such as the kinematic formulas published by the Institute of Transportation Engineers that take into account approach speeds, deceleration rates of stopping vehicles, intersection width, and roadway grades. Previously, the MUTCD did not require or recommend any particular methods for determining the durations of these critical safety intervals in the traffic signal sequence. A compliance date of December 31, 2014 (5 years), or when timing adjustments are made to the individual intersection and/or corridor, whichever occurs first, was established for highway agencies to use engineering practices to determine times for the yellow change intervals and red clearance interval at their existing signalized locations and to revise the timing of those intervals based on the determinations.

Many highway agencies have been using engineering practices to determine yellow change interval and red clearance interval durations. However, there are some agencies that have been using jurisdiction-wide constant durations, "rules of thumb," or assigning durations to these intervals without applying any engineering factors. Such highway agencies might be burdened by the need to evaluate all their signalized intersections and adjust the durations of the yellow change intervals and red clearance intervals to comply with the new requirement within the 5-year compliance period.

As documented in the FHWA report "Signalized Intersections: Informational Guide,"⁹ a variety of studies from 1985 through 2002 found significant safety benefits from using accepted engineering practices to determine the durations of yellow change and red clearance intervals. Subsequent safety studies¹⁰ have further documented significant major reductions in crashes when jurisdictions have revised the durations of the yellow change and red clearance intervals using accepted engineering practices. The 5-year compliance date was established because of the demonstrated safety benefits, as discussed above, of proper engineering-based timing of these critical signal intervals, and because traffic signals and signal control equipment have a very long service life (30 to 50 years is not uncommon) and very long intervals between signal timing adjustments are typical at many traffic signal locations in many jurisdictions. The FHWA believes that relying on systematic upgrading provisions, based on service life, to achieve compliance

⁹ "Signalized Intersections: Informational Guide," FHWA publication number FHWA-HRT-04-091, August 2004, pages 209-211, can be viewed at the following Internet Web site: <http://www.tfhrc.gov/safety/pubs/04091/>.

¹⁰ NCHRP Research Results Digest 299, November 2005, can be viewed at the following Internet Web site: http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rrd_299.pdf. This digest includes data from the study "Changes in Crash Risk Following Retiming of the Traffic Signal Change Intervals," by R.A. Retting, J.F. Chapline, and A.F. Williams, as published in Accident Analysis and Prevention, Volume 34, number 2, pages 215-220, available from Pergamon Press, Oxford, NY.

with this critical timing need would take an inordinately long time, to the detriment of road user safety. The FHWA believes that State and local highway agencies and owners of private roads open to public travel can minimize any impact of this signal timing requirement by adopting a policy that determines durations of yellow change and red clearance intervals that is based on engineering practices and then by applying that policy whenever an existing individual signal location or system of interconnected locations is being checked or adjusted for any reason, such as investigation of citizen complaints or routine maintenance.

Pedestrian Intervals and Signal Phases (Section 4E.06)

The 2009 MUTCD established a new requirement for pedestrian signals that the pedestrian change interval (flashing upraised orange hand) shall not extend into the red clearance interval and shall be followed by a buffer interval of at least 3 seconds. Previously, it was allowable to continue the flashing orange hand display into and through the vehicular red clearance interval, and thus there was no requirement for any pedestrian safety "buffer time" between the end of the flashing orange hand display and the start of green for conflicting traffic on the street being crossed by pedestrians. A compliance date of December 31, 2014 (5 years), or when timing adjustments are made to the individual intersection and/or corridor, whichever occurs first, was established for this new requirement.

Most highway agencies have operated their pedestrian signals so that the flashing upraised hand terminates no later than the start of the yellow change interval for parallel vehicular traffic. With this display sequence, the yellow time and any red clearance time serves as the buffer interval and would comply with the new requirement. However,

there are some highway agencies that have made it a practice at some or all of their signals to extend the flashing orange hand to the end of the yellow change interval or even all the way to the end of the red clearance interval. Most such pedestrian signal displays do not provide the required minimum 3 seconds after the end of the flashing orange hand as a margin of safety that allows a pedestrian who underestimates the time needed to cross a roadway, with or without a countdown display, to better avoid a conflict with vehicles. Highway agencies that have existing pedestrian signals operated in this manner might be burdened by the need to adjust the control equipment and/or durations of timing intervals to comply with the new requirement within the 5-year compliance period.

The FHWA established the 5-year compliance date because of the demonstrated safety issues associated with pedestrian crossings at traffic signals, the need for consistent display of signal indications for pedestrians, and the pedestrian confusion that would likely occur as a result of a long-term mixing of a variety of pedestrian signal displays associated with the pedestrian clearance interval. Traffic signals and signal control equipment have a very long service life (30 to 50 years is not uncommon) and very long intervals between signal retiming are typical at many traffic signal locations in many jurisdictions. The FHWA believes that relying on systematic upgrading, based on service life, to achieve compliance with this critical timing need would take an inordinately long time, to the detriment of pedestrian safety. The FHWA believes that State and local highway agencies and owners of private roads open to public travel can minimize any impact of this signal timing requirement by adopting a policy for timing and display of pedestrian change intervals in relation to vehicular intervals in compliance with Section

4E.06 and then by applying that policy whenever an existing individual signal location or system of interconnected locations is being checked or adjusted for any reason, such as investigation of citizen complaints or routine maintenance.

Questions

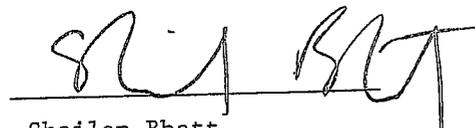
A series of seven specific questions regarding MUTCD compliance dates are listed below, for which the FHWA requests input on each, to help further examine this issue.

The seven questions are as follows:

1. What, if any, difficulties does your organization anticipate in meeting the seven MUTCD compliance dates discussed above for upgrading existing non-compliant devices in the field?
2. Are there one or more of these seven compliance dates that are more problematic than the others for your organization? If so, which ones, and why?
3. If some or all of these seven compliance dates were extended, how long do you estimate it would take to complete the necessary traffic control device upgrades?
4. What safety or other impacts would result from extending some or all of these seven compliance dates?
5. Are there other MUTCD compliance dates not described in this notice that are problematic for your organization? If yes, which ones, and why?
6. What considerations should be applied to establish new compliance dates in the MUTCD?
7. What other comments or input do you wish to provide to FHWA regarding MUTCD compliance dates for upgrading existing traffic control devices?

Authority: 23 U.S.C. 101(a), 104, 109(d), 114(a), 217, 315, and 402(a); 23 CFR 1.32;
and, 49 CFR 1.48(b).

Issued on: November 18, 2010


Shailen Bhatt
Acting Administrator

FY 2011-12 Budget Scenario Planning

	Resulting		Resulting
<u>Option 1 to a Balanced Budget</u>	<u>Tax rate</u>	<u>Option 3 to a Balanced Budget</u>	<u>Tax rate</u>
<u>Schools</u>		<u>Schools</u>	
Schools are at Minimum Local Revenue allowed by MOE	97	Schools are at Minimum Local Revenue allowed by MOE	97
Sales Tax is increased by 2%		Sales Tax is increased by 2%	
Prospect School is opened with reallocation of existing resources		Prospect School is opened with reallocation of existing resources	
Gen Liab and Workers Comp increase is offset (8 people or \$.5 Oper. Cost)		Gen Liab and Workers Comp increase is offset (8 people or \$.5 Oper. Cost)	
Spousal Carve out is implemented, removing need to eliminate 10 people		10 additional people attrition absorbed with efficiency improvements	
\$50 per month charge for Medical Benefits. Allows 13 more staff			
<u>Debt Service</u>		<u>Debt Service</u>	
Set at \$16.2 million per year post refinancing of Bullet	50	Set at \$16.2 million per year post refinancing of Bullet	50
<u>General County</u>		<u>General County</u>	
\$300k increase in other local revenue (Fee Offices)	<u>57</u>	\$200k increase in other local revenue (Fee Offices)	<u>71</u>
All Unfilled Positions are eliminated plus 10% of actual Salary cost		All Unfilled Positions are eliminated plus 3% of actual Salary cost	
Gen Liab and Workers Comp increase is offset (\$.4 million in Oper Cost)		Gen Liab and Workers Comp increase is offset (\$.4 million in Oper Cost)	
15% reduction in Operating Expenditures		All other cost inflation is offset with further efficiency improvements	
\$50 per month charge to all employees for Medical Benefits			
All other cost inflation is offset with further efficiency improvements			
Total Tax Rate	204	Total Tax Rate	218
<u>Option 2 to a Balanced Budget</u>	<u>Tax rate</u>	<u>Option 4 to a Balanced Budget</u>	<u>Tax rate</u>
<u>Schools</u>		Status Quo Cost Of Government	
Schools are at Minimum Local Revenue allowed by MOE	97	All Headwinds and cost inflation are built into Appropriations Budget	
Sales Tax is increased by 2%		(Increase in GL and WC, 5% increase in Medical Costs, etc)	
Prospect School is opened with reallocation of existing resources		Schools are given \$1 million to open Prospect Elementary	
Gen Liab and Workers Comp increase is offset (8 people or \$.5 Oper. Cost)		No changes in Salary line items, other than additions for Prospect above	
Spousal Carve out is implemented, removing need to eliminate 10 people			
<u>Debt Service</u>		<u>Schools</u>	110
Set at \$16.2 million per year post refinancing of Bullet	50	<u>Debt Service</u>	50
<u>General County</u>		<u>General County</u>	<u>79</u>
\$200k increase in other local revenue (Fee Offices)	<u>64</u>		
All Unfilled Positions are eliminated plus 5% of actual Salary cost			
Gen Liab and Workers Comp increase is offset (\$.4 million in Oper Cost)			
10% reduction in Operating Expenditures			
All other cost inflation is offset with further efficiency improvements			
Total Tax Rate	211	Total Tax Rate	239

FY 2011-12 Budget Scenario Planning

Current Budget	Option #1		
	Schools at Minimum Revenue based on MOE Prospect School is opened with existing Resources Gen Liab and WC increase is offset, Spousal Carve out is added plus \$50/Mo charge for benefits increase in Sales Tax-----> 2% 15% reduction in Operations Expense in Gen County 101 Balanced Budget with 10% Salary Reductions plus unfilled positions in Gen County 101		
GP Schools Revenue	Million \$		
Tax Rate and Revenue	100	19.4	97
Sales Taxes		9.4	18.8
Other Local Revenue		0.8	9.6
Total Local Revenue		29.6	0.8
			29.2
BEP		43.8	43.8
Other Fed & State Rev		3.3	3.3
Total Revenue		76.7	76.3
Expenditures			
Salaries		47.8	48.6
Benefits		18.9	18.0
Operations		9.7	9.2
Other		0.3	0.5
Total Expenditures		76.7	76.3
	Million \$		
Tax Rate and Revenue	66	20.7	57
Hotel/Motel Tax		1.2	1.2
Other Local Rev		6.7	6.7
State Revenue		2.6	2.6
Fed Rev		2.1	2.1
Officials Fees		6.2	6.5
		39.6	37.2
Use of Fund Balance		3.2	0
Total Revenue		42.8	37.2
Expenditures			
Salaries		21.2	18.2
Benefits		9.3	8.9
Operations		12.3	10.1
Total Expenditures		42.8	37.2
Debt Service Revenue	Million \$		
Tax Rate and Revenue	38	11.2	50
Other Revenue		1.5	1.5
Use of Fund Balance		3.6	0
		16.3	16.2
Expenditures			
Principle		4.9	4.9
Interest (incl LOC)		10.4	10.4
Trustee Commission		0.3	0.3
Other Fees		0.7	0.6
		16.3	16.2
Total Property Tax supported Funds			
Tax Rate and Revenue	204	51.3	204
Other Local Revenue		25.8	51.6
State and Fed Revenue		51.8	26.3
Use of Fund Balance		6.8	51.8
Total Revenue		135.8	0.0
			129.8
Expenditures			
Salaries		69.0	66.8
Benefits		28.2	26.9
Operations		22.0	19.3
Other		0.3	0.5
Principle		4.9	4.9
Interest (incl LOC)		10.4	10.4
Trustee Commission		0.3	0.3
Other Fees		0.7	0.6
Total Expenditures		135.8	129.8

FY 2011-12 Budget Scenario Planning

	Current Budget	Option #2			
<p>Schools at Minimum Revenue based on MOE Prospect School is opened with existing Resources Gen Liab and WC increase is offset, Spousal Carve (\$1 MM) out is added increase in Sales Tax-----> 2% 10% reduction in Operations Expense in Gen County 101 Balanced Budget with 5% Salary Reductions plus unfilled positions - 101</p>					
Million \$					
GP Schools Revenue					
Tax Rate and Revenue	100	19.4	97	18.8	reduction allowed by increase in Sales Tax
Sales Taxes		9.4		9.6	Must open Prospect with existing resources
Other Local Revenue		0.8		0.8	allowed to replace attrition with people
Total Local Revenue		29.6		29.2	and/or operating Expense
BEP		43.8		43.8	Same allocation from State and Fed
Other Fed & State Rev		3.3		3.3	
Total Revenue		76.7		76.3	
Expenditures					
Salaries		47.8		47.8	
Benefits		18.9		18.8	reflects increase in WC/GL charge of \$0.5
Operations		9.7		9.2	Spousal Carve Out is added
Other		0.3		0.5	and...no change to accrual rate for Medical
Total Expenditures		76.7		76.3	
Million \$					
Tax Rate and Revenue	66	20.7	64	20.1	Backed into Property Tax Rate to Balance Budget
Hotel/Motel Tax		1.2		1.2	
Other Local Rev		6.7		6.7	
State Revenue		2.6		2.6	
Fed Rev		2.1		2.1	
Officials Fees		6.2		6.4	Assumes \$200k increase in Fee Office revenue
Total Revenue		39.6		39.2	
Use of Fund Balance		3.2		0	
Total Revenue		42.8		39.2	
Expenditures					
Salaries		21.2		19.2	reflects reduction of \$1 million unfilled positions plus additional 5%
Benefits		9.3		9.3	Spousal Carve Out is added
Operations		12.3		10.7	\$0.4 offset to increase in GL/WC
Total Expenditures		42.8		39.2	
Million \$					
Debt Service Revenue					
Tax Rate and Revenue	38	11.2	50	14.7	Assumes Option #2 Debt Recap
Other Revenue		1.5		1.5	Refinance Bullet and Library with Fixed Rate Debt and reassign swaps to E-1-A
Use of Fund Balance		3.6		0	
Total Revenue		16.3		16.2	
Expenditures					
Principle		4.9		4.9	
Interest (incl LOC)		10.4		10.4	
Trustee Commission		0.3		0.3	
Other Fees		0.7		0.6	
Total Expenditures		16.3		16.2	
Total Property Tax supported Funds					
Tax Rate and Revenue	204	51.3	211	53.7	
Other Local Revenue		25.8		26.2	
State and Fed Revenue		51.8		51.8	
Use of Fund Balance		6.8		0.0	
Total Revenue		135.8		131.7	
Expenditures					
Salaries		69.0		67.0	
Benefits		28.2		28.1	
Operations		22.0		19.9	
Other		0.3		0.5	
Principle		4.9		4.9	
Interest (incl LOC)		10.4		10.4	
Trustee Commission		0.3		0.3	
Other Fees		0.7		0.6	
Total Expenditures		135.8		131.7	

FY 2011-12 Budget Scenario Planning

Current Budget	Option #3				
		Schools at Minimum Revenue based on MOE Prospect School is opened with existing Resources Gen Liab and WC increase is \$900k - offset with efficiency improvements increase in Sales Tax-----> 2% Balanced Budget with only Salary Reductions in unfilled positions - 101 All other cost inflation is offset with efficiency improvements			
GP Schools Revenue	Million \$				
Tax Rate and Revenue	100 19.4	97	18.8	reduction allowed by increase in Sales Tax	
Sales Taxes	9.4		9.6	Must open Prospect with existing resources	
Other Local Revenue	0.8		0.8	allowed to replace attrition with people	
Total Local Revenue	29.6		29.2	and/or operating Expense	
BEP	43.8		43.8	Same allocation from State and Fed	
Other Fed & State Rev	3.3		3.3		
Total Revenue	76.7		76.3		
Expenditures					
Salaries	47.8		47.2	\$600k captured attrition	
Benefits	18.9		19.4	reflects increase in WC/GL charge of \$0.5	
Operations	9.7		9.2	Assumes no change to Benefit design	
Other	0.3		0.5	and...no change to accrual rate for Medical	
Total Expenditures	76.7		76.3		
	Million \$				
Tax Rate and Revenue	66 20.7	71	22.2	Backed into Property Tax Rate to Balance Budget	
Hotel/Motel Tax	1.2		1.2		
Other Local Rev	6.7		6.7		
State Revenue	2.6		2.6		
Fed Rev	2.1		2.1		
Officials Fees	6.2		6.4	Assumes \$200k increase in Fee Office revenue	
	39.6		41.2		
Use of Fund Balance	3.2		0		
Total Revenue	42.8		41.2		
Expenditures					
Salaries	21.2		19.6	reflects reduction of \$1 million unfilled positions plus additional 3%	
Benefits	9.3		9.7	no change in benefit design	
Operations	12.3		11.9	\$0.4 offset to increase in GL/WC	
Total Expenditures	42.8		41.2		
	Million \$				
Debt Service Revenue					
Tax Rate and Revenue	38 11.2	50	14.7	Assumes Option #2 Debt Recap	
Other Revenue	1.5		1.5	Refinance Bullet and Library with Fixed Rate Debt and reassign swaps to E-1-A	
Use of Fund Balance	3.6		0		
	16.3		16.2		
Expenditures					
Principle	4.9		4.9		
Interest (incl LOC)	10.4		10.4		
Trustee Commission	0.3		0.3		
Other Fees	0.7		0.6		
	16.3		16.2		
Total Property Tax supported Funds					
Tax Rate and Revenue	204 51.3	218	55.7		
Other Local Revenue	25.8		26.2		
State and Fed Revenue	51.8		51.8		
Use of Fund Balance	6.8		0.0		
Total Revenue	135.8		133.8		
Expenditures					
Salaries	69.0		66.8		
Benefits	28.2		29.1		
Operations	22.0		21.1		
Other	0.3		0.5		
Principle	4.9		4.9		
Interest (incl LOC)	10.4		10.4		
Trustee Commission	0.3		0.3		
Other Fees	0.7		0.6		
Total Expenditures	135.8		133.8		

