

# City of Elizabethton, Tennessee

## PUBLIC PARTICIPATION PLAN



**BEFORE THE CITY COUNCIL  
OF THE CITY OF ELIZABETHTON, TENNESSEE**

REGULAR MEETING

AUGUST 8, 2024

RESOLUTION NO. 60-91

**“A RESOLUTION OF THE CITY OF ELIZABETHTON,  
TENNESSEE, TO ADOPT THE PUBLIC PARTICIPATION  
PLAN.”**

**WHEREAS**, a comprehensive, cooperative, and continuing (3-C) transportation process is to be carried out in Elizabethton, Tennessee; and

**WHEREAS**, the Public Participation Plan (PPP) was first required by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) which was recently updated in the recent Infrastructure Investment and Jobs Act (IIJA), otherwise known as the Bipartisan Infrastructure Law (BIL); and

**WHEREAS**, in accordance with the requirements of the United States Department of Transportation (USDOT), Section 450.316 of the Metropolitan Planning Regulations, this plan includes a proactive public outreach process that provides complete information, timely public notice, full public access to key decisions and supports the early and continuing involvement of the public in developing plans and programs; and

**WHEREAS**, the City of Elizabethton, Tennessee, is a member of the Johnson City Metropolitan Transportation Planning Organization (MTPO); and

**WHEREAS**, the Public Participation Plan has been reviewed for past performance and been updated accordingly; and

**WHEREAS**, the general public, affected public agencies and special interest groups and interested parties were invited to participate and/or comment in the development of the Public Participation Plan; and

**WHEREAS**, the Public Participation Plan process has completed a minimum forty five (45) calendar day public review and comment period; and

**WHEREAS**, the Elizabethton Regional Planning Commission has endorsed this Public Participation Plan as a guiding document for promoting public participation; and

**WHEREAS**, the elements of the Public Participation Plan are to receive final approval from the Elizabethton City Council; and

**WHEREAS**, it is in the best interest and welfare of the citizens and residents of the City of Elizabethton that the City of Elizabethton, Tennessee, adopt the Public Participation Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elizabethton, Tennessee, meeting in Regular Session on this the 8<sup>th</sup> day of August, 2024, with a lawful quorum of said Council being present and with a majority of said Council voting in the affirmative as follows:

1. That the Elizabethton City Council does hereby approve and adopt the City of Elizabethton, Tennessee, Public Participation Plan (PPP).
2. This Resolution shall be effective from and after its adoption.


**CITY OF ELIZABETHTON, TENNESSEE**

By:   
\_\_\_\_\_  
**CURT ALEXANDER, MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**PRESTON T. COBB, CITY CLERK**

**PREPARED BY ME AND  
APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**ROGER G. DAY, CITY ATTORNEY  
CITY OF ELIZABETHTON, TN  
136 SOUTH SYCAMORE STREET  
ELIZABETHTON, TN 37643  
PHONE: (423) 542-9575  
FAX: (423) 975-0449  
BPR #14545**

## TABLE OF CONTENTS

SECTION	DESCRIPTION	PAGE
1	Introduction	1
	City of Elizabethton Organization	4
	Public Outreach	5
2	Civil Rights	6
	Disadvantaged Business Enterprise (DBE)	6
	Roles and Responsibilities of State and Local Transportation Agencies	6
	Title VI	7
	The Americans with Disabilities Act of 1990	8
	Executive Orders	9
	Tennessee Open Meetings Act	9
	Access to Public Records	9
3	General Guidelines	10
	Public Workshops (Kickoff) Public Meetings, and Public Hearings	10
	Early Involvement	10
	Accessibility	11
	Meetings	11
4	Public Notices Information Tools and Techniques	13
	Other Tools for Public Outreach and Public Comments	13
5	Consultation with Federal, State and Local Agencies	16
6	Document Process	17
	Public Participation Plan (PPP) Development Process	18
	Title VI Development Process	19
	Disadvantaged Business Enterprise (DBE) Development Process	20
	Procedures for Annexation Requests	21
	Procedures for Rezoning/ Zoning Text Change Requests	22
	Procedures for Subdivision Concept Plan Requests	23
	Procedures for Subdivision Preliminary/ Final Plat Requests	24
	Procedures for Variance Request	25
7	Evaluating the Performance of the PPP	26
	Monitoring and Evaluation	26
	Reliable Outside Sources	27
	Appendix A Code of Federal Regulations, Title 23	28
	Appendix B Tennessee Open Meetings Act	31
	Appendix C Contact Listing	39
	Appendix D Environmental Justice (EJ) Title VI, LEP	42
	Appendix E Public Comment Sheet	45
	Appendix F Performance Evaluation of the PPP	46
	Appendix G Transportation Glossary	47
	Appendix H Summary of Public Comments	55