FY 2011-12 Budget Scenario Planning

Current Budget

Option #4

Status Quo cost of Government
 Schools Get additional \$1 million to open Prospect School
 Gen Liab and WC increase is \$900k - added to budget appropriations
 increase in Sales Tax-----> 2%
 Salary Cost Appropriations are kept constant with no Benefit design Changes
 Medical Cost increases 5% and is added to Budget Appropriations

GP Schools Revenue

	Million \$	100	19.4	110	21.2
Tax Rate and Revenue		100	19.4	110	21.2
Sales Taxes			9.4		9.6
Other Local Revenue			0.8		0.8
Total Local Revenue			29.6		31.6
BEP			43.8		43.8
Other Fed & State Rev			3.3		3.3
Total Revenue			76.7		78.7

Same allocation from State and Fed

Expenditures

Salaries			47.8		48.6	800k for Prospect School
Benefits			18.9		19.9	reflects increase in WC/GL charge of \$0.5 plus Med Cost of \$0.5
Operations			9.7		9.9	Assumes no change to Benefit design, \$0.2 for Prospect
Other			0.3		0.3	and...no change to accrual rate for Medical
Total Expenditures			76.7		78.7	

Million \$

Tax Rate and Revenue		66	20.7	79	24.6	Backed into Property Tax Rate to Balance Budget
Hotel/Motel Tax			1.2		1.2	
Other Local Rev			6.7		6.7	
State Revenue			2.6		2.6	
Fed Rev			2.1		2.1	
Officials Fees			6.2		6.4	Assumes \$200k increase in Fee Office revenue
			39.6		43.6	
Use of Fund Balance			3.2		0	
Total Revenue			42.8		43.6	

Expenditures

Salaries			21.2		21.2	
Benefits			9.3		10.1	reflects increase in WC/GL charge of \$0.4 plus Med Cost of \$0.4
Operations			12.3		12.3	
Total Expenditures			42.8		43.6	

Debt Service Revenue

	Million \$	38	11.2	50	14.7
Tax Rate and Revenue		38	11.2	50	14.7
Other Revenue			1.5		1.5
Use of Fund Balance			3.6		0
Total Revenue			16.3		16.2

Assumes Option #2 Debt Recap

Refinance Bullet and Library with Fixed Rate Debt and reassign swaps to E-1-A

Expenditures

Principle			4.9		4.9
Interest (incl LOC)			10.4		10.4
Trustee Commission			0.3		0.3
Other Fees			0.7		0.6
Total Expenditures			16.3		16.2

Total Property Tax supported Funds

Tax Rate and Revenue		204	51.3	239	60.5
Other Local Revenue			25.8		26.2
State and Fed Revenue			51.8		51.8
Use of Fund Balance			6.8		0.0
Total Revenue			135.8		138.5

Expenditures

Salaries			69.0		69.8
Benefits			28.2		30.0
Operations			22.0		22.2
Other			0.3		0.3
Principle			4.9		4.9
Interest (incl LOC)			10.4		10.4
Trustee Commission			0.3		0.3
Other Fees			0.7		0.6
Total Expenditures			135.8		138.5

RESOLUTION No. 10-12-008

Sponsored By Commissioners: Kenneth Melton and Mike Lewis

A RESOLUTION AUTHORIZING THE LEASE UNDER TENNESSEE CODE ANNOTATED 7-51-904 OF AN OFFICE COPIER FOR THE PURCHASING DEPARTMENT OF BLOUNT COUNTY.

WHEREAS, Tennessee Code Annotated 7-51-904 (a) states that "Whenever the period or term, including any renewal term or extension period, of any contract, lease, or lease-purchase agreement for any real property is to be for less than five (5) years, under the authority of 7-51-902 or 7-51-903, or for tangible personal property, regardless of the period or term, such contract, lease or lease-purchase agreement shall first be approved by resolution or ordinance duly adopted by the governing body of the municipality, and no such contract, lease, or lease-purchase agreement shall be entered into by a municipality without such approval."; and

WHEREAS, Tennessee Code Annotated 7-51-901 (4) defines a municipality as any county or incorporated city or town of the state of Tennessee; and

WHEREAS, the Purchasing Department, of Blount County wishes to lease an office copier to meet the duplicating needs of the Purchasing Department; and

WHEREAS, the following copier is available under the terms and conditions of the State Contract No. SWC404:

<u>Office</u>	<u>Vendor</u>	<u>Cost per Mo.</u>
Purchasing	Oce Imagistics	105.03

WHEREAS, there is sufficient money available within the department budget to fund the lease of the copier.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Blount County, Tennessee, meeting in session assembled this 16th day of December, 2010, that the lease of a copy machine for the Purchasing Department, under terms and conditions of the State Contract No. SWC404 is hereby authorized.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION TAKES EFFECT FROM AND AFTER ITS PASSAGE, THE PUBLIC WELFARE REQUIRING IT; AND THAT ANY PRIOR RESOLUTION TO THE CONTRARY IS HEREBY DECLARED VOID.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

**Vetoed: _____
County Mayor**

Date

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Blount County, Tennessee, meeting in session assembled this 16th day of December, 2010, that the lease of a copy machine for the Purchasing Department, under terms and conditions of the State Contract No. SWC404 is hereby authorized.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION TAKES EFFECT FROM AND AFTER ITS PASSAGE, THE PUBLIC WELFARE REQUIRING IT; AND THAT ANY PRIOR RESOLUTION TO THE CONTRARY IS HEREBY DECLARED VOID.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____
Date County

Mayor

RESOLUTION No. 10-12-006

Sponsored by Commissioners Gary Farmer and Kenneth Melton

**THIS RESOLUTION IS INTRODUCED IN THE MEMORY
OF THE LATE COMMISSIONER RICHARD WILLIAMS, JR.**

**A RESOLUTION TO ALLOW SAFE PASSAGE IN BLOUNT COUNTY, TENNESSEE
FOR A CERTAIN VISITOR FROM THE NORTH POLE.**

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16th day of December, 2010:

WHEREAS, runways at the McGhee Tyson Airport have been extended, and the Superintendent of Highways has worked with the Tennessee Department of Transportation on facilitating a safe landing pad in Blount County; and

WHEREAS, the inspection of Santa's sleigh has revealed that the sleigh, while old, is in remarkable condition, and by recommending the proper diet and exercise throughout the year, the veterinarians of Blount County have given a clean bill of health to eight tiny reindeer; and

WHEREAS, the Sheriff's Department deputies are willing to give their time and effort to protect travel on December 24, and the physicians in the county have examined this portly old gentleman from the North Pole and found him in the best of health.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF BLOUNT COUNTY, TENNESSEE that this portly old gentleman be extended all the rights, courtesies, and privileges to travel throughout this county to deliver gifts, good will, charity, happiness, and a jolly ho-ho-ho to all Blount Countians; and

BE IT FURTHER RESOLVED that a point in time be called from December 24 at 6:00 pm to December 25 at 6:00 am and that the Blount County Legislative Body wishes all a Merry, Merry Christmas and a Happy New Year.

BE IT FURTHER RESOLVED that this resolution shall become a part of the official records of the Board of County Commissioners of Blount County, Tennessee.

CERTIFICATION OF ACTION

ATTEST

Kenneth Melton - Commission Chairman

Roy Crawford, Jr. - County Clerk

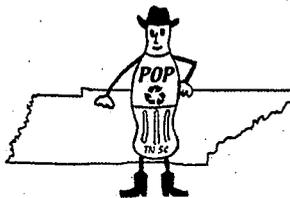
Approved: ____

Vetoed: _____

Ed Mitchell - County Mayor

Date

PRIDE OF PLACE



*The comprehensive litter and recycling solution
made possible by a Tennessee bottle bill*

October 29, 2010

Commissioner Kenneth Melton
Chairman, Blount County Commission
341 Court St
Maryville, TN 37804-5906

Dear Chairman Melton:

Thank you for speaking to me earlier this week about the proposed Tennessee "bottle bill," the 5-cent deposit on glass, plastic and aluminum beverage containers that will go a long way toward increasing recycling, reducing litter and creating jobs in Tennessee and in Blount County.

As I mentioned on the phone, more than 80 percent of Tennesseans support this bill, according to randomized surveys by both UT and MTSU. It has been endorsed by the County Mayors Association, the legislative committee of the Tennessee Sheriffs' Association and at least fifteen county commissions. Representative Bob Ramsey is a cosponsor, as are 17 other legislators from both sides of the aisle.

In addition, it should be especially significant to Blount County to know that ALCOA is now speaking publicly in favor of deposits, citing their significant economic and environmental benefits and the fact that a well-designed "bottle bill" can achieve these benefits without harm to bottlers, retailers, consumers, recyclers or local governments.

As promised, I'm enclosing a sample resolution and an assortment of supporting material:

- Spreadsheet of projections for Blount County
- ALCOA testimony in Texas
- "POP Benefits" brochure (a copy for each commissioner)
- County FAQs
- Sampler of testimony
- Responses to common arguments
- Bottle bills and existing recycling programs
- Map of endorsing counties to date
- Results of polls by UT and MTSU
- Bottle bills and litter
- Bottle bills and beverage prices

Before I close, I'd like to point out that this bill has been well and thoroughly vetted for more than six years. It contained a number of weaknesses at first, but thanks to the legislative (and democratic) process of hearings, discussions, studies, stakeholder meetings, negotiations, concessions and revisions, it is now widely considered to be the most responsible, viable deposit bill in the country. We believe it is time to move it out of committee and onto the floor, where it can be voted on by all 132 legislators. A resolution of support from the Blount County Commission will go a long way toward ensuring that this happens in 2011.

Yours sincerely,

Marge Davis

Marge Davis, Ph.D.
Coordinator, Pride of Place

Cc: Mayor Ed Mitchell

**SUGGESTED TEXT FOR A COUNTY RESOLUTION IN SUPPORT OF
TENNESSEE BEVERAGE-CONTAINER DEPOSIT LEGISLATION ("BOTTLE BILL")**

WHEREAS, Tennessee and _____ County have a chronic litter problem that is detrimental to civic pride, tourism, farming, recreation, economic growth, environmental quality and numerous other public and private interests; and

WHEREAS, a number of states have eliminated most beverage-container litter, and reduced litter from other sources, by placing a refundable deposit on glass, plastic and aluminum beverage containers; and

WHEREAS, Tennesseans consume more than 4 billion beverages a year but recycle only an estimated 10 percent of the empty containers, disposing of the rest in landfills or on roadsides and into streams; and

WHEREAS, a beverage-container deposit will increase the recycling of Tennessee's beverage containers to a projected 80 percent or higher; encourage greater recycling of other commodities such as newspaper and cardboard; increase recycling access in every county at no cost to the local government; reduce county and municipal landfill costs and other solid-waste expenditures; and help achieve the recycling and waste-diversion goals mandated by the Tennessee Comprehensive Solid Waste Management Act of 1991 and its subsequent revisions; and

WHEREAS, the beverage-container deposit legislation proposed in the 106th Tennessee General Assembly establishes a system of independent, voluntary redemption centers funded by scrap value and unclaimed deposits; and

WHEREAS, the proposed beverage-container deposit legislation will create green jobs, attract new business investment, generate new business revenue, strengthen and stabilize recycling markets, boost manufacturing, create fundraising opportunities for schools and community projects, and provide income, training and employment opportunities for social-service programs; and

WHEREAS, a growing number of manufacturers, scrap processors and industry trade groups, including the Aluminum Association, the Glass Packaging Institute and the Association of Postconsumer Plastic Recyclers, now support beverage-container deposits as an effective way to meet their recycling and sustainability goals; and

WHEREAS, this legislation provides for the uninterrupted and undiminished funding of the county litter grants program; and

WHEREAS, numerous public-opinion surveys, including the Fall 2009 MTSU Poll and the March 2008 Recycling Survey by the Social Science Research Institute at the University of Tennessee, show that more than 80 percent of Tennesseans support a 5-cent deposit on beverage containers with returns to redemption centers;

NOW, THEREFORE, BE IT RESOLVED, by the _____ County Commission, that the _____ County Commission supports, and encourages the Tennessee General Assembly to enact, beverage-container deposit legislation similar to that proposed in the 106th General Assembly.

BE IT FURTHER RESOLVED, that the _____ County Commission requests that legislators who represent _____ County support beverage-container deposit legislation similar to that proposed in the 106th General Assembly.

This resolution shall be transmitted to legislators and other state officials as appropriate.

NOTE: For an electronic copy of this resolution, please contact Marge Davis, Coordinator, Pride of Place, 45 Burriss Court, Mount Juliet, TN 37122, margedavis@comcast.net, (615) 758-8647; (615) 294-2651 (cell).
For more information, please visit www.tnbottlebill.org.

**Annual Consumption, Redemption & Revenue Projections Under Tennessee Beverage Container Recycling Act:
BLOUNT COUNTY**

Blount County population (2010 est) ¹	123,830				
deposit containers consumed ²					
aluminum cans (45%)	40,881,546				
plastic bottles (40%)	36,339,152				
glass bottles (15%)	13,627,182				
total	90,847,880				
At 75% redemption ³		At 85% redemption ³			
containers redeemed		containers redeemed			
aluminum cans	30,661,159	aluminum cans	34,749,314		
plastic bottles	27,254,364	plastic bottles	30,888,279		
glass bottles	10,220,386	glass bottles	11,583,105		
total	68,135,910	total	77,220,698		
conversion into lbs ⁴		conversion into lbs ⁴			
aluminum	1,028,898	lb	aluminum	1,166,084	lb
plastic	1,879,611	lb	plastic	2,130,226	lb
glass	5,323,118	lb	glass	6,032,867	lb
total	8,231,627	lb	total	9,329,177	lb
scrap price ⁵		scrap price ⁵			
aluminum	\$ 0.780	lb	aluminum	\$ 0.780	lb
plastic	\$ 0.160	lb	plastic	\$ 0.160	lb
glass	\$ 0.005	lb	glass	\$ 0.005	lb
scrap revenue ⁵		scrap revenue ⁵			
aluminum	\$ 802,540		aluminum	\$ 909,546	
plastic	\$ 300,738		plastic	\$ 340,836	
glass	\$ 26,616		glass	\$ 30,164	
total	\$ 1,129,894		total	\$ 1,280,546	
number of redemption centers ⁶	9		number of redemption centers ⁶	9	
redemptions per center	7,570,657		redemptions per center	8,580,078	
revenue per center ⁷		revenue per center ⁷			
overhead payments ⁸	\$ 75,707		overhead payments ⁸	\$ 85,801	
container scrap revenue ⁵	\$ 125,544		container scrap revenue ⁵	\$ 142,283	
total	\$ 201,250		total	\$ 228,084	
tipping fees avoided ⁹		tipping fees avoided ⁹			
aluminum	\$ 14,405		aluminum	\$ 16,325	
plastic	\$ 26,315		plastic	\$ 29,823	
glass	\$ 74,524		glass	\$ 84,460	
total	\$ 115,243		total	\$ 130,608	

¹ Per Population Projections for the State of Tennessee 2010-2030, UT Center for Business and Economic Research, June 2009

² Based on 2006 consumption of 2.01 containers/person/day, per USDA, beverage industry data and Container Recycling Institute analysis

³ Projected redemption rates after 3 years (75%) and 5 years (85% plateau), per data from states with comparable programs & demographics

⁴ Based on 29.8 aluminum cans per lb, 14.5 plastic bottles per lb, and 1.92 glass bottles per lb, per EPA and California Dept of Conservation estimates

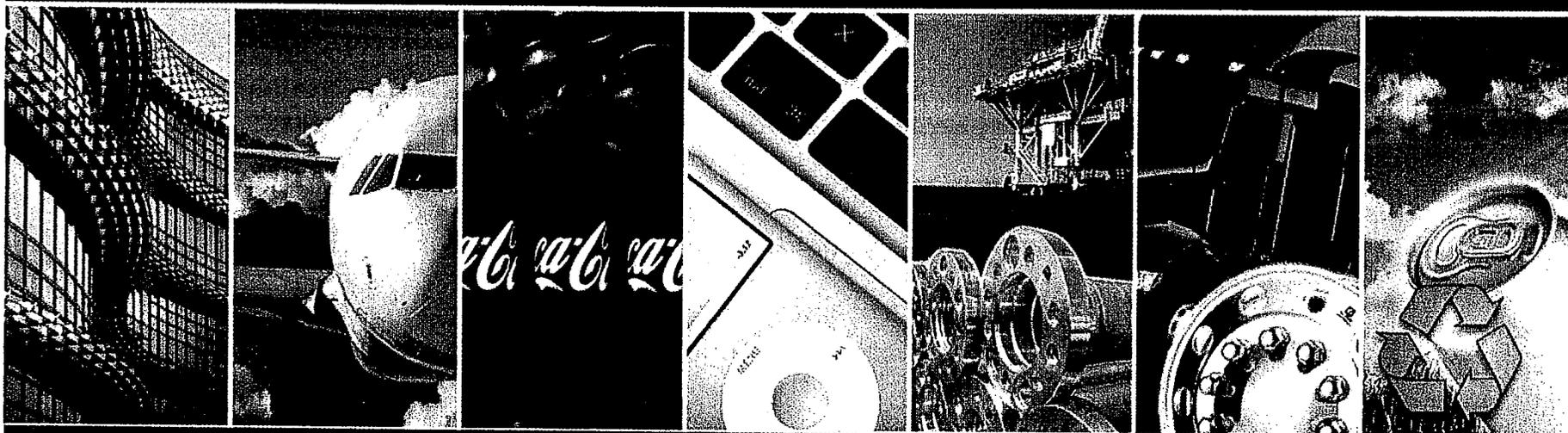
⁵ Based on 5-year price averages 2004-2008, per U.S. scrap price indexes

⁶ Recommended minimum number of redemption centers needed, based on county land area, population and population density

⁷ Does not include discretionary revenue that may be earned from nondeposit commodities such as newsprint, cardboard, etc.

⁸ Based on overhead payment (from unclaimed deposits) of \$0.01 per container

⁹ Based on state average tipping fee of \$28 per ton, per TDEC Division of Solid Waste Management



Raising Texas Recycling Rates: Alcoa's Perspective
House of Representatives Committee on Environmental Regulations

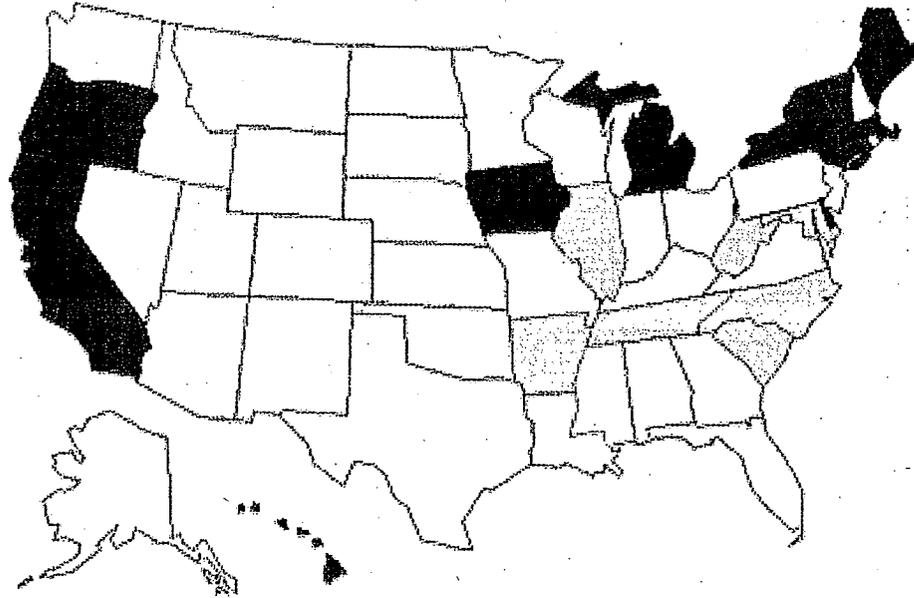
28 June 2010

Greg Wittbecker, Director Recycling



Focus on Deposit

- Deposit laws in 10 states including CA-MA-MI-NY.
- These states represent 25 billion cans/year or 24% of total USA sales .
- Average recycling rates are 77% versus 35% in non-deposit states.
- A deposit is NOT a tax...it is an incentive to induce consumers to do the right thing.
- *The only tax in the current non-deposit regime is the "hidden tax" imposed on the public sector to deal with the consequences of non-recycled material.*
- No evidence that deposit laws have damaged long term sales nor sales tax revenues.
- Intelligently designed and managed deposit laws can work,



Tennessee's Proposed Container Deposit Legislation: Frequently Asked Questions

prepared by Marge Davis, Ph.D., coordinator, *Pride of Place* (www.tnbottlebill.org)

1. Won't our county lose its annual litter grant if this bill passes?

No. In fact, the members of the County Mayors Association insisted on a "hold-harmless" before they would agree to endorse the legislation. In essence, the bill simply reroutes the existing funding. Currently, Tennessee's beverage distributors pay for the litter grants via two separate "litter taxes" on beer and soft drinks. Together these generate about \$6 million a year, or roughly 1/8 cent per container. Under the proposed bill, the litter taxes will be revoked, and the distributors will instead pay a flat 1/8-cent fee on all deposit beverages. The program will continue to be administered by TDOT, and the shares allocated to the counties and to Keep Tennessee Beautiful will continue to be calculated using the existing formula (i.e., based on county population and road miles).

2. Won't this bill create a burden for our grocers and convenience stores?

No. Under Tennessee's bill, containers are not returned to the retailer. Instead, they'll go to any of hundreds of independent "redemption centers" across the state. Redemption centers are small, mostly mom-and-pop businesses that will be certified by the state to pay out the 5-cent refunds, sort the containers by material and/or color and sell the compacted material to scrap buyers. In return, they will keep the money from the scrap sales (the glass, plastic and aluminum containers, as well as any other recyclables they choose to accept), plus they'll receive a share of the unclaimed deposits (an "overhead payment") of 1 cent per container. There is no paperwork burden for the retailer. He simply pays the deposit to the distributor and then collects it back from the customer.

3. Won't this bill turn our local beverage distributors into garbage haulers?

No. Under Tennessee's bill, the distributors have nothing whatever to do with the empties.

4. Won't this bill drive up beverage prices, independent of the deposit?

On the contrary, this bill will, over time, help hold prices *down*, by reducing the energy and other costs of producing new cans and bottles. Lower production costs may be one reason retail beverage prices tend to be *lower*, on average, in the 10 states that have bottle bills. It is certainly one reason that most of the major container manufacturers now support container deposits.

5. Tennessee is bordered by eight non-deposit states. Won't this bill drive shoppers into those states?

While this may seem logical, it isn't true. Shoppers simply do not bother driving across state lines in order to avoid a deposit they know they can get back. If beverage sales were indeed lower in deposit states, the beverage and grocery industries would document and share the data—but they have never been able to do so (and we know they have tried). On the contrary, there is ample anecdotal evidence—from retailers and customers alike—that sales are not affected by the deposit. This is true even in Iowa, which is bordered by six non-deposit states. And it's true in Maine, Vermont and Massachusetts, all of which border New Hampshire, a state with neither a deposit nor a sales tax. If Tennesseans are driving to other states to avoid our high sales tax—and we know some of them are—they will continue to do so regardless of a deposit.

6. With so many non-deposit neighboring states, won't this bill invite rampant fraud?

There will always be some who, knowingly or otherwise, get a refund where no deposit was paid. Tennessee's bill includes numerous measures to minimize fraud. But it is rarely a significant issue. On average, fraudulent returns are estimated to account for 2 percent to 3 percent of the roughly 40 billion containers redeemed nationally each year. Even in Michigan, where the deposit is 10 cents, fraudulent redemptions are judged to account for just 3 percent of the state's 4 billion returns annually. If fraud were widespread, one would expect redemption rates to exceed 100 percent, yet the national average is just 80 percent. And under our bill, the refund does not come out of the beverage distributor's or grocer's pocket, but rather out of the central "pot" of otherwise unclaimed deposits.

7. Won't this bill hurt our existing recycling programs and local scrap yards?

On the contrary, container deposits will enhance local recycling. In addition to increasing awareness, visibility, participation, access, quality, profitability and markets, container deposits encourage a widespread recycling "ethic." This is one reason states with bottle bills recycle roughly 3 times more household waste than we do, as well as 8 times more beverage containers. They also have 10 times as many curbside programs! As for scrap yards, they will benefit from the increased flow and quality of container material.

- Though it's true that a deposit captures most of a community's high-value aluminum cans, it also removes most of its lower-value, higher-cost glass and plastic. Numerous communities have determined that the savings from *not* having to deal with or dispose of glass and plastic far outweigh any projected loss in aluminum revenues.
- Under Tennessee's bill, many redemption centers will choose to accept non-deposit recyclables, such as jars and newspapers, as a way to increase revenue and customer convenience. Conversely, counties may choose to include redemption centers at their existing convenience centers—or they may consider partnering with private redemption centers to operate them. Either way, the result will almost certainly be more recycling and greater access at lower taxpayer cost.
- Manufacturers prefer bottle-bill scrap because it is reliably high in both quantity and quality (i.e., properly sorted by color and material, and uncontaminated by foreign material). Moreover, they prefer to buy cardboard, newspaper and other fiber items from bottle-bill states, because these are less likely to be baled up with flattened plastic or shards of glass or aluminum.
- Recycling programs don't need containers to thrive. In 2006, San Francisco's recycling program *netted* \$23.9 million, while Metro Nashville, with roughly the same population, *lost* \$1.6 million (\$2.1 million in costs against just \$470,000 in revenue).

WHAT DOES POP COVER?

- Beer, soda, all waters, energy drinks, juices, iced teas/coffees, malt coolers and most other drinks except milk, wine & liquor
- Glass, plastic and aluminum/bimetal containers, 2 liters and less

HOW DOES POP WORK?

- STEP 1.** The beverage distributor pays the initial 5¢ deposit into the bottle-bill fund, along with a "container-recovery fee" of 1/8¢. This fee replaces his existing "litter tax" and continues to fund comprehensive litter control.
- STEP 2.** The beverage distributor gets back his 5¢ deposit when he sells the beverage to a retailer (grocer, market, etc.).
- STEP 3.** The retailer gets back his 5¢ deposit when he sells the beverage to a consumer.
- STEP 4.** The consumer gets back his 5¢ deposit when he redeems the empty container at a certified redemption center.
- STEP 5.** The redemption-center owner gets back his 5¢ deposit—plus a "handling fee" of 1¢—when he sells the redeemed containers to a certified processor (recycler).
- STEP 6.** The processor is reimbursed for his 5¢ deposit—plus the 1¢ handling fee—when he submits a transaction log to the bottle-bill fund. He also receives an "administrative fee" of 1/10¢ per container to cover record-keeping costs.

WHO PAYS FOR POP?

- All POP expenses, including handling fees, administrative fees and program operations, will come out of the accrued unclaimed deposits, interest and fines. The 1/8¢ fee collected from the beverage distributors will be used strictly to continue to fund the state's existing litter program (the "county litter grants"), which the distributors have been supporting since 1981.

WHO OVERSEES POP?

- POP will be overseen by the solid-waste division of Tennessee's Department of Environment and Conservation (TDEC). The Department of Revenue will perform accounting functions.

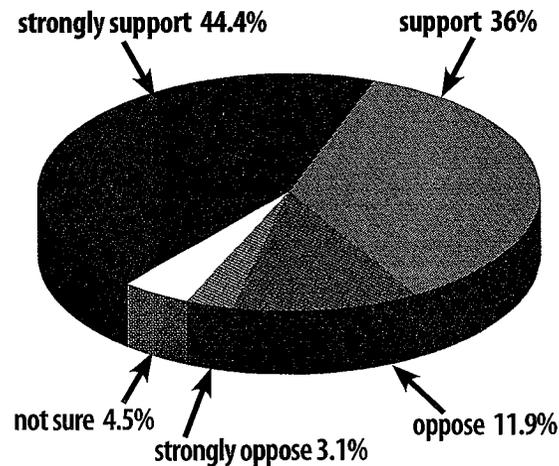
WHO RUNS THE REDEMPTION CENTERS?

- Redemption centers are independent operations. They must be certified by TDEC, but they may be owned and operated by:
 - Individuals
 - Stores and other businesses
 - Scrap yards, end-users and other processors
 - Local governments, including existing convenience centers
 - Nonprofit agencies

POP BY THE NUMBERS

- 4.5+ BILLION** The number of beverage containers Tennesseans consume each year
- \$80 MILLION** The annual scrap value of these beverage containers (averaged over 5 years)
- 10 PERCENT** Tennessee's current recycling rate for these beverage containers
- 85 PERCENT** Tennessee's projected recycling rate for beverage containers, with a 5¢ deposit
- 1.5 MILLION** Barrels of crude oil represented by Tennessee's wasted beverage containers, annually
- 11** Number of states with bottle bills
- 50+ PERCENT** Share of all U.S. container recycling that is done by the 11 bottle-bill states
- 80 PERCENT** Proportion of household containers that are beverage containers
- \$4.99** The everyday price of a 12-pack of Coke (cans) at a Kroger supermarket in Tennessee
- \$3.34** The everyday price of a 12-pack of Coke (cans) at a Hannaford supermarket in Maine
- \$3.94** The price of that 12-pack of Coke at Hannaford, even if you include Maine's 5¢ deposit!

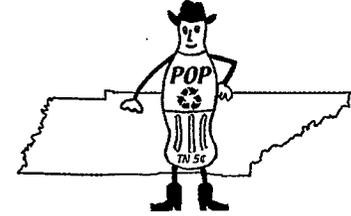
80.4 percent of Tennesseans support a 5¢ deposit!



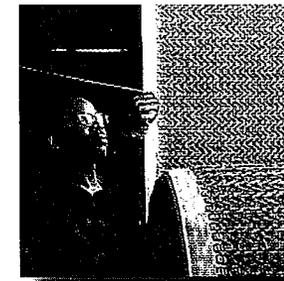
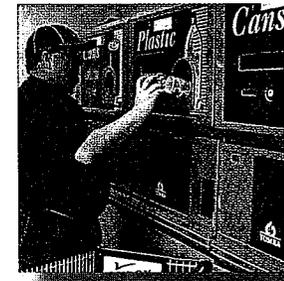
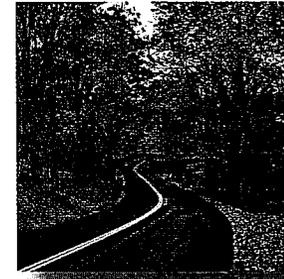
Source: 2008 Recycling Poll, conducted March 2-20, 2008, by the University of Tennessee Social Science Research Institute among 777 registered TN voters. Margin of error +/- 3.5 % points.

Brochure printing generously donated by Midtown Printing, Nashville

THE MANY BENEFITS OF PRIDE OF PLACE



The comprehensive litter & recycling solution made possible by a Tennessee bottle bill
a project of Scenic Tennessee, Inc.



www.tnbottlebill.org

MORE JOBS & SMALL BUSINESSES



Four Winds Redemption Center
Livermore, Maine

Under POP, we won't take our empties back to the store. Instead, we'll take them to small, independent businesses known as "redemption centers." There will be hundreds of these across the state, supported by the value of the scrap plus a share of the unclaimed

deposits. In addition, some redemption centers may, if they choose, serve as dropoff sites for other recyclables such as newspaper, cardboard and non-deposit containers.

LESS LITTER & MORE GREEN TOURISM

Bottles and cans account for at least half of Tennessee's litter volume. By eliminating most of this portion of the litter stream, POP will give us dramatically cleaner roadsides and waterways as well as a "greener" tourism economy. As for the remaining litter, POP ensures the uninterrupted funding of Tennessee's existing comprehensive litter program known as the "county litter grants." These annual allocations pay for inmate litter crews, litter education and Keep Tennessee Beautiful.



Third Creek, Knoxville

MORE (AND BETTER) CONTAINER RECYCLING

POP will not only recover an extremely high *quantity* of beverage containers (85% versus our current 10%). It will recover them in the extremely high *quality* required by end-users—that is, properly sorted by color and type, and without the foreign objects and other contaminants that can damage processing machinery and degrade scrap value and marketability.



Ron's Redemption
Standish, Maine

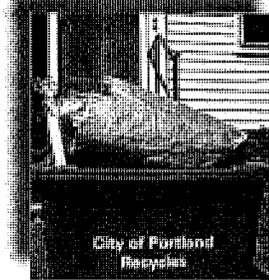
MORE SUSTAINABLE MANUFACTURING



In addition to generating the high-volume, high-quality scrap needed by manufacturers such as Mohawk (plastic), Alcoa (aluminum) and Owens-Illinois (glass), POP will enable these companies to use less energy, operate more efficiently and generate fewer emissions. This is why the Aluminum Association, the Glass Packaging Institute and the Association of Postconsumer Plastic Recyclers all regard bottle bills as an effective and legitimate way to help their members meet recycling and sustainability goals.

MORE SUCCESSFUL SOLID WASTE PROGRAMS

POP will not only encourage a widespread recycling "ethic"; it will enhance other solid waste programs as well. POP will (1) reduce landfilling costs; (2) avoid collection and handling costs for low-value glass and plastic; (3) free up space in curbside bins for high-value newsprint, cardboard and paper; (4) increase the value of these commodities by minimizing cross-contamination with glass and other container material; and (5) ensure that even the most rural areas have access to recycling, at no cost to local government.



MORE SUPPORT FOR SOCIAL SERVICES



Horizons Unlimited Redemption Center,
Emmetsburg, Iowa

POP will work with sheltered workshops, youth programs, homeless agencies and other nonprofits that wish to open their own redemption centers. Such centers provide jobs and job training for clients while generating a reliable source of income for their programs.