## TABLE OF CONTENTS -- Maps, Charts, and Tables.

<b>SECTION</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
1	<b>Map 1. Map of Elizabethton, TN</b>	2
	<b>Map 2. The Johnson City-Kingsport-Bristol Combined Statistical Area (CSA).</b>	3
	<b>Chart 1. City of Elizabethton, TN Organizational Chart.</b>	4
2	<b>Table 1. Race Composition of Elizabethton, based on the 2022 ACS 5-Year data.</b>	8

## Section 1. Introduction

The Public Participation Plan (PPP) is an umbrella policy, encompassing the plans and programs of the planning process. Public participation is an integral part of the City of Elizabethton planning efforts. The PPP encompasses the public participation programs for all the major planning activities, including but not limited to: transportation planning, land use (existing and future) planning, subdivision reviews, zoning/ rezoning processes, annexations, plan of services (POS), and development/ site plan processes.

Executive Order 14094, Modernizing Regulatory Review (April 6, 2023), encourages Federal agencies, to the extent practicable and consistent with applicable law, to inform their regulatory actions through meaningful and equitable opportunities for public input by a range of interested or affected parties, including underserved communities.

Public participation in government is any process that involves members of the public in government decision-making. It seeks and facilitates the involvement of those affected by, or interested in, a government decision, including individuals; state, local, Tribal, and territorial governments; non-profit organizations; educational institutions; businesses; and other entities.

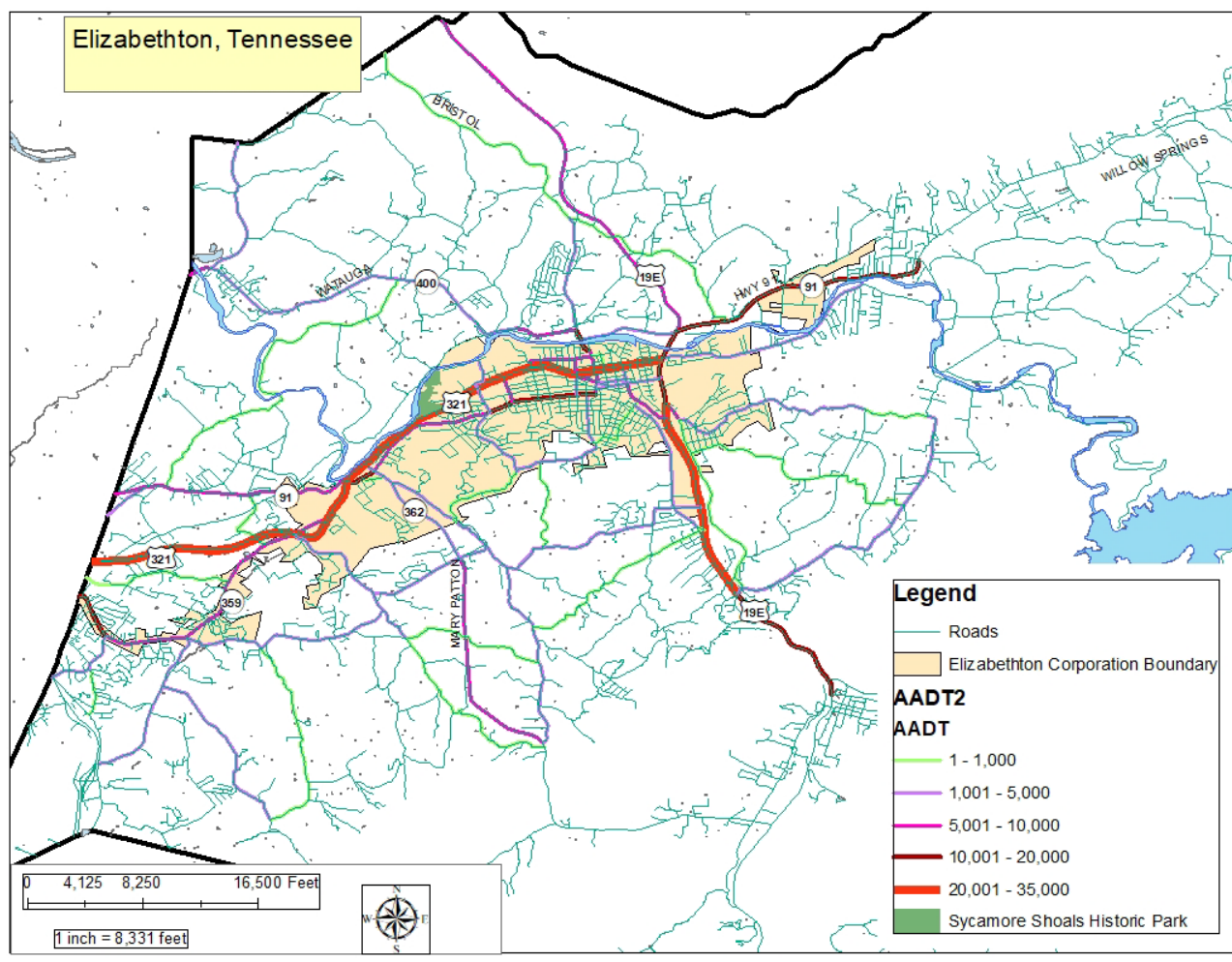
Community engagement is a more specific concept within public participation that involves agency actions to build trust-based, long-term, and two-way relationships with communities, including underserved communities that have been historically left out of government decision-making.

Agencies should consider their implementation of Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000), and related guidance from the U.S. Attorney General, and whether such implementation can include translation of regulatory outreach materials into languages that are relevant to affected communities.

Other planning participation provisions are for the Civil Rights documents Title VI and Disadvantaged Business Enterprise ((DBE), provisions for the Americans with Disabilities Act (ADA), and any other federal and/or state requirements as needed.

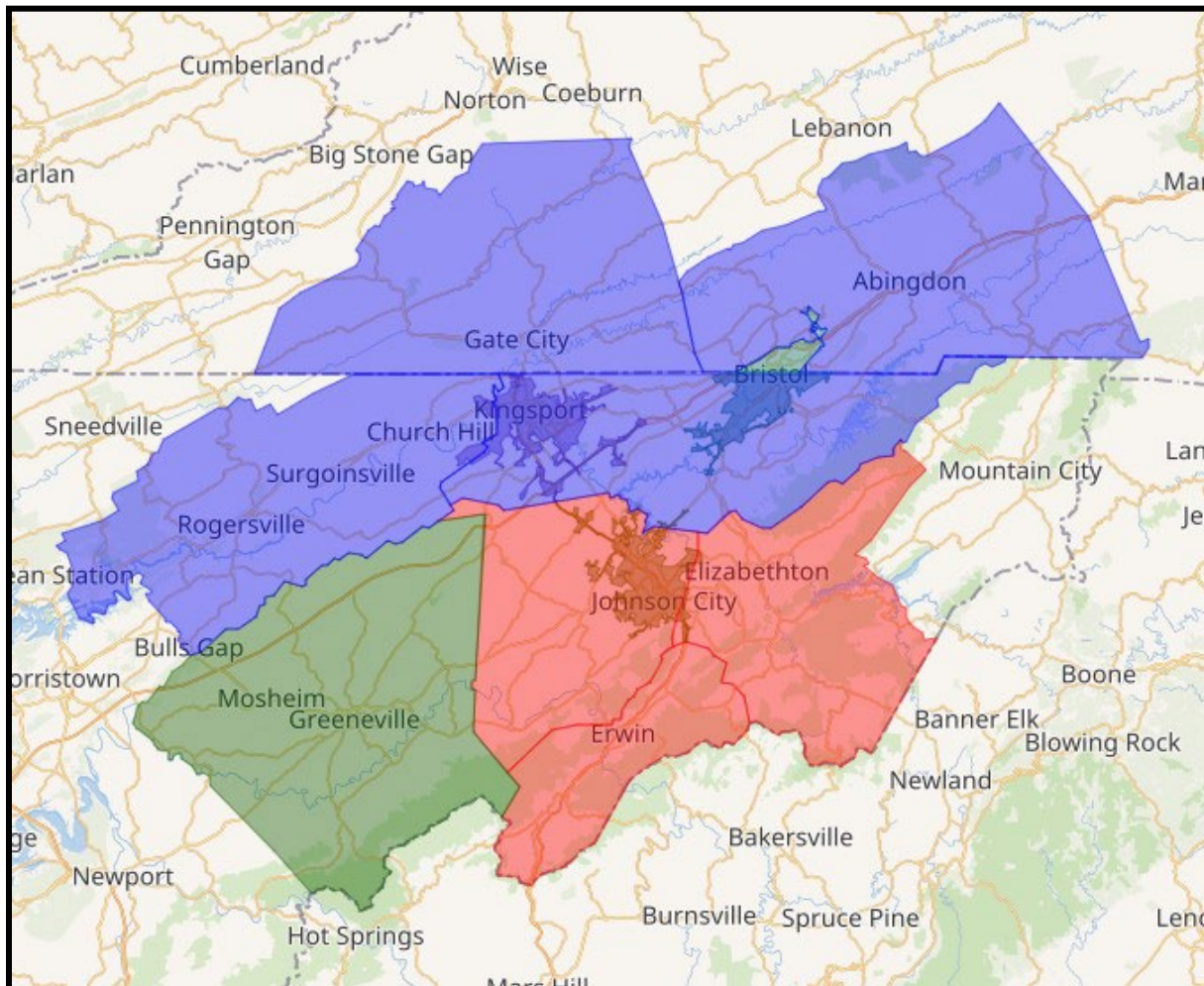
The City of Elizabethton, Tennessee is the county seat of Carter County. The population of Elizabethton, based on the 2020 US Census, is 14,456. When doing a simple linear forecast in Microsoft Excel, Carter County's population increases from 56,356 in 2020 to 75,501 in the year 2070. Elizabethton's population in 2020 was 14,546, and the population increases to 18,469 in 2070.