MORE MONEY FOR SCHOOLS & COMMUNITIES



Onekama Elementary School
Manistee, Michigan

POP will generate millions of dollars each year for schools, Scout troops, soccer teams and other community groups and causes, via "bottle drives," dropoff bins and similar fundraising tools. It isn't unusual for a single day's bottle drive to raise \$2,000, while an ongoing collection bin might yield \$300 or more per month.

MORE CONVENIENCE

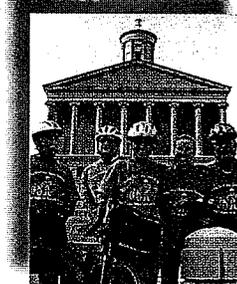
POP will introduce Tennesseans to the full range of modern redemption technologies, from digital scales and reverse vending machines, to portable microsites and 24-hour "drop-and-go" kiosks, complete with high-speed processing and electronic ATMs. For the ultimate in convenience, mobile redemption centers can visit your home, business or special event.



CLYNK drop-&-go kiosk
Scarborough, Maine

HOW YOU CAN HELP

1. Call, write or e-mail your state senator and representative (listed in the blue pages of your phone book) and urge them to support the "Tennessee Beverage Container Recycling Act."



"Cycling for Recycling,"
POP's 2007 cross-state bike tour

2. Go to www.tnbottlebill.org to become a POP advocate, or contact:

Marge Davis, coordinator
Pride of Place
45 Burriss Court
Mount Juliet, TN 37122
(615) 758-8647
(615) 294-2651 (cell)
margedavis@comcast.net

A Sampling of Statements, Reports and Testimony About Container Deposits

compiled by Marge Davis, Ph.D., coordinator, Pride of Place (POP)—www.tnbottlebill.org

Note: Some statements have been condensed or edited for brevity or clarity

MANUFACTURERS & PROCESSORS

ALUMINUM ASSOCIATION, press release, Nov. 18, 2008	"Container deposits are a proven, sustainable method of capturing beverage cans for recycling. Deposit programs have the highest can recycling rates. ... To achieve [our new 75%] recycling target, the Association will encourage and assist local and state governments to consider ... deposit legislation as an option for all beverage containers."
Greg Whitbecker, Director Recycling, ALCOA, testimony to TX House Committee on Environmental Regulations, June 28, 2010	"A deposit is not a tax. It is an incentive to induce consumers to do the right thing. The only tax in the current non-deposit regime is the 'hidden tax' imposed on the public sector to deal with the consequences of non-recycled material. [There is] no evidence that deposit laws have damaged long-term sales nor sales tax revenues. Intelligently designed and managed deposit laws can work."
Garney Scott, Jr., founder, SCEPTER INC., Waverly, TN, testimony before TN Senate Environment Committee, April 14, 2009	"People in the aluminum business are very interested in [the Tennessee bottle] bill, for a number of reasons. One is that it saves a lot of energy. It also cuts down on the amount of capital you have to spend to get the aluminum. [In response to a senator's question about jobs:] We normally run around 85 people [at each of our four plants]. We'll have a lot more if this bill passes. It's a good employment bill."
ASSOCIATION OF POST-CONSUMER PLASTIC RECYCLERS, position statement, May 6, 2006	"No alternative mechanism has been identified [that provides] a similar stream of consistent, high-volume, high-quality supply [as that] generated by [deposit] programs. The loss of this supply would be devastating to the post-consumer plastics recycling industry, as a significant portion of the supply today comes from [bottle-bill] states."
Phil Gavin, procurement director, MOHAWK INDUSTRIES, June 6, 2006	[Explaining the APR vote in support of bottle bills:] "For years, we tried to appease every group and bottling organization. But our No. 1 feedstock is recycled bottles, and we are starving for materials. Without bottles, we can't survive."
John Burnes, president, MARGLEN INDUSTRIES (carpet fiber and plastic containers), letter submitted as testimony to TN Senate Environment Committee, April 7, 2009	"We purchase post-consumer [plastic] bottles from Canada to Mexico. Freight expenses are a significant part of the cost of these bottles. We try to purchase bottles from Tennessee as well as other neighboring states, but collection rates are so low in the Southeast U.S. that adequate supply is not available. This year we will purchase about 6 million pound of bottles in Tennessee, but this is only 6% of our needs. Tennessee is well-located in terms of transportation and market. Of the 650 million pounds of PET bottles recycled last year in the U.S., over 50% were recycled within one hour of TN."
GLASS PACKAGING INSTITUTE, press release, Dec. 1, 2008	"GPI plans to accelerate support of legislative and regulatory measures that will dramatically improve glass recycling systems in order to reach [our new goal of 50% recycled content] and will continue to work with policymakers to improve and expand state beverage deposit programs." [Asked if this support extends to new bottle bills, GPI executive director Joseph Cattaneo said,] "We will consider supporting [new bottle bills] as long as our criteria for those bills are met." [Tennessee's bill meets these.]
Peter Walters, vice president, purchasing and distribution, SAINT-GOBAIN CONTAINERS, testimony before TN Senate Environment Committee, April 7, 2009	"Historically, our company and our industry have opposed bottle bills. In the last year, we've had a complete change of mind and of heart. [Bottle bills] reduce energy consumption, stack emissions, particulates in the air and cost for landfills. In or near the states with bottle bills, we get very clean containers. They go into our batch and are recycled endlessly [into new glass containers], not glass to [secondary] product to landfill. It's a continuous, perpetual recycling process."
Steve Russell, area manager, STRATEGIC MATERIALS (largest glass processor in North America), letter to TDEC, Dec. 10, 2009	"All of our current customers of post-consumer bottle are looking for substantially more scrap glass to feed their furnaces. Manufacturers want all the glass cullet they can get their hands on, even at significantly higher prices than raw materials. Tennessee's proposed legislation would generate many new tons that these manufacturers desperately need. Glass containers can be recycled indefinitely in a closed loop. That means that the continued recycling translates to indefinite savings and energy reduction."

JOBS AND SMALL BUSINESSES

<p>THE MASSACHUSETTS RECYCLING ECONOMY, Massachusetts Department of Environmental Protection, July 15, 2004</p>	<p>"Job creation from recycling far outweighs disposal on a per ton basis. Sorting and processing recyclables provides 10 times more jobs than if the same materials were thrown away. Manufacturers that use recyclable materials to make new products employ even more people, and at higher wages, than sorting and processing companies. For instance, some recycling-based paper mills and plastic product plastic product manufacturers, employ 60 times more workers than do landfills."</p>
<p>Robert Lahm, Ph.D., assistant professor of entrepreneurship, MTSU: JONES COLLEGE OF BUSINESS, testimony before TN Senate Environment Committee, April 29, 2008</p>	<p>"According to the SBA, new business creation is key to a state's ability to increase its gross state product, state personal income, and total state employment. Small firms represent 99.7 percent of all employer firms; they produce 60 to 80 percent of net new jobs; and they employ about half of all private-sector employees. The proposed Tennessee bottle bill is projected to generate at least 500 small-business redemption centers. These will typically employ an owner/manager supported by a few part-time and/or full-time employees. In state after state, social entrepreneurs, a subset of entrepreneurs who as a whole are absolutely the life-blood of the economy, have arisen to start recycling businesses and give the environment a little TLC. This bill is an opportunity to innovate and turn a big social and environmental problem into a much-needed solution."</p>
<p>Robert Bishop, manager, TRAILBLAZER MARKET, Jonesborough, TN, statement read at a press event, October 6, 2007</p>	<p>"We are located at the crossroads of Highway 75 and State Route 81 in Jonesborough. There are six large communities in this area. We have about five schools, plus one more being built. We've got communities like Sulphur Springs, Bowmantown, Glendale, parts of Jonesborough and Telford. There are a lot of homes in this area, a lot of houses. That's a lot of consumption. We have plenty of space where we could put [a redemption center], so we would be very much interested in becoming part of this program. We think it would be a great opportunity, but we also would be seen as helping to cut down on our waste in our landfills. We think we'd be seen as a leader in this area."</p>
<p>Craig Thorne, owner of PATMAN'S REDEMPTION CENTER, North Windham, ME, in videotaped interview, Dec. 23, 2006</p>	<p>"Basically, store owners should embrace the bottle bill. It's a relatively easy way to increase profits without spending a lot of money. I set up my first redemption center for what it cost me to buy one gasoline pump. It was an extra \$30,000 or \$40,000 income, you don't spend any money until [the containers] come through the door, you don't have to keep them warm and you don't have to keep them cold."</p>
<p>Jan Raymond, former owner, RON'S REDEMPTION, Standish, ME, in a telephone interview, April 18, 2006</p>	<p>"We are located in a cement-block building in front of my house. My father used to own a plumbing and electric business, so we just converted that. About a year after the [Maine] bottle bill went into effect, my family and I spent two weekends cleaning it out and painting it and setting it up to take in the containers. It didn't take much. A few years ago I gave the business to my son Ron. I still work with him. I'm 63 years old. We have 3 or 4 teenagers working for us. Plus we get a lot of young mothers who want to leave at 2 p.m. so they can be home when their kids get home from school. It's been a nice little business for us."</p>
<p>REPORT TO THE LEGISLATURE, STATE OF HAWAII, November 2008</p>	<p>"[Three years into the Hawaii bottle bill], as of June 30, 2008, there were 106 certified redemption centers [in Hawaii], including 77 permanent sites and 29 mobile truck sites. This is a slight increase over the previous year."</p>
<p>"STATES' EXPERIENCE WITH BEVERAGE CONTAINER DEPOSIT LAWS SHOWS POSITIVE BENEFITS," report #PAD-81-08 by the U.S. Government Accountability Office, Dec. 11, 1980</p>	<p>"The consensus among bottlers, distributors, and state officials is that the deposit law has increased the number of jobs in Maine. Interestingly, the gains in recycling jobs have been greater than anticipated. The recycling industry has expanded rapidly in Maine because there is now a steady volume of recyclable materials [even though] people worried initially whether markets could be found for returned containers. One Maine distributor began a recycling operation that has become one of the largest in Maine. The twenty-seven full-time employees of Maine Beverage Container Service smash or crush every week 40 to 100 tons of glass, 50 tons of cardboard, 50 tons of steel, 32 tons of aluminum cans, and 15 tons of plastic."</p>

**Tennessee's Proposed Container-Deposit Bill:
Responses to Concerns of Scrap Recyclers
Prepared by Marge Davis, Ph.D.
Coordinator, Pride of Place
www.tnbottlebill.org
updated October 29, 2010**

NOTES

Most of the responses below are based on conversations with scrap-yard-based redemption centers in California, the state whose program is most similar to Tennessee's.

1. In both states, containers must be redeemed at redemption centers that have been certified by the program (California has more than 2,000 redemption centers; Tennessee expects to have around 500.)
2. In both states, redemption centers can sell material only to processors (scrap yards, MRFs, etc.) that have also been certified by program.
3. In both states, certified processors may also be certified as redemption centers. In California, virtually all certified processors are also certified redemption centers.
4. Roughly half of the 16 billion containers redeemed each year in California are redeemed at scrap yards. That's roughly half a million tons of material each year, with a 5-year-averaged scrap market value of \$100 million to \$150 million.
5. Below are excerpts of conversations with California scrap-yard managers and owners. All asked not to be identified, preferring not to be seen as commenting on another state's policies.
 1. "We like the bottle bill. It's seamless. It's a level playing field. [California has] an aggressive enforcement program.
 2. "Glass is not a big deal. We don't process it; we just put it in drop boxes that the glass companies give us, and they pick it up. We bale the plastic because there's good money in it. Most dealers don't process glass but they all have balers for the plastic."
 3. "We don't mind the bottle bill. The biggest issue is glass—we'd rather not deal with it. But aluminum and plastic even things out. The bottle bill has definitely increased recycling of containers and probably other [material] as well."
 4. "We wouldn't [run a redemption center] if there wasn't money in it. People come here to get their refunds but they bring other things because they're making the trip anyway."

ARGUMENT 1: *Tennessee's scrap yards are not set up to recycle glass and plastic because it is not profitable and is inefficient. The costs to establish these processes outweigh any potential return to processors.*

1. In truth, very few scrap dealers understand how much "potential return" they are likely to see, because they don't know how much material is being generated in the first place, nor how little is currently being recycled. One metals yard, for instance, insists that Tennessee already recycles 90 percent of its aluminum cans, when in fact, of the 4.5 billion empties we generate in Tennessee each year, only around 10 percent get recycled. This means that roughly 30,000 tons of aluminum, 60,000 tons of plastic and 160,000 tons of glass, collectively worth at least \$50 million in scrap value, go to waste each year.
2. According to every outside expert we've consulted, there is ample value in 1 and 2 plastic to make it worth investing in a plastic baler. Plastic beverage containers are virtually all PET or HDPE, both of which are in enormous demand and have good market values.
3. If glass and plastic are not currently profitable here in Tennessee, it is because our recycling rate for these items is in the single digits—6 or 8 percent—and the material tends to be of poor quality—i.e., not sorted by color, and contaminated with foreign material. Bottle bills generate a steady, reliable supply of the cleanest material, commanding premium prices and creating a reliable market.
4. And keep in mind that scrap sales won't be the only source of income for scrap yards. To help compensate for the required recordkeeping, scrap dealers will receive an "administrative payment" (from unclaimed deposits) of at least 1/10¢ per container. In addition, if they operate a redemption center, they will earn the penny-per-container "overhead payment" (also paid out of the unclaimed deposits).

5. Though every scrap yard must accept glass, very few will process it. As in California, most will simply put the sorted containers in rolloff bins provided by such large-scale glass processors as Strategic Materials, which has a plant in Cheatham County.
6. Finally, the 2011 version of the bill includes two new provisions designed to ensure scrap recyclers are not unfairly burdened by the requirement to handle plastic and glass. The first change allows an increase in the administrative payment, depending on market needs and available program funds. The second change allows private interests to contribute directly to the program fund. The chief purpose of this provision is to allow the glass and plastics industries to help support the program without imposing mandates or material-specific handling fees.

ARGUMENT 2: *Recycling companies will have to hire more employees to shoulder the paperwork burden. These costs will not be recouped under the bill.*

1. It's true that reporting requirements for processors represent a cost that may not be fully recouped by the administrative payment. However, my California contacts say that the paperwork costs are adequately compensated for by the higher volume and value of the material that comes to them because of the deposit.
2. California recently changed its program to allow processors to do their reporting online. This is considered a significant timesaver and will without question be included in the Tennessee program.
3. The California scrap yards noted that much of their paperwork time is spent calculating processing fees, which under their system vary from material to material and from year to year. They all liked the idea of the uniform flat "overhead payment" (1 cent per container, regardless of material) proposed in Tennessee.

ARGUMENT 3: *Rules about processors are vague.*

1. Legislation is not intended to write rules; this is done during the rulemaking period. That being said, the Tennessee bill is in fact uncommonly detailed, especially in regard to the role and responsibilities of the processor and/or the processor-based redemption center.
2. The sections on processors were developed with extensive input from processors, including the handful of scrap dealers in Tennessee who responded to our phone calls.
3. The bill requires that an advisory committee representing all stakeholders—including processors—be created to advise in the rulemaking and ongoing management of the program.

ARGUMENT 4: *The size of the bureaucracy and arbitrary nature of "handling fees" is unacceptable.*

1. The 1-cent handling fee (known now as the "overhead payment") is not the least arbitrary. It is considered the optimum amount needed to ensure a reasonable profit to redemption centers while staying within the limits of monies that will be available from the unclaimed deposits. The one-cent payment is slightly higher than the aggregate of processing fees paid in California, with the additional advantage that it is a flat rate, and therefore predictable and easier to calculate.
2. The new "bureaucracy" created by this bill is extremely modest. It is projected to add 27 new positions to Tennessee's existing workforce of 48,000, and roughly \$2 million a year to an existing annual budget of \$28 billion (an increase, in both cases, of less than one-tenth of one percent). Every penny of costs will be paid for out of the unclaimed deposits and other program revenues (e.g., interest). In return for this negligible increase in the "bureaucracy," Tennessee will gain more than 500 new small businesses and more than 1,000 new, private-sector jobs.

ARGUMENT 5: *Control of fraud is ineffectual: Tennessee has 8 border states, none of which has a bottle bill. In Michigan (with only 3 border states) the redemption rate has been as high as 100.41%. This is proof of fraud. Deposit collection from out of state containers in Tennessee will surely wipe out any projected revenue.*

1. Some level of fraud is inevitable in deposit programs, just as some level of shoplifting is inevitable in stores. However, in almost 40 years of deposits, fraud has never been a significant threat to the viability of any program. On average, fraudulent redemptions account for a mere 2 percent to 3 percent of returns nationally. Even in Michigan, the only state with a 10-cent deposit, fraud is estimated to account for just 3 percent of the state's 4 billion returns annually.
2. The assertion that fraud "will surely wipe out any projected revenue" is made without the least reference to almost 40 years of actual experience in the bottle-bill states. If fraud were widespread, one would expect

redemption rates to routinely exceed 100 percent, yet the national average redemption rate is 80 percent, and in only one state—Michigan, the state with the 10-cent deposit—does the redemption rate exceed 90 percent; its average redemption rate is 97 percent, which is consistent with redemption rates in countries with comparable deposits. (See the next item.)