Map 1. Map of Elizabethton, TN.



Elizabethton, along with Johnson City, Kingsport and Bristol as well as the Tennessee counties of Carter, Hawkins, Sullivan, Unicoi, and Washington and the Virginia counties of Scott and Washington make up the Johnson City, Kingsport and Bristol SMSA. An SMSA or Standard Metropolitan Statistical Area is a statistical standard developed for use by Federal agencies in the production, analysis and publication of data on metropolitan areas.

**Map 2. The Johnson City-Kingsport-Bristol Combined Statistical Area (CSA).**

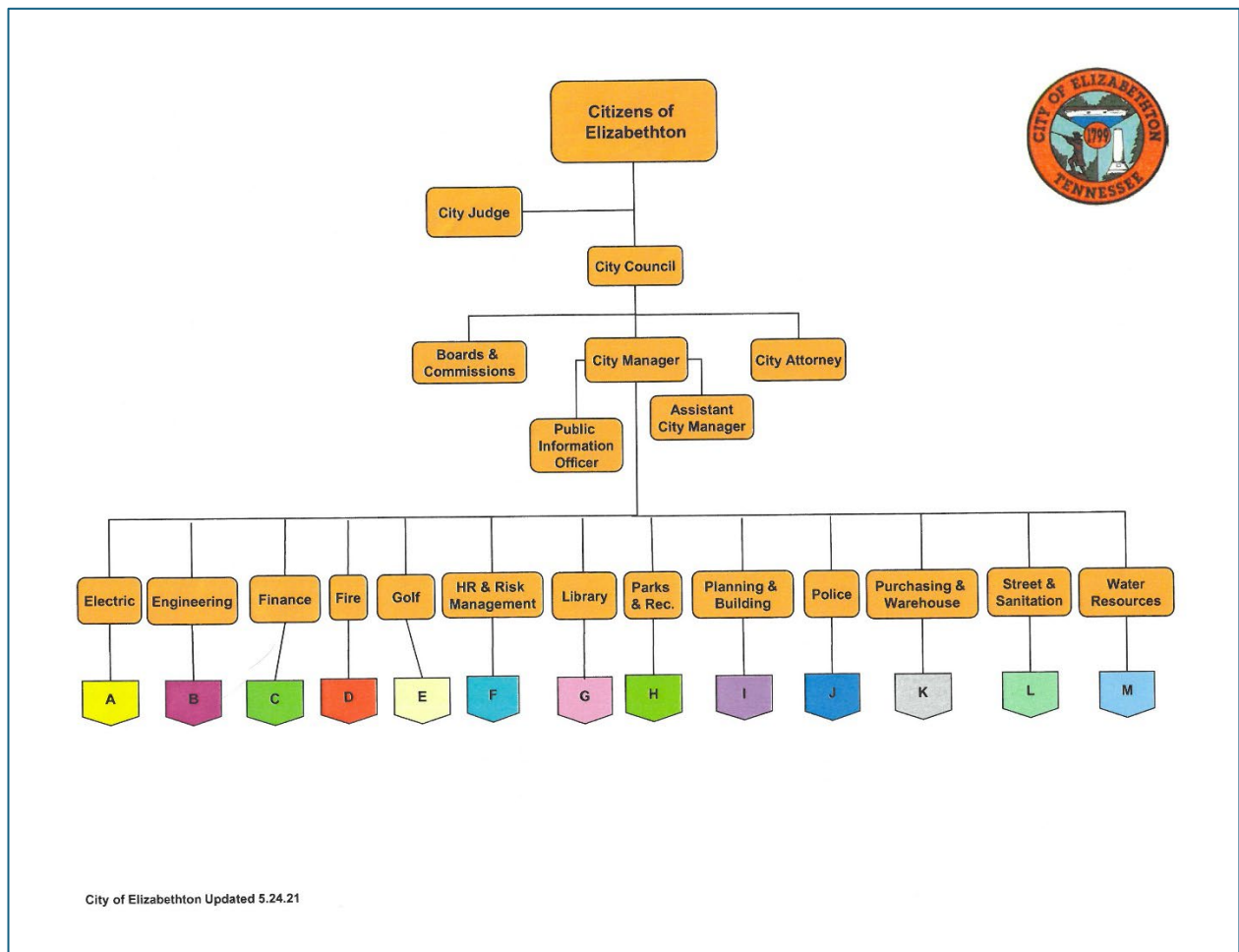




## City of Elizabethton Organization

The Elizabethton City Council is the governing body for the City of Elizabethton. The Council hires a professional city manager to manage and direct day-to-day operations of city government. The City Council is made up of seven (7) members. The Council members select the mayor from among the members following each election. The mayor serves as the ceremonial head of the City, presides at all City Council meetings and represents the City of Elizabethton at a variety of community and public functions. The City Council sets City policy, enacts laws and adopts the City budget each year.

Chart 1. City of Elizabethton, TN Organizational Chart.



## Public Outreach

Public outreach in metropolitan planning has long been a federal requirement. This core set of requirements and performance standards have been amended and reinforced through additional transportation and environmental legislation, and related regulations and orders addressing environmental justice and persons with disabilities. Federal legislation passed in 2005 that required some changes to the public outreach process. These mandated changes placed an increased emphasis on particular elements such as involving an expanded list of interested parties, increasing interagency consultation, and emphasizing visualization techniques and electronically accessible information. Public outreach was a requirement in the federal transportation act SAFETEA-LU (2005), and subsequent transportation authorization acts as approved by Congress have maintained an emphasis of public outreach. The current Federal transportation act, Infrastructure Investment and Jobs Act (IIJA) passed in 2021, also continues to require public outreach. The Code of Federal Regulations, Title 23: Highways, Section 450.316 pertaining to public outreach is attached as Appendix A.

## Section 2. Civil Rights

The Civil Rights Division of the Department of Justice, created in 1957 by the enactment of the Civil Rights Act of 1957, works to uphold the civil and constitutional rights of all persons in the United States, particularly some of the most vulnerable members of our society. The Division enforces federal statutes prohibiting discrimination on the basis of race, color, sex (including pregnancy, sexual orientation, and gender identity), disability, religion, familial status, national origin, and citizenship status.

The Civil Rights Division is responsible for the administration of both state and federal programs of nondiscrimination that includes Title VI, Affirmative Action and Small Business Development. Each program monitors all activities for compliance and provides training and onsite technical assistance. Additionally, the division is responsible for developing and implementing TDOT's internal and external affirmative action plans and investigating complaints of alleged discrimination, including sexual harassment. The division also administers the federally mandated Disadvantaged Business Enterprise (DBE) Program.

### Disadvantaged Business Enterprise (DBE)

The USDOT defines a DBE as a for-profit small business concerns where socially and economically disadvantaged individuals own at least a 51% interest and also control management and daily business operations. African-Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women are presumed to be socially and economically disadvantaged. Other individuals can also qualify as socially and economically disadvantaged on a case-by-case basis.

USDOT DBE regulations require state and local transportation agencies that receive DOT financial assistance, to establish goals for the participation of DBEs. Each DOT-assisted State and local transportation agency is required to establish annual DBE goals and review the scopes of anticipated large prime contracts throughout the year and establish contract-specific DBE subcontracting goals.

In addition to establishing goals, state and local recipients also certify the eligibility of DBE firms to participate in DOT-assisted projects. Some groups are presumed to be socially and economically disadvantaged for the purposes of participation in this program. In 1987 Congress added women to the groups presumed to be disadvantaged. The main objectives of the DBE Program are:

- a. To ensure that small-disadvantaged business enterprises (DBE) can compete fairly for federally funded transportation-related projects.
- b. To ensure that only eligible firms participate as DBEs.
- c. To assist DBE firms in competing outside the DBE Program.