3. For more than 30 years, Michigan's redemption rate has averaged 97 percent, with year-to-year fluctuations typically between 1 and 3 percentage points. Eighteen years ago (1992), Michigan's redemption rate was just over the 100-percent mark (100.41 percent, to be exact, as noted in the complaint above). That was within the expected margin of variation; it happened almost two decades ago; and it has not been repeated since. In fact, Michigan considers its program to be such a success that it is considering expanding its deposit to include beverages that did not exist 33 years ago, such as bottled water.
4. Unlike the practice in most states, in which refunds ultimately come out of the pocket of the beverage distributor, refunds in Tennessee are paid out of a central fund. Everyone else in the loop, from the distributor to the retailer to the redemption center to the processor to the consumer who returns his empties, is guaranteed to be made "whole."
5. One must differentiate between everyday fraud—the individual citizen who, whether knowingly or inadvertently, recovers a deposit where none was paid—and large-scale, criminal fraud, which in most cases involves collusion between the crooks, the processors and/or the redemption centers. While large-scale fraud is obviously more serious than petty fraud—and attracts proportionately more media attention and more serious consequences—it is also proportionately less common.
6. The "eight-border-states" argument has been a fixture of every bottle-bill-opposition effort in Tennessee since 1978, but it is a red herring. The *number* of non-deposit states is irrelevant. What matters—to the extent that consumer-level border fraud matters in the first place—is the *length* of the border, the number of people who live along it, and whether or not it is easily crossed. There won't be much infiltration across the Mississippi River, for instance, nor through the Cherokee National Forest.
7. Iowa's border—which it shares with six non-deposit states—is more readily crossed than Tennessee's, yet for more than 30 years its redemption rate—85 percent—has been consistent with all the other 5-cent-deposit states and well below the 100-percent level that would indicate unprecedented fraud.
8. Tennessee's bill includes numerous measures to discourage fraud, including a minimum penalty of \$25,000 for deliberately "illegally tendering" more than 24 containers at a time; and an innovative fine-sharing provision that "rewards" half of any collected fines to the processor or redemption center reporting the abuse.
9. And finally—even illegally redeemed containers contribute to the supply of much-needed scrap and decrease the amount of valuable material that is landfilled or littered.

ARGUMENT 6: *Fraud enforcement is weak: Metal theft is a long-time issue in Tennessee.*

1. There is a small risk that thieves will break into redemption centers, scrap yards or MRFs and make off with the collected or baled aluminum. However, unless they are colluding with a processor or end-user, they will have trouble selling these containers and/or redeeming them for a second deposit. Bottle-bill scrap (because of its quality and volume) tends to be readily identifiable as such; it also requires a paper trail. Without that documentation, not many processors or end-users will run the risk of buying such material. Sure, it will happen; but it will happen infrequently, it will often be prosecuted; and most important, it will never outweigh the benefits of the system.
2. Most scrap yards already make use of fencing, enclosed buildings, security cameras and other measures to protect their property and deter theft. As for redemption centers, they will have to demonstrate security measures in order to be certified under the program.

ARGUMENT 7: *System failure is the funding mechanism. Either Tennessee has an artificially high return rate due to fraud, or the program is funded by failure (unclaimed deposits).*

1. The suggestion that unclaimed deposits constitute "failure" is a matter of opinion. In a state like Tennessee, where residential recycling rates have been unable to move above 10 percent for two decades, despite millions spent on infrastructure, mandates, task forces, education and general cajoling, most citizens would deem it a tremendous mark of success to achieve recycling rates as high as 80 percent or better without spending a dime of taxpayer money.

2. The notion that Tennessee's program will somehow defy 40 years of historical return rates is, to put it bluntly, a fabrication. We have every reason, and voluminous supporting data, to expect redemption rates here to start out at around 70 percent, increasing gradually over the next four or five years until they plateau at around 80 percent to 85 percent. This projected plateau is based on decades of redemption rates in states with comparable programs (i.e., a 5-cent deposit; an expanded list of beverages including bottled water, juices, etc.; and returns to redemption centers exclusively).

ARGUMENT 8: *Bottle bills have high failure rates: Of the mere [10] states with bottle deposit laws, 4 are in trouble (Hawaii is in the process of dropping their program, Michigan and California are losing over \$20 million per year from their general fund, and Iowa is trying to double the deposit fee to recoup losses.)*

1. **Hawaii:** On March 8, 2010, I received this statement from Jennifer Tosaki, Hawaii's recycling coordinator: "The statement that Hawaii is in the process of dropping its deposit program is completely untrue. Hawaii's deposit program continues to experience strong participation and excellent recovery rates (currently at 79%). In fact, the program has been so successful that legislation is now moving that would expand the program to include wines and spirits."
2. **Michigan:** On March 8, 2010, I received this statement from Howard Heideman, administrator of the Tax Analysis Division in Michigan's Office of Revenue and Tax Analysis: "Michigan's container law results in no loss to the State of Michigan's general fund. Distributors are required to remit any unclaimed deposits to the State of Michigan; those unclaimed deposits are earmarked for several environmental programs and 25% are paid to retailers to offset their costs. To the extent there is a loss due to fraudulent redemption of out-of-state containers, it is a loss to those environmental funds and retailers, not Michigan's general fund."
3. **Iowa:** On March 8, 2010, I received this statement from Bill Blum, program planner for Iowa's Department of Natural Resources, Land Quality Bureau: "Iowa's Beverage Containers Control Law, Iowa Code Chapter 455C, is in no way 'in trouble'. It has enjoyed high public and bi-partisan approval and support for over three decades. Efforts in recent years to try to repeal it or to reduce beverage distributors' and retailers' financial or recycling responsibilities have all failed decisively."
4. **California:** California's program is by far the most successful in the nation, with more than 17 billion containers recycled annually (an 80-percent redemption rate), and a reserve fund that gives out millions each year to support curbside recycling and other conservation programs. Unfortunately, the economic downturn compelled the government to raid the reserves, and in 2009 the depleted fund was having trouble meeting its obligations to the redemption centers and processors. They sued, and on March 9, 2010, Governor Schwarzenegger signed a bill restoring the funds, and the program is thriving once more.

ARGUMENT 9: *Container deposits are high cost and low return: Less than 4% of all solid waste and only 8% of litter is comprised of beverage containers. This legislation would create a huge bureaucracy to address a tiny part of the recycling issue. This is not a good use of resources. This bill does not reduce much litter but it does create huge bureaucratic nightmares for businesses and bigger government. [NOTE: The litter argument is addressed separately as ARGUMENT 10.]*

1. Regarding "high cost": Tennessee's proposed deposit system is unique in that it is entirely self-funding. All aspects of the program, including 500-plus private redemption centers, are supported strictly by the value of the recovered material and the accrued unclaimed deposits. There is no tax increase to beverage distributors (they just continue to pay for the county litter grants); no unreimbursed cost to retailers; no unfunded cost to the state; no cost whatever to counties; and no cost to the vast majority of consumers who will return their empties for the deposit. And even they benefit in the form of cleaner roads, a more robust recycling economy and lower production costs for beverage containers that will ultimately be reflected in the price of beverages.
2. It's true that beverage containers account for a relatively small percentage of solid-waste tonnage, although the amount is 5 percent (not 4 percent), and the waste in question is *municipal*, not *total*, solid waste. (Municipal solid waste, incidentally, is estimated to be as little as 2 percent of total solid waste—but no one would argue that we should therefore abandon all MSW recycling as "not a good use of resources.") The percentage of containers in the waste stream, however, is a minor consideration. The chief objective of recycling is not to minimize the size of landfills but to maximize the energy, raw materials and manufacturing potential in the waste stream while minimizing its harmful impacts. Pound for pound, no

other segment of municipal solid waste represents as much potential value as beverage containers. And no recycling method captures this value as effectively and efficiently as a container deposit.

3. Tires constitute an even smaller proportion of MSW than beverage containers—less than 2 percent by weight. However, that did not stop Tennessee’s legislators from approving, in 1991, a nonrefundable “pre-disposal fee” of \$1 per tire (and increasing it to \$1.35 in 2007) to help keep waste tires out of landfills, streams and roadside dumps and encourage greater efforts at recycling. Tires are now recovered at a rate of roughly 72 percent, the recycled material is used in everything from tire-derived fuel to cement, and tire manufacturers—who fought the initial fee as vigorously as beverage manufacturers are now fighting the container deposit—are now deservedly proud of their environmental stewardship.
4. In addition to tires, the state and/or local governments provide separate collection systems for a variety of other items, including used motor oil, lead batteries, fluorescent lamps and CFLs, computers and other e-waste, carpet and carpet pad, food waste (including kitchen grease), yard trimmings, appliances and household hazardous wastes. While most of these items represent a small fraction of the solid-waste stream (the exceptions are yard waste and food scraps), they all present unique handling challenges, all have specific end-user requirements, and all were therefore judged to merit a recycling system customized to meet those needs. Bottle bills are simply a customized recycling system for beverage containers.
5. Why do beverage containers need a customized system? Why can’t they be dumped in a one-size-fits-all curbside bin along with newspaper, cardboard and junk mail? (Single-stream curbside is the preferred method of deposit opponents.) The answer is that beverage containers, no less than motor oil or lead batteries, tend to contaminate, complicate and devalue curbside loads. They may not be toxic like motor oil or battery acid, but they break, they get cross-baled with each other and with paper and cardboard, they reduce the prices paid for paper and cardboard, and in almost every case they cost more in sorting, handling, transportation and disposal (of rejected materials) than they add in scrap value. They also force the community to absorb more in disposal costs for unrecycled containers, because even the best curbside programs achieve recycling rates no greater than 40 percent, compared to 60 percent with a deposit.
6. And while we’re on the subject: Let’s all agree that curbside recycling is NOT comprehensive recycling. It is a component of comprehensive recycling, but it is not, by itself, comprehensive recycling. Curbside bins typically accept just two categories of solid waste: fiber (cardboard, newspaper, loose paper) and containers (beverage containers, food jars, laundry bottles, “tin” cans, yogurt cups and so on). Collectively these two categories account for roughly 40 percent of municipal solid waste. This leaves the other two-thirds of MSW to be recycled via some other means—or if no means exist, disposed of.

ARGUMENT 10: *Only 8% of litter is composed of beverage containers. This bill does not reduce much litter but it does create huge bureaucratic nightmares for businesses and bigger government.*

1. The 8-percent claim is probably based on the various “visible litter surveys” conducted by (among others) R.W. Beck, a private consulting firm frequently hired by bottle-bill opponents to assess litter in states where bottle bills are being considered. In these studies, employees of the consulting firm walk along selected roadsides, tallying individual pieces of litter in a series of “edge counts” and “meander counts.” In all of the studies, bottles and cans are said to account for less than 10 percent of the observed litter. The fundamental weakness of the studies, apart from an obvious lack of impartiality, is that they measure litter not by weight or volume, but by individual piece count. In such a systems, two small pieces of paper are judged to be twice as much litter as a single 32-ounce beer bottle.
2. In 2006, Beck conducted a visible litter survey in Tennessee at the request of Keep Tennessee Beautiful, a longtime opponent of container deposits, and the Tennessee Grocers and Convenience Store Association, which paid the \$35,000 consulting fee. The result was a 42-page report claiming that a mere 5.4 percent of Tennessee’s litter is bottles and cans. Every Tennessee lawmaker received a copy.
3. The Beck study had been commissioned in response to our own volume-based survey, carried out in November 2005, in which 219 volunteers picked up litter in 23 communities across the state. The participants—Cub Scouts to garden clubs to church groups to ROTC to fishermen—were instructed to carry two 13-gallon drawstring trash bags, filling one bag as full as possible with deposit-eligible beverage containers and the other with everything else, and tallying the number of bags. The results ranged from 24 percent bottles and cans in an urban neighborhood, to 78 percent in a rural area, but most results were in the low 60s, and the statewide average was 50.4 percent. Among the groups taking part in the survey was the

sheriff's litter crew in Unicoi County; their haul was 36 bags of containers, 21 bags of everything else. As the deputy told a reporter who had tagged along, the results were typical. "It'll [always] run way over half."

ARGUMENT 11: Big government taxing to make government bigger: This legislation is a tax on Tennessee citizens. It will take a huge amount of money to hire over 20 new employees at the state level, hold local governments harmless and create a confusing system of paperwork to "follow the nickel."

1. Whether or not they consider a refundable deposit to be a "tax," more than 80 percent of Tennesseans say they support the bill, according to randomized surveys by UT and MTSU.
2. We've addressed the budget issue elsewhere, as well as the claim of "confusing" paperwork and bigger government.

ARGUMENT 12: Bottle bills are outdated: Most bottle bills were passed in the 1970s and 1980s. The old-school approach ignores the creation of more modern, efficient, and cheaper options like municipal and curbside recycling. Bottle bills cost as much as 3 times more, and citizens prefer up-to-date options that address broader recycling and waste management issues.

1. Outdated? Not according to the manufacturers who need the recycled material:
 - ASSOCIATION OF POST-CONSUMER PLASTICS RECYCLERS: "No alternative mechanism has been identified [that provides] a similar stream of consistent, high-volume, high-quality supply [as that] generated by [deposit] programs. The loss of this supply ... would be devastating to the post-consumer plastics recycling industry."
 - ALUMINUM ASSOCIATION: "Container deposit programs are a proven, sustainable method of capturing beverage cans for recycling. States [with] deposit programs have the highest can recycling rates."
 - GLASS PACKAGING INSTITUTE: "[In] curbside single-stream recycling collection, [only] 40% of glass gets recycled into new glass containers, on average; another 40% ends up in landfills. [In] container deposit systems, color-sorted material results in 98% of glass being recycled [into new glass containers]."
2. Actually, states with bottle bills tend to have *more* curbside programs, *more* municipal recycling and *more* recycling awareness in general than states without deposits (and *way* more than Tennessee). Compare the MSW recycling rates for Tennessee vs the 10 states with bottle bills (remember: MSW includes residential, commercial and institutional waste only; it does not include waste from industry, agriculture, mining, water treatment plants, automobile recycling plants, etc.):

Municipal Solid Waste Recycling in Tennessee Compared to States With Container Deposits			
	Recycling rate for deposit beverage containers	Recycling rate for materials only (e.g., paper, metals, glass)	Recycling rate for materials plus organics (yard waste, food scraps, etc)
Tennessee	10% ¹	4.6% ²	5.6% ²
Ten deposit states (CA, CT, HI, IA, ME, MA, MI, NY, OR, VT)	80% ^{3,4}	29.6% ²	38.2% ²
¹ Reflects generous (roughly 100 percent) increase in reported figures to allow for any unreported aluminum-can recycling by private scrap yards ² Source: <i>State of Garbage in America</i> , October 2010, BioCycle and the Earth Engineering Center of Columbia University. The SOG report is compiled from data submitted by each state ³ Average redemption rate; individual states' redemption rates range from 70% to 97% ⁴ Source: Program administrators in the 10 deposit states			

3. In many states, curbside (especially so-called single-stream, or one-bin, curbside), has been coming under increased scrutiny because of high costs, low participation and meager revenues. Consider that in Metro Nashville, where "Curby" has been offered to households in the urban services district for nearly a decade, the program routinely loses at least half a million dollars a year. In 2008, for instance, Curby had \$979,062 in costs vs. \$132,035 in revenues—a net loss of nearly 87 percent. The total amount collected was just 12,892 tons—barely 10 percent of the city's solid waste—at an average cost-per-ton of \$65.20. Sending the stuff to the landfill would cost half as much.
4. Another issue is contamination. Single stream is certainly convenient—just thrown everything in the bin, to be sorted later at a recovery facility—but processors and manufacturers alike are complaining that it's impossible to completely "unscramble the egg." Foreign materials, mixed colors, shards of glass in bales of paper and so on can lead to lower prices, reduced markets, breakdowns on the processing lines and even defective products. Because bottle bills remove almost all glass, plastic and aluminum containers from curbside bins, some companies, especially glass and paper processors, will only buy from states that have such bills.
5. And one final note: Bottle bills have themselves been modernized. Today, many consumers do their returns at reverse vending machines. Some wait until the mobile redemption service is in their neighborhood. And in Maine, participants in the CLYNK program can drop off their bar-coded bags of containers outside a host grocery store in a matter of seconds, use their CLYNK key-ring card to check their account balance at the CLYNK ATM, and if it's after hours, use that same card to unlock the night-deposit door.



PRIDE OF PLACE

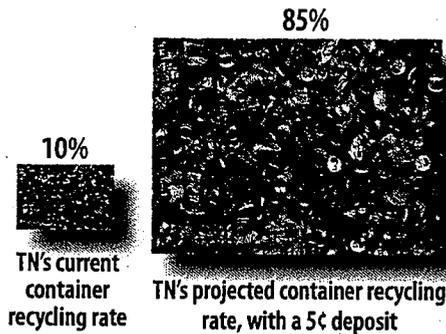
The litter & recycling solution made possible by a Tennessee bottle bill

www.tnbottlebill.org



What Will POP Do for Tennessee's Solid Waste Reduction Efforts?

prepared by Marge Davis, Ph.D. — updated March 2009

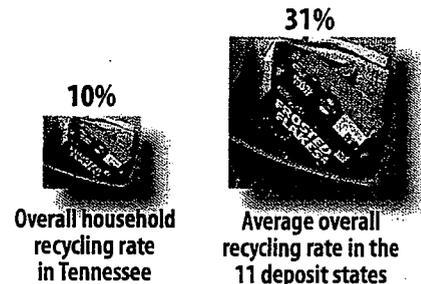


1. POP will increase Tennessee's recycling rate for beverage containers

Every year, Tennesseans buy 4.5 billion beverages in glass, plastic and aluminum containers, then toss 90 percent of the empties into the trash (or onto the roadside). A bottle bill will almost invert those numbers. Based on redemption rates in states with similar demographics and programs—including a 5-cent deposit, an “expanded” beverage list and a network of independent redemption centers—Tennessee can eventually expect a return rate of 85 percent. This means that 4 billion beverage containers—more than 200,000 tons of valuable materials—will be returned to the manufacturing stream.

2. POP will encourage higher overall recycling rates

The 11 states with container deposits recycle more than twice as much municipal solid waste as states without a deposit—an average of 31 percent vs. 20 percent, according to BioCycle's 2006 State of Garbage report. Tennessee's residential recycling rate is even lower—roughly 10 percent. Bottle bills boost *all* recycling because they get people in the habit of recycling. They also improve the quality of the recycled materials, resulting in higher scrap revenues and a more reliable scrap market.

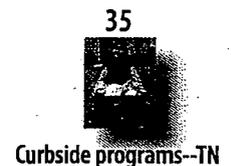


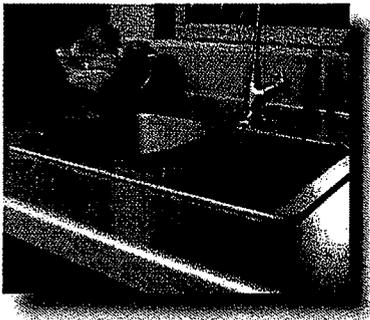
3. POP will prolong landfill life

Beverage containers account for less than 6 percent of the municipal waste stream, but they take up a disproportionate amount of space in landfills. For instance, PET bottles take up 9.8 cubic yards of volume per ton, compared to 2.75 cubic yards for “average” landfill materials, according to the EPA. And while glass beverage bottles account for less than 20 percent of all beverage containers, they account for half of the volume consumed by beverage containers in landfills.

4. POP will complement voluntary recycling programs, including curbside

Curbside programs thrive in states that have container deposits—an average 351 such programs per bottle-bill state, according to the EPA, compared to 151 in non-deposit states (and just 35 here in Tennessee). This is one reason the U.S. Government Accountability Office, in interviews with solid waste professionals nationwide, found high support for container deposits as a way to boost flagging municipal recycling rates. “If the goal is to capture the maximum amount of materials possible,” said Lanier Hickman, former director of the Solid Waste Management Association of North America, “then curbside recycling, [container] deposits and dropoff centers should all be part of a well-thought-out pollution prevention and waste reduction plan.” Though it's true that existing programs will lose much of their aluminum revenues under a deposit, bottle-bill administrators agree that cost savings offset revenue losses. In Cincinnati, for instance, analysts found that overlaying a deposit system onto the city's existing curbside program would decrease recycling costs from 94 dollars per ton to 72 dollars per ton. They do this (1) by removing most of the low-value/high-cost glass and plastic from curbside bins; (2) by making more room in the bins for relatively high-value / low-cost cardboard and paper; and (3) by reducing contamination, which minimizes sorting costs and maximizes scrap value.



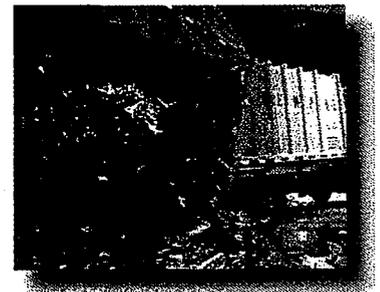


5. POP will drive new products and stabilize the scrap market

Because the redemption process guarantees proper sorting and minimizes contamination, bottle-bill scrap commands premium prices. And because bottle bills guarantee reliably high volumes, they create a market for all container materials, even lowest-value green glass and cumbersome plastics. That's why all three of the major trade associations representing recycled container materials—the Glass Packaging Institute, the Association of Post-Consumer Plastic Recyclers and the Aluminum Association—now acknowledge that container deposits are a legitimate tool in the quest to reach their recycling goals.

6. POP will save taxpayer dollars in waste hauling and tipping fees

Collectively, Tennessee's beverage containers weigh roughly 250,000 tons. By removing 85 percent of this material from the municipal waste stream, Tennessee's communities will save at least \$6 million annually in tipping fees alone (based on \$28/ton), and as much as \$20 million more in collection and hauling costs. (Oregon found that it saved \$656,832 in solid-waste costs in just the first year that its 1971 bottle bill was in effect.)



4 pounds



Annual per capita litter in Tennessee

4 ounces



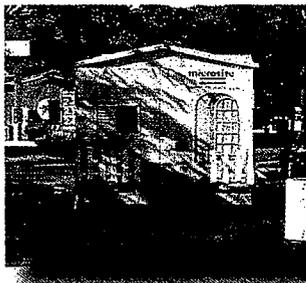
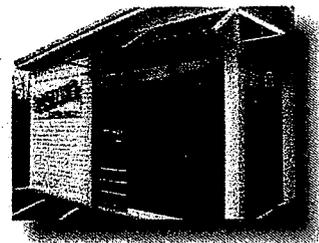
Annual per capita litter in Maine

7. POP will reduce litter while paying for litter removal and Keep Tennessee Beautiful

Beverage containers make up roughly half of Tennessee's litter volume. A 5-cent deposit will not only eliminate at least 80 percent of this portion of the litter stream (for an overall reduction of at least 40 percent); it will tend to discourage *all* littering. As for the litter that does remain, POP allocates a portion of the unclaimed deposits to fund the state's existing litter-grants program, which pays for Keep Tennessee Beautiful and prisoner litter crews, while at the same time it eliminates the existing "litter tax" on beer and soda that currently funds the program.

8. POP will stimulate recycling technologies and investment

From reverse vending machines to high-speed electronic processors to the latest "drop-&-go" redemption kiosks, 40 years of bottles bills, both stateside and abroad, have given rise to numerous recycling technologies, redemption services and redemption-related products. These developments typically come out of the private sector but are often a direct benefit to public recycling programs.



9. POP will generate new business for existing scrap yards, processors and haulers

Tennessee's bottle bill does away with the old practice of requiring beverage distributors to pick up their empty containers from the redemption centers. Instead, the scrap will be purchased directly from the centers by certified recyclers and scrap dealers, who will receive a small payment from the state to cover their administrative costs. In addition to having access to reliable supplies of high-quality scrap, processors may also open their own redemption centers, including attractive, portable "microsites" located in the parking lots of willing grocery stores.

10. POP will generate funds for other solid waste-related activities and initiatives

The bill stipulates that program funds not otherwise designated or needed by the program may be granted to local governments for use in activities and projects related to the goals of the program. These might include anything from developing markets for recyclables, to sponsoring household hazardous waste collections.



MTSUPOLL

www.mtsusurveygroup.org

MTSU Poll, Fall 2009

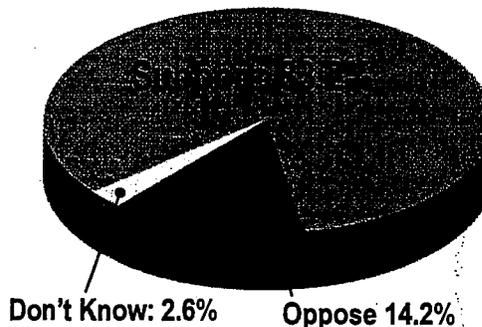
Dates: Sept. 28 - Oct. 10, 2009

Sample: 716 Tennessee adults

Margin of error: +/- 4 percentage points, 95% confidence level

QUESTION: Some states have reduced litter and increased recycling rates by placing a five-cent deposit on glass, plastic and aluminum beverage containers. The customer gets the five cents back if the container is taken to a redemption center. Would you support or oppose a similar plan in Tennessee?

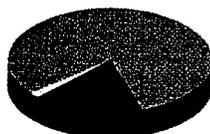
MTSU Poll:
83.2% of Tennesseans support a 5¢ deposit on beverage containers!



GENDER



Women:
85.5% support



Men:
80.8% support

POLITICAL PARTY



GOP:
77.2% support

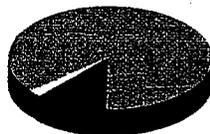


Democrats:
85.5% support

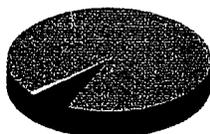


Independents:
86.4% support

RACE



White:
81.6% support

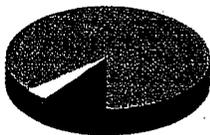


Black:
92.8% support



Other:
88.9% support

EDUCATION



HS or less:
86.1% support

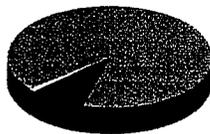


Some college:
84.2% support

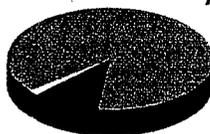


College/post grad:
80.1% support

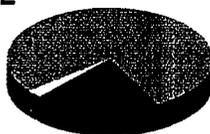
AGE



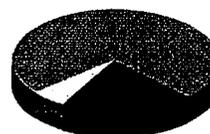
18-34:
90.1% support



35-49:
87.9% support

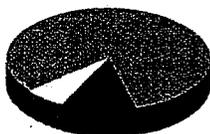


50-64:
78.5% support

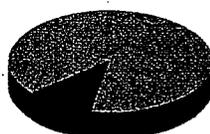


65 and older:
73.8% support

ANNUAL HOUSEHOLD INCOME



Less than \$15k:
81.7% support



\$15k - \$25k:
88.9% support



\$25k - \$40k:
83.5% support



\$40k - \$50k:
89.2% support



More than \$50k:
81.4% support

**RESULTS OF THE MARCH 2008 RECYCLING POLL:
RESPONSES TO QUESTION 3**

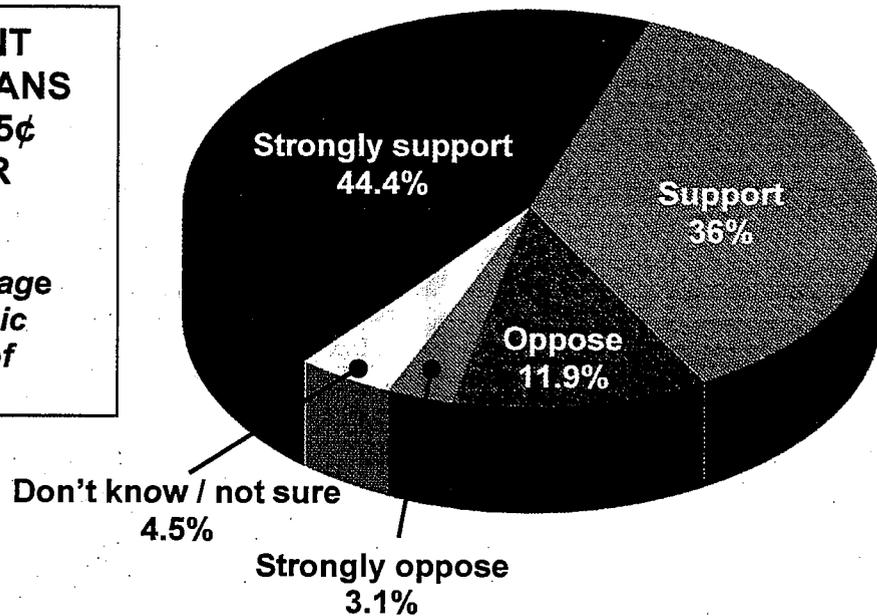
UNIVERSITY OF TENNESSEE, KNOXVILLE
Social Science Research Institute
209 Conference Center Building
Knoxville, TN 37996-4123
865-974-2819

QUESTION 3:

“Some states have reduced litter and increased recycling rates by placing a five-cent deposit on glass, plastic and aluminum beverage containers. The customer gets the five cents back when the container is taken to a redemption center. Would you support or oppose a similar program for Tennessee?” (FOLLOW-UP: “Would you **STRONGLY support/oppose such a program?”)**

**80.4 PERCENT
OF TENNESSEANS
SUPPORT A 5¢
CONTAINER
DEPOSIT!**

*(See following page
for demographic
breakdowns of
supporters)*



The 2008 Recycling Poll is a statewide survey conducted by the Social Science Research Institute at the University of Tennessee, Knoxville. The Poll was conducted under a contract with Scenic Tennessee, Inc. The survey was conducted March 2-20, 2008. 777 randomly selected adults were interviewed by telephone, providing a margin of error of approximately +/- 3.5 percentage points at the 95% confidence level. The sample includes only registered voters. Trained personnel using a computer-assisted telephone interviewing (CATI) system conducted all interviews. Respondents were selected by random-digit dialing. The survey was designed and analyzed by Dr. Michael Gant, who is Professor of Political Science at UT-Knoxville and Director of the UT Social Science Research Institute. Amy Melton, Program Director supervised the survey. Professor Gant is available for comment—call 865-974-2730; or 865-974-2819.

Support for a 5-cent deposit by demographic group (question 3 of UT's 2008 Recycling Poll)

Party Affiliation						
	Democrat	GOP	Independent			
Strongly support	50.9	46.7	43.6			
Support	36.2	37.7	38.8			
Total support	87.1	84.4	82.4			
Gender						
	Male	Female				
Strongly support	42.3	49.3				
Support	35.5	39.2				
Total support	77.8	88.5				
Ideology						
	Liberal	Moderate	Conservative			
Strongly support	52.7	50.0	42.9			
Support	37.3	34.5	38.8			
Total support	90.0	84.5	81.7			
Region						
	West	Middle	East			
Strongly support	42.7	43.9	50.8			
Support	40.7	40.7	33.7			
Total support	83.4	84.6	84.5			
Education						
	< High school	HS grad	Some college	College grad	Grad/prof degree	
Strongly support	53.2	48.8	47.6	41.1	44.9	
Support	38.3	37.7	37.8	39.1	35.5	
Total support	91.5	86.5	85.4	80.2	80.4	
Family income						
	< \$15K/yr	\$15-\$25K	\$25-\$35K	\$35-\$50K	\$50K-\$60K	> \$65K
Strongly support	54.0	50.0	51.9	50.0	49.4	47.9
Support	39.7	37.5	30.4	35.6	34.6	34.5
Total support	93.7	87.5	82.3	85.6	84.0	82.4
Size of residence						
	Large city	Small city	Town	Small town	Rural nonfarm	Rural farm
Strongly support	42.6	46.9	49.3	41.8	56.2	46.5
Support	39.5	40.8	37.3	42.7	26.7	33.7
Total support	82.1	87.7	86.6	84.5	82.9	80.2
Marital status						
	Single	Married	Divorced	widowed		
Strongly support	55.5	46.2	54.9	29.6		
Support	35.5	37.4	35.2	43.2		
Total support	91.0	83.6	90.1	72.8		
Race						
	Black	White	Other			
Strongly support	44.7	46.7	40.0			
Support	41.2	37.5	30.0			
Total support	85.9	84.2	70.0			
Age						
	18-24	25-34	35-44	45-54	55-64	65+
Strongly support	73.7	52.2	45.0	50.3	47.2	40.3
Support	21.1	41.8	39.4	35.8	36.8	38.9
Total support	94.8	94.0	84.4	86.1	84.0	79.2

The 2005 "X Marks the Spot" Litter Survey

"Because there's treasure in our trash!"

In late 2005, the Tennessee Bottle Bill Project (now PRIDE OF PLACE) launched a series of volume-based litter-pickups called "X Marks the Spot." Volunteers were instructed to collect deposit-beverage containers separately from other litter, and to use 13-gallon drawstring trash bags filled as full as possible. The container-only bags were to be marked with an X.

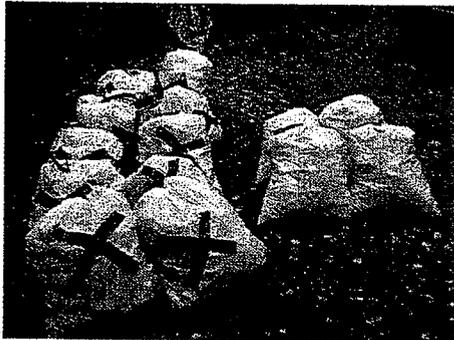


There were 23 cleanups in 14 counties involving 219 volunteers and covering 30.8 miles of road, about 75 percent rural. Groups and individuals taking part included two garden clubs; a Cub Scout troop; several teachers and student groups (including ROTC and several science classes); sportsmen; a factory worker; numerous retirees; two neighborhood associations; one Sunday School class; and inmates from two counties: Unicoi and Lake. Here are the results:

Non-container litter:	320 bags	49.97 percent
Containers only:	325.5 bags	50.42 percent

50.42 percent of the litter volume was bottles and cans.

Marge Davis, Coordinator, PRIDE OF PLACE
www.tnbottlebill.org



Wilson County cleanup: 61% containers, or 10 bags of containers vs 4 bags of everything else



Sorting into 30-gallon bags for recycling



2 bags aluminum, 1.5 plastic, 1 glass. This matches the proportion of containers produced, suggesting that few people, at least in Wilson County, pick up aluminum cans for the scrap value.



Carter County cleanup, 62%



Rutherford County cleanup, 66%



Shelby County cleanup 51%

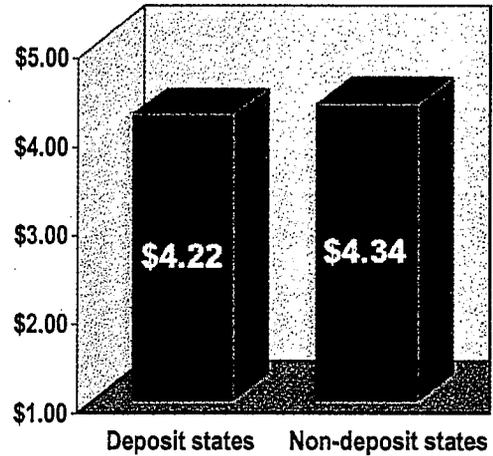
DEPOSITS AND BEVERAGE PRICES

Some people assume that putting a 5-cent deposit on beverages results in higher prices at the store, independent of the deposit. But in fact, beverage prices in deposit states tend to be the same as, or in many cases *lower than*, prices in states that don't have container deposits.

In an informal survey in May 2006, for instance, Pride of Place found that everyday (not sale) prices for Pepsi 12-packs at major supermarkets averaged \$4.22 in deposit states vs \$4.34 in non-deposit states. In March 2008, POP compared the prices of 23 popular beverages (individual and multi-packs) at a Hannaford in Maine and a Kroger in Tennessee. The products included Coke, Pepsi, Budweiser, Coors, Corona, Miller, Starbucks, Gatorade, Dasani, Propel, Minutemaid, Ocean Spray and others. Of the 23 items, 15 cost less in Maine, 4 cost more and 4 were the same, for a total savings of \$14.39 (\$4.29 if you include the 5-cent deposits).

We can't know for sure why these differences exist. What we do know is that part of the cost of producing a beverage is the cost of producing the container. And one way to control that cost is to recycle the used container, because recycled containers require markedly less energy, and use fewer virgin materials, than containers made from scratch.

Average "everyday" prices, Pepsi 12-pack (cans)



Source: Pride of Place telephone survey of major supermarket chains in 50 states, May 2006



Finally, because it's important to compare apples to apples, POP compared prices for Coke and Pepsi 12-packs at a Walmart in Maine and a Walmart in Tennessee. These four photos were taken on the same day: November 1, 2009.



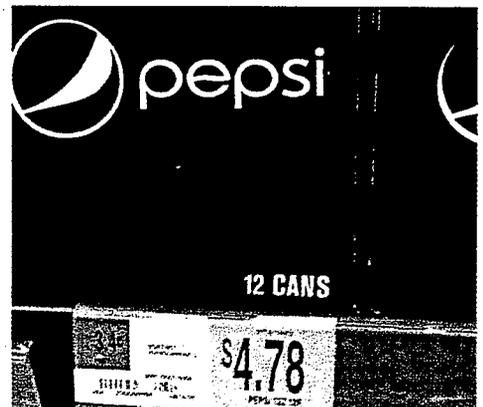
Maine \$2.98 Tennessee \$3.98
 ← →

WALMART PRICES, NOV 2009



Maine \$1.98 Tennessee \$4.78
 ← →

In these tough economic times, we all want to see prices kept as low as possible without infringing on the vendors' right to make a healthy profit. A 5-cent deposit on beverage containers is a proven, effective and sustainable way to do both.



CURBSIDE AND OTHER MUNICIPAL RECYCLING PROGRAMS

<p>Peter Spendelow, recycling/solid waste specialist, OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY, in an e-mail, April 4, 2006, and a telephone interview Dec. 1, 2009</p>	<p>"Oregon's recycling rates continue to be among the highest in the country, not just for beverage containers (83 percent) but for overall municipal solid waste (48.2 percent). Oregon is also a leader in curbside recycling, with strong programs in almost every city and town of any size. [The bottle bill actually strengthen curbside recycling, because] plastic and glass are very expensive to collect through curbside programs. With the move to commingled [single-stream] curbside collection, glass in particular causes significant problems. Broken glass contaminates the paper and other materials and causes expensive equipment problems at the sorting plants. Bottle bills divert most of this material, and at much higher recycling rates."</p>
<p>Stacia Bobikevich, Recycling Specialist III, MAUI COUNTY, HAWAII</p>	<p>"Bottle bills promote recycling of other materials especially if the redemption centers are located proximally to the recycling centers. In municipalites in which curside programs exist, bottle bills can provide revenue to fund recycling programs and supplies."</p>
<p>"BOTTLE BILLS AND CURBSIDE RECYCLING: ARE THEY COMPATIBLE?" by James E. McCarthy, Environment and Natural Resources Policy Division, US EPA, Jan. 27, 1993</p>	<ul style="list-style-type: none"> • Curbside programs are more common in deposit states. • Deposit systems collect more of their target materials than do curbside programs. • Because the bottles and cans are sorted and handled individually when returned, the materials collected by deposit systems are generally of a higher quality than curbside materials, particularly if the latter are commingled during collection. • [Most] curbside systems depend on tax revenues, making the ability to maintain or expand levels of curbside service dependent on local government budgets. • Deposit systems 'skim' potential sources of revenue from curbside programs, but they also reduce operating costs of curbside collection and processing. • Several studies suggest that local governments will divert more solid waste at a lower cost per ton if both a bottle bill and a curbside program were in place."
<p>IOWA RECYCLING ASSOCIATION, press release, Jan. 14, 2005</p>	<p>[In response to claims that Iowa's bottle bill adversely affects recycling in Iowa,] "Michaela Rich, president of the Iowa Recycling Association, said, 'Nothing could be further from the truth. The bottle bill complements the hundreds of curbside programs and drop-off programs in Iowa. Iowans have more recycling today because of the bottle bill, not less.' Waste News, a leading trade journal of the recycling and solid waste industry, ranks Iowa 4th highest in the U.S. in total recycling efficiency."</p>
<p>"UNDERSTANDING ECONOMIC AND ENVIRONMENTAL IMPACTS OF SINGLE-STREAM COLLECTION SYSTEMS," by Clarissa Morawski and the Container Recycling Institute, December 2009</p>	<p>"In the past decade, recycling collection systems have shifted from source-separated programs to single-stream collection models in which all recyclable materials are placed in the same receptacle. While these changes have resulted in lower collection costs, they have also led to an increased level of contamination at materials recovery facilities (MRFs). Processed materials sold to recyclers also contain higher levels of contamination and require further processing. A study conducted in 2002 by Eureka Recycling (St. Paul, Minnesota) comparing five different collection methods ... did not ultimately recommend a single-stream system, because the lower collection costs were outweighed by higher processing costs and lower material revenues. ... Municipalities contemplating a shift to single-stream collection need to appreciate their role in choosing collection options that maintain quality, scrap revenue generation, reliable markets and recycling infrastructure investment, and they must understand who the end-markets are for the collected material, both today and in the future, and how secure these markets are and will continue to be."</p>
<p>"CURBY MAY NOT BE PULLING ITS WEIGHT," by Anne Paine, The Tennessean, Sept. 20, 2009</p>	<p>"Nashville spent \$979,062 last year to collect 12,892 tons of recyclables at the curb, according to Metro Public Works' 2008 solid waste report. That's less than 2 percent of the community's total waste and 8.4 percent of the trash that Metro and its contractors collect. Curbside returned \$132,035 during the same period [a net loss of 86 percent]. Meanwhile, more materials from inside Metro Nashville went to landfills last year, a situation that curbside recycling was created to help avoid."</p>

LOCAL GOVERNMENT

<p>Jai Templeton, MCNAIRY COUNTY MAYOR, testimony to TN Senate Environment Committee, April 7, 2009</p>	<p>"McNairy is a small county of 25,000 in rural southwest Tennessee. It costs \$22.59 to discard into our class III/IV landfill. We annually generate an average of 5,016 tons of household garbage, costing us almost \$152,000 to dispose of. Assuming that bottles and cans make up only 5 percent, the bottle bill could still save our residents nearly \$7,600 and reduce the amount of waste deposited in a landfill by almost 251 tons. That is a remarkable savings to a small county and an even more remarkable reduction in the solid waste stream. [This does not include savings from litter disposal.] In 2008, 594 tons of trash were collected from McNairy County's roadways by one litter-grant employee with assistance from our local sheriff's department. I'm told by McNairy County's litter-grant personnel that bottles and cans account for more than 50 percent of litter collections. So this bill could conceivably save another \$6,700 in landfill costs."</p>																					
<p>"ECONOMIC & ENVIRONMENTAL BENEFITS OF A DEPOSIT SYSTEM FOR BEVERAGE CONTAINERS IN WASHINGTON STATE [AND TACOMA CITY]," by Jeffrey Morris et al, April 2005</p>	<p>"[Estimated economic impacts of a Washington bottle bill:]</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;">WA state (pop 6.5 mil)</th> <th style="text-align: center;">Tacoma (pop 195,000)</th> </tr> </thead> <tbody> <tr> <td>• Increased material sales:</td> <td style="text-align: right;">\$28,126,000</td> <td style="text-align: right;">\$1,063,000</td> </tr> <tr> <td>• Decreased garbage collection costs:</td> <td style="text-align: right;">\$1,813,100</td> <td style="text-align: right;">\$78,150</td> </tr> <tr> <td>• Decreased disposal costs:</td> <td style="text-align: right;">\$3,491,400</td> <td style="text-align: right;">\$150,500</td> </tr> <tr> <td>• Decreased recycling collection costs:</td> <td style="text-align: right;">\$4,023,000</td> <td style="text-align: right;">\$69,400</td> </tr> <tr> <td>• Decreased litter costs:</td> <td style="text-align: right;">\$1,071,000</td> <td style="text-align: right;">\$34,300</td> </tr> <tr> <td>Total economic benefits:</td> <td style="text-align: right;">\$35,961,000</td> <td style="text-align: right;">\$1,400,400</td> </tr> </tbody> </table>		WA state (pop 6.5 mil)	Tacoma (pop 195,000)	• Increased material sales:	\$28,126,000	\$1,063,000	• Decreased garbage collection costs:	\$1,813,100	\$78,150	• Decreased disposal costs:	\$3,491,400	\$150,500	• Decreased recycling collection costs:	\$4,023,000	\$69,400	• Decreased litter costs:	\$1,071,000	\$34,300	Total economic benefits:	\$35,961,000	\$1,400,400
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<p>CONTAINER RECYCLING INSTITUTE website at www.bottlebill.org/about/benefits/curbside.htm</p>	<p>"A 1991 study by the Seattle Solid Waste Utility found that with a bottle bill, 42 percent to 54 percent more beverage container tonnage would be diverted from the city's solid waste stream, while there would be an overall net system savings to the city of between \$236,917 and \$632,774. The study concluded, 'A bottle bill would divert additional tonnage with no significant impact to either city costs or curbside recycling profits.' The city of Cincinnati found that overlaying a beverage container deposit system with its curbside program would result in a 60-percent increase in recovery rates while simultaneously decreasing the city's recycling costs from \$94 per ton to \$72 per ton."</p>																					

PRESS

<p>DAILY NEWS JOURNAL (Murfreesboro), editorial, Dec. 17, 2009</p>	<p>"The 'bottle bill' would be a good start toward reducing trash, providing incentive for youth groups, church organizations and even the homeless to pick up bottles and cans and turn them in for money. The Rutherford County Commission should send a resounding message to the General Assembly to pass this measure."</p>
<p>BRISTOL HERALD COURIER, editorial, Nov. 3, 2007</p>	<p>"The bottle bill faces a decidedly uphill battle in the state legislature. [But] as a general matter, we're for anything that will clean up our notoriously trashy roadsides and increase recycling in the state."</p>
<p>CHATTANOOGA TIMES, editorial, Jan. 2, 2006</p>	<p>"Tennessee needs to get beverage containers off its roadsides and out of its landfills. They should be recycled, and a bottle bill will go a long way toward ensuring that many more of them are."</p>
<p>TENNESSEAN, editorial, April 8, 2009</p>	<p>"Despite the objections of the soft-drink industry and others, it's hard to see how a bottle bill would not benefit Tennesseans. The need to recycle consumer waste is growing every day. This legislation would greatly increase the incentive for that to happen."</p>
<p>SAM VENABLE / KNOXVILLE NEWS SENTINEL, August 26, 2010</p>	<p>"What if a Tennessee lawmaker crafted legislation that would (a) generate millions of dollars in self-sustaining revenue, (b) create an estimated 1,500 jobs and (c) drastically improve the beauty of the landscape? It probably would get bottled-up in committee and never see the light of day, that's what."</p>

LITTER

<p>TENNESSEE ANNUAL LITTER TONNAGE COLLECTED VIA COUNTY LITTER GRANTS, as reported by the counties to TDOT</p>	<ul style="list-style-type: none"> • 2004-2005: 17.4 million pounds total = 2.9 lbs/person at 6 million pop • 2005-2006: 22.3 million pounds total = 3.7 lbs/person at 6 million pop <i>[May 25, 2006: TDOT Announces "Stop It/Stop Litter" Anti-Litter Campaign]</i> • 2006-2007: 22.8 million pounds total = 3.8 lbs/person at 6 million pop • 2007-2008: 25.7 million pounds total = 4.3 lbs/person at 6.1 million pop • 2008-2009: 25.5 million pounds total = 4.2 lbs/person at 6.1 million pop • 2009-2010: 25.5 million pounds total = 4.2 lbs/person at 6.1 million pop
<p>CONTAINER RECYCLING INSTITUTE, citing studies in seven states, at www.bottlebill.org</p>	<p>"The effects of deposit systems on litter reduction are well documented through pre- and post-bottle bill surveys. ... When outliers were removed, beverage container litter reductions have consistently been between 70 percent and 84 percent, and total litter has been reduced between 34 percent and 47 percent."</p>
<p>OREGON EXPANDED BOTTLE BILL FACT SHEET, OR Dept of Environmental Quality, Nov. 25, 2008</p>	<p>"Before passage of Oregon's Bottle Bill in 1971, beverage containers made up as much as 40 percent of roadside litter. By 1973, they were only 10.8 percent of litter, and by 1979 they were down to 6 percent. This level of litter reduction continues to this day, and the bill has created an anti-litter ethic that has led to reductions in other litter."</p>
<p>"X MARKS THE SPOT" TN LITTER SURVEY, www.tnbottlebill.org</p>	<p>"In late 2005, the Tennessee Bottle Bill Project organized a series of volume-based litter pickup across the state. Volunteers were asked to pick up deposit-beverage containers separately from other litter, using 13-gallon drawstring trash bags filled as full as possible, and marking them with a red X. There were 23 cleanups in 14 counties, involving 219 volunteers and covering 30.8 miles of road, about 75 percent rural. Bottles and cans accounted for just over one-half—50.42 percent—of the 645 bags collected."</p>
<p>Cozy Silvers, deputy, UNICOI COUNTY SHERIFF'S DEPARTMENT, quoted by Jim Wozniak in the Johnson City Press, Nov. 7, 2005</p>	<p>[Discussing his crew's participation in the X Marks the Spot litter survey, Silvers discussed the fact that 36 of the 57 bags collected were beverage containers:] "It'll always run way over half. There is more of that type of stuff than there is just ordinary trash. Just about any road you go on, way more than half [of the litter] will be beer bottles and beer cans and drink bottles and things like that."</p>
<p>Bob Barker, late Sumner County sheriff and former president of the TENNESSEE SHERIFFS ASSOCIATION, letter to Governor Phil Bredesen urging support for the bottle bill, Jan. 21, 2008</p>	<p>"Litter in Tennessee is not just a health issue. It is also an economic issue. Prospective home buyers and business owners have priorities when they look to relocate. One of their top concerns is the education system, the other is the environment. Visible trash and litter can be a real deal-breaker. Tennessee depends on tourism, and on visitors telling their family and friends to visit us during their vacations. If we allow trash and garbage to litter our highways, very few visitors will recommend Tennessee as a vacation destination. It also costs millions of dollars and is a huge waste of fuel to pick up bottles and cans along the Tennessee highways."</p>
<p>Tony Hayes, PUBLIC WORKS DIRECTOR, FALMOUTH, ME, in a videotaped interview, Dec. 22, 2005</p>	<p>"We basically have no litter management program at the local level in Maine. We don't have any county government that does [litter cleanups]. The state does litter patrols at least once or twice a year ... and we do have folks who ... like to get the nickel deposit if there are empties on the roadside. So litter really seems to take care of itself without the municipal government having to bear the burden of picking it up."</p>
<p>"LITTER IN KENTUCKY" REPORT BY SOLID WASTE COORDINATORS OF KENTUCKY, May 1999</p>	<p>"[S]urveys were received from 26 counties ... using the Beverage Industry Recycling Program's Litter Analysis as a model. In the overall analysis, litter shook out this way:"</p> <ul style="list-style-type: none"> • Beverage Containers: 48% • Take-out and Fast Food Litter: 19% • Accidental Litter (e.g., tire strips): 15% • Candy and Snack Food Litter: 6% • Tobacco Related Litter (filters not counted): 5% • Beverage Carriers, Bottle Caps and Pull Tabs: 4% • Toiletries: 1%

BOTTLERS

<p>Alan Pugsley, co-owner and master brewer, SHIPYARD BREWING COMPANY, Portland, ME, in a videotaped interview, Dec. 22, 2005</p>	<p>"I think overall that having a bottle bill is a positive thing, from the standpoint of [keeping things] environmentally clean. It goes with [Shipyard's] image and with keeping a clean state."</p>
<p>Kim Jeffery, CEO, NESTLÉ WATERS NORTH AMERICA, May 19, 2009</p>	<p>"Nestlé Waters North America support[s] environmentally sound bottle-deposit laws. We believe the best ones encourage recycling of all containers, do not hurt consumers, and do not favor special interests. We can stand behind a bottle bill that promotes a comprehensive and convenient recycling program."</p>
<p>FIJI WATER, on its blog site at www.fijiwater.com, May 12, 2008</p>	<p>"FIJI Water is advocating for expansion of container deposit laws. The evidence shows that they boost recycling rates. But some bottle bills work better than others, and as with most things in life there's always room for improvement no matter how good you are. Here are some facts about what container deposit laws do well:</p> <ul style="list-style-type: none"> • The 11 states that have such laws account for 60% of recycling activity in the nation. Michigan, with a 10-cent deposit, has recycling rates close to 100%. • The deposit amounts are sufficient to motivate people to recycle, but not so high as to make prices prohibitive. • Customers who purchase recycled plastics, such as carpet manufacturers, have found that bottle-bill states provide better quality material. With deposit laws, people sort plastics more carefully so there's less contamination from non-recyclables or between different types of plastic."

BORDER ISSUES

<p>Leslie Luby, owner, GRANTS II MARKET, Fryeburg, ME, in videotaped interview, June 26, 2006</p>	<p>"We're right on the border with New Hampshire [which has neither a deposit nor a sales tax.] People don't pay any attention to the deposit. They're not going to buy or not buy because of it. Cigarettes, yes. In New Hampshire, cigarettes are at least a dollar a pack less, so we don't sell a lot of cigarettes here. But that's the only thing [where prices are different], and that's all about taxes."</p>
<p>SPOKANE [WA] CHRONICLE, article by John Craig, Oct. 29, 1982</p>	<p>"John Viacentini, president of the approximately 100 Plaid Pantry Convenience Stores in Oregon and Washington, doesn't buy his colleagues' arguments [regarding sales]. 'Our Oregon stores sell as much beer and soft drinks as our stores in Washington state.'"</p>
<p>Donald Dowd, VP, COCA-COLA OF NEW ENGLAND, in Boston Globe, Nov. 22, 1989</p>	<p>"Our prices pre-bottle bill and post-bottle bill [in Massachusetts were] virtually the same."</p>
<p>"OREGON'S BOTTLE BILL: BATTLE BETWEEN CONSERVATION AND CONVENIENCE," by Richard Bacon, Fall 2005</p>	<p>"The Oregon Liquor Control Commission found that beer sales increased 5.12 percent in the year after the bottle bill passed, from 1,429,446 barrels sold between October 1971 and September 1972, to 1,502,584 barrels sold between October 1972 and September 1973. Between 1970 and 1974, sales growth in Oregon was identical to sales growth in Washington: Beer sales increased 19.69 percent in Oregon, compared to 19.25 percent in Washington."</p>
<p>"MICHIGAN BOTTLE BILL: A FINAL REPORT TO THE MICHIGAN GREAT LAKES PROTECTION FUND," by John Stutz and Carrie Gilbert, July 10, 2000</p>	<p>"Fraudulent redemption has been estimated at 2.5 percent of Michigan's 3.9 billion redemptions annually. While fraudulent redemption adds to operating costs, it also results in increased container recycling, additional litter reduction and increased supply of recycled feedstock. It also avoids disposal of 6,900 tons of containers, reducing greenhouse gas emissions by 5,300 MTCE and energy consumption by 255,400 MMBtus."</p>

TOURISM

<p>Bob Keast, owner, BIRDSONG RESORT, Camden, TN, in testimony to TN Senate Environment Committee, April 29, 2008</p>	<p>"As owner of a recreation-based business, and as a principal spokesperson for more than 1,000 similar enterprises, I know how essential it is to present a vibrant, positive, healthful image to the visiting public. I have invested heavily in making sure my property reflects the outstanding natural beauty of the area that surrounds it. I am sorry to say that my efforts are continually hampered by litter, most of which seems to consist of beer bottles, soft-drink cans and other container debris. Few things are as shocking and offensive to my guests, especially those from other parts of the country, as the sight of empty bottles and cans lining nearby roads, strewn along the shoreline or rafted together in the middle of the lake."</p>
<p>Diana Threadgill, executive director, MISSISSIPPI RIVER CORRIDOR-TENNESSEE, in a letter to the Shelby County Commission before it voted on a resolution supporting a Tennessee container deposit, Sept. 28, 2009</p>	<p>"The Mississippi River Corridor-Tennessee is a non-profit 501(C)(3) corporation whose mission is to identify, conserve and interpret the region's natural, cultural and scenic resources to improve the quality of life and prosperity in West Tennessee. We are dedicated to the economic development, land and wildlife preservation in the six counties along the entire western coast of Tennessee. For a quality visitor experience to our region, it is critical that our communities along the great river be clean and litter free. The TN Bottle Bill will also ensure a safer environment for our wildlife and the livestock in our farming areas. New jobs will also be created by this important initiative. We urge you to pass this resolution by a large majority."</p>
<p>Fred Cole, former owner, INDIAN RIVER MARINA, Jacksboro, and board member, EAST TENNESSEE QUALITY GROWTH, testimony to TN Senate Environment Committee, April 7, 2009</p>	<p>"Senators, [our] welcome mat is dirty, and needs cleaning up. I believe the Tennessee Beverage Container Recycling Act will be a tremendous help in achieving our common goal of a clean and sustainable Tennessee. Additionally, I support the bill because of the revenue and small business opportunities it creates for counties like ours. In Campbell County, this could prove to be a great funding opportunity for struggling non-profit organizations in our community."</p>
<p>MAINE STATE SENATOR NANCY SULLIVAN, Biddford, ME, in a videotaped interview, Dec. 22, 2005</p>	<p>"In Maine, tourism is our largest source of income, and we really require this pristine connotation, that when you mention Maine, you want people to think about our lobsters and our clean beaches, not trash and litter. Manufacturing jobs, like in so many other places in the nation, are going overseas, but you can't take our coastline, you can't take our Maine lobsters, our mountains, our lakes."</p>

FARMERS

<p>Bill Troutt, SUMNER COUNTY FARMER, Gallatin, TN, in an e-mail, April 18, 2006</p>	<p>"Let me add one more reason [for this bill] that most 'city folks' don't realize. I farm—always have—always will. It only takes one glass bottle sliver to cut and ruin a \$400 tractor tire, or even worse, that same bottle sliver can cut a cow's stomach lining and cause death. Both have happened to me!"</p>
<p>TENNESSEE FARM BUREAU, Legislative Alert, April 8, 2005</p>	<p>"Farm Bureau Policy: We want ... deposits and refunds on bottles and cans."</p>
<p>Arland Schantz, president, LEHIGH COUNTY [PA] FARM BUREAU, quoted in an article in Morning Call, April 14, 1997</p>	<p>"Littering in the countryside is ignored by officials because of the false impression that the recycling law has solved the litter problem."</p>
<p>Larry Breech, president, PENNSYLVANIA FARMERS UNION, in an opinion piece in The Philadelphia Inquirer, October 21, 2002</p>	<p>"A survey of 189 readers of Pennsylvania Farmer magazine, randomly selected, indicates that 98 percent favored a returnable container law. Beverage containers made up the overwhelming majority of litter discarded on their property. Livestock deaths, crop losses, feed contamination, equipment damage and other factors bring the average litter-related loss in Pennsylvania to an estimated \$938 per farm. There is little a community can do about drought or disaster, but we can do something positive about litter."</p>

SCHOOLS AND NONPROFITS

<p>"REPORT ON THE BOTTLE BILL TO THE LEGISLATURE, STATE OF HAWAII," November 2008</p>	<p>"Schools and non-profits continue to use the program for fundraising opportunities through donation programs. Fundraising efforts complement the program and contribute to the overall number of containers recycled. The National Kidney Foundation of Hawaii expanded their pick-up service for donated household goods to include deposit containers. Goodwill Industries of Hawaii has added redemption centers to four of its donation stores, for a total of six stores, five on Oahu and one on the Big Island."</p>
<p>Lisa Williams, den leader, CUB SCOUT PACK 37, Hanover, MA, in an opinion piece in the Patriot-Ledger, Jan. 12, 2005</p>	<p>"The money our den has raised [via a collection bin at the local transfer station] has sent my Scouts to summer camp for the past three years, bought their uniforms, paid their yearly dues, taken them on a whale watch, bowling, a trip to Canobie Lake Park, sleepovers at the South Shore Science Center and Boston's Museum of Science. We've bought them tents and zero-degree sleeping bags in preparation for their crossover into Boy Scouts, and we've never had to ask their parents for one cent."</p>
<p>Kathy Sweet, board member, HABITAT FOR HUMANITY, Naples, ME, in an e-mail, March 29, 2006</p>	<p>"In our little 'hamlet' of about 3,000 people (in the winter), we receive more than \$300 per month for Habitat for Humanity from returnables. We have a separate bottle bin set up at the local redemption center. The owner empties the bin, counts the cans and I pick up a check once a month. The Lion's Club that sponsors local education funding for schools has a bin next to ours and they also make that much per month. It is big business for the owner of the redemption center and is a great way to fund charities/non-profits."</p>
<p>Don Cook, owner, ROLANDO'S REDEMPTION, South Portland, ME, in a videotaped interview, Dec. 21, 2005</p>	<p>"With bottle drives, some groups make hundreds of dollars a year. I had one here a while ago—kids collected 45,000 empties in four hours. One truck, two kids, they go up the street; bang. It's a piece of cake. I gave them \$2,400. Most I ever paid was four grand to somebody. Another thing, I hire the handicapped. It's a perfect job for them. It's very simple, very easy, and they're pleased to be here."</p>
<p>HORIZONS UNLIMITED, Emmetsburg, IA, press release, Sept. 4, 2009</p>	<p>"Lana Williams, vocational director at Horizons Unlimited, wants to remind everyone about the donation cage by the front entrance to the Bottle & Can Redemption Center. 'Many of our customers already donate their cans and bottles to Horizons and we thank them from the bottom of our hearts,' said Williams. 'We would also like to thank the Wild Rose Casino & Resort for donating all of their containers to Horizons since they opened. To date, they have donated \$14,631 in refunds. All of these donations help us keep the Redemption Center open.' Horizons Unlimited has been working with adults with developmental, mental and/or physical disabilities for 40 years."</p>
<p>Donna Palmer, director of Employment Concepts, SRVS (SHELBY REHABILITATION AND VOCATIONAL SERVICES), quoted in the Memphis Daily Journal, Jan. 15, 2010</p>	<p>"SRVS, [a sheltered workshop in Memphis for adults with special needs,] has the capacity to be a central redemption center or processing center where the product is sorted and then sold directly to the processors,' Palmer said. 'We realized that not only is this a great opportunity for the warehouse to have a new and 'green' employment opportunity, but also that this project is a great opportunity to teach our workers more about recycling, how they can become involved and how it impacts their community.'"</p>

PUBLIC SUPPORT

<p>THE FALL 2009 MTSU POLL, conducted Sept. 28-Oct. 10, 2009; press release, Oct. 13, 2009</p>	<p>"Eighty-three percent of Tennesseans would favor charging a 5-cent deposit on glass, plastic and aluminum beverage containers that would be refunded upon the container's return to a redemption center. Only 14 percent were opposed, and 3 percent were unsure. Seventy-nine percent said such a system would make them more likely to recycle. The measure enjoys particular support among Tennesseans age 49 and younger, 89 percent of whom favor it. But the measure drew solid majorities of support among older Tennesseans, too. [The MTSU Poll is a twice-a-year survey of major social, political and ethical issues affecting Tennessee.]"</p>
<p>MARCH 2008 RECYCLING POLL, conducted by the UT Social Science Research Institute, March 2-20, 2008; cited in a press release from Scenic Tennessee, March 23, 2008</p>	<p>"More than four out of five Tennesseans—80.4 percent—support a 5-cent deposit on beverage containers as a way to increase recycling and reduce litter, according to a statewide survey conducted earlier this month among 777 registered voters. The majority of those—55 percent—said they 'strongly' supported such a measure. Support was extremely high regardless of demographic group. For instance, 84.4 percent of those identifying themselves as Republicans said they supported a deposit, while 87.1 percent of Democrats did so, and 82.4 percent of Independents."</p>
<p>Dewayne Johnson, director, IOWA RECYCLING ASSOCIATION, in an e-mail, April 4, 2005</p>	<p>"Consumers love Iowa's bottle bill. The University of Northern Iowa Center for Social and Behavioral Research did a survey last year on Iowans' attitudes. It found that 90.5 percent of Iowans support the current deposit law, and 75.9 percent support expanding the law to include other containers. (http://www.iowarecycles.org/2004bottlebill.htm)."</p>
<p>"NYPIRG SCORES LAND-MARK ENVIRONMENTAL VICTORY WITH PASSAGE OF EXPANDED BOTTLE BILL," NYPIRG website, April 2009</p>	<p>"Despite seven years of industry opposition, public support for New York's Bigger Better Bottle Bill eventually grew to include more than 700 organizations, businesses and municipalities and more than 20 newspaper editorial boards. Three independent public-opinion surveys found that more than 80 percent of New Yorkers supported an expanded bottle bill. This coalition, together with hundreds of thousands of New Yorkers who participated in the campaign in one way or another—whether by joining a litter cleanup, signing a petition or coming to a lobby day in Albany—ultimately prevailed."</p>
<p>Mark Sullivan, communications director for former Maine CONGRESSMAN TOM ALLEN, in a videotaped interview, Dec. 19, 2005</p>	<p>"In 1979, three years after Maine passed its bottle bill [by a referendum vote of 57 percent], the people who had opposed the bill gathered enough signatures to put it up for repeal. Once again, they had a far more substantial edge in the amount of money they had to spend. But what they couldn't do in 1979 that they had done so effectively in 1976 was tell people that the bottle bill wouldn't work. Because people had been living with it for two years, and they knew that it worked. They knew that all the nightmare scenarios that had been painted in 1976 had not come true. In 1976, it had been a compelling argument to say that people were gonna rush across the border and buy all their beverages in New Hampshire, and Maine would suffer economically. That certainly was a scare tactic, particularly in the border communities. But by 1979, stores in those communities found that it wasn't happening in any substantial way, and sales hadn't dropped. In 1976, [opponents had] also said that the bottle bill wouldn't have an impact on litter, but by 1979, people found, you know, that you'd drive down the highway and you just wouldn't see the bottles and cans anymore. So by 1979 it was a done deal. People had accepted it. The vote was 84 percent to keep the bottle bill."</p>

Rhonda Pitts

From: Roger Fields [rfields@blounttn.org]
Sent: Friday, December 03, 2010 10:00 AM
To: 'Rhonda Pitts'

Attachments: Sand Blasting as FCE.pdf

At the November planning commission meeting a motion was made for forward an amendment onto the full commission with a recommendation to approve. The amendment is to add a use to section 7.10 and is highlighted in the attached document.

This will need to have a public hearing set for the January 2011 agenda committee meeting, if it is not too late to get on the agenda for this month. If it is we could set the hearing next month.

Memo

To: Blount County Planning Commission
From: Building Commissioner
CC: Other commission members
Date: 12/3/2010
Re: Discussion on adding a use to section 7.10.

Background:

On September 20, 2010 I sent a stop work/use order to Mr. Jerry Deputy for the operation of a sandblasting business on Miser Station Road. This business was not approved by the BZA and it was not an existing nonconforming use.

After receiving the notice Mr. Deputy came to my office to inquire what permits he will have to have to operate his business in compliance with our zoning regulations. He is located in the R-1 zone and the only option would be to operate it as a family commercial enterprise as described in section 7.10. This section contains a list of uses that can be approved as a family commercial enterprise and it does not include a sandblasting business. It is my interpretation that this is a use that cannot be approved.

Mr. Deputy inquired how this use could be added to the list. I explained that it would take a zoning amendment and that the standard procedure is to go before the planning commission for discussion first. If the planning commission made a recommendation to add the use, then it would have to go before the county commission as an amendment to the zoning regulations. This memo is to stimulate discussion and possible action on this topic.

I have included section 7.10 in this memo for your review. I would like to point out that section 7.10-A, B, D, E, F and G would apply to any request to operate this type of business if it were to be added to the list of approvable uses.

Section 7.10. Family Commercial Enterprises. In addition to requirements for special exceptions, the following shall be requirements for family commercial enterprises:

A. The family commercial enterprise shall be located and conducted in the principal dwelling or an accessory building. There shall be no storage of materials or equipment outside of the principal dwelling or accessory building.

B. If the family commercial enterprise is to be located and conducted in an accessory building, the accessory building shall be no greater than 1,000 square feet in gross floor area, provided that the accessory building may be up to but no greater than 2,000 square feet in floor area on any lot or parcel greater than two acres in area.

C. Family commercial enterprises shall be limited to the following uses: rug cleaning and repair services; photographic services; beauty and barber services; apparel repair and alterations; shoe repair and alterations; nursery schools, family day care homes, group day care homes, and day care centers; window cleaning services; automobile repair services (including truck and farm machinery); radio and television repair services; watch, clock and jewelry repair services; gun repair services; legal services; surveying, engineering and architectural services; accounting, auditing, and bookkeeping services; office or studio of a physician, dentist, artist, musician, or other similar professional; plumbing, heating and air conditioning services; painting, paper hanging and decorating services; electrical services; masonry, stonework, tile setting, and plastering services; carpentry, wood flooring; cabinet making, roofing, guttering and siding services; machine shops; sandblasting both; pet grooming; water drilling services; greenhouses; kilns and pottery making; computer and computer peripherals repair, computer programming, data processing, computer desk-top publishing, and other computer related services.

D. The principals engaged in the family commercial enterprise shall be owners and residents of a dwelling unit which also houses the proposed use or is on the same lot or parcel as any accessory building housing the proposed use. Up to two non-resident employees may be allowed to work on site for the family commercial enterprise.

E. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or commercial activity located and conducted elsewhere.

F. No equipment or process shall be used in such enterprise or occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot or parcel housing the proposed use.

G. The commercial enterprise shall be subordinate to the residential use of the lot or parcel.