To participate in the DBE program, a small business owned and controlled by socially and economically disadvantaged individuals must receive DBE certification from the relevant state- generally through the state Uniform Certification Program (UCP). Information on the Tennessee Unified Certification Program (TNUCP) can be found at [Small Business Development Program \(tn.gov\)](#).

Additional small business development information can be found at [City of Elizabethton Tennessee](#).

### Roles and Responsibilities of State and Local Transportation Agencies

As recipients of DOT financial assistance, state and local transportation agencies are required to:

- a. Certify the eligibility of DBE firms to participate in their DOT-assisted contracts;
- b. Establish narrowly-tailored goals for the participation of disadvantaged entrepreneurs; and
- c. Evaluate their DOT-assisted contracts throughout the year and establish contract-specific DBE subcontracting goals as necessary to achieve the overall goal of the agency.

The level of DBE subcontracting goals may vary; however, by the end of the year, the amount of contract/subcontract awards to DBEs must be consistent with the overall goal.

### Title VI

The City of Elizabethton, Tennessee ensures compliance with Title VI of the Civil Rights Act of 1964, which states, "No **person** in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

The City of Elizabethton seeks to engage persons who are traditionally underserved or underrepresented in the planning process. These populations are identified through the analysis of Decennial Census or American Community Survey data, along with knowledge of the community.

**A Title VI document is updated every three (3) years.** Title VI notices are posted at key locations within the city. Key locations are where the notices are visibly seen, such as elevators, bulletin boards in the lobby areas, and in front of department offices. Civil Rights clauses are also included in third-party contracts. City of Elizabethton uses the U.S. Census information to locate minority and low-income

residential areas. The information obtained is from the decennial census (10-year), as well as the 5-year American Community Survey (ACS) data. The ACS data is checked once a year (if new data is available). Planning Department Staff downloads the Census data in excel format and incorporates it into existing US Census shapefiles (blocks, block groups, and/or tracts). The shapefiles are then mapped to see if there are any population shifts, such as the number of people in a census tract or block group, or where there is a high minority population.

The largest ethnic population within the City of Elizabethton is Caucasian (white). The largest minority group within the city is Black (African American), based on the 2022 ACS 5-Year data.

**Table 1. Race Composition of Elizabethton, based on the 2022 ACS 5-Year data.**

White	86.16%
Black or African American	5.43%
American Indian and Alaska Native	0.53%
Asian	1.12%
Native Hawaiian and Other Pacific Islander	0.00%
Some Other Race	0.63%
Two or More Races	2.80%
Hispanic or Latino (of any race)	3.34%

## The Americans with Disabilities Act of 1990

The Americans with Disabilities Act of 1990, which was updated in 2010, requires coordinating with disabled communities in the development and improvement of transportation services. Persons with disabilities must also be able to access the sites where public involvement activities occur as well as the information presented. The Americans with Disabilities Act of 1990 requires coordinating with disabled communities in the development and improvement of transportation services. CITY OF ELIZABETHTON will ensure that meeting locations meet ADA requirements. A request for reasonable accommodation (i.e. large print documents, audio materials) can be made within five (5) business days of a meeting. Please contact the Planning Department at 423-297-9007, or by email at [richd@cityofelizabethton.org](mailto:richd@cityofelizabethton.org) for further assistance.

## Executive Orders

The President of the United States will often issue Executive Orders for agencies of the Executive Branch, such as the Department of Transportation, for managing the operations of the federal government. Executive Orders have the full force of the law. There are two executive orders that are directed at project level decision making in the engineering and design phases for projects as well as long range and project programming activities. The first, Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority and Low-Income Population, was signed by President Clinton in February 1994, which reinforced the requirements of Title VI of the Civil Rights Act (1964) and focused federal attention on the environmental and human health conditions in minority and low-income communities. The second, Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency, was also signed by President Clinton in August 2000 and requires federal agencies and grantees to make their activities accessible to non-English speaking persons.

The City of Elizabethton ensures compliance with the Executive Orders. City of Elizabethton has a Limited English Proficiency (LEP) Policy to outline steps to assist LEP individuals. For example, all documents include a note in Spanish that documents can be translated into another language, upon request. Telephone translation services are available for LEP individuals. A translator can be provided at meetings, if requested.

## Tennessee Open Meetings Act

All sessions of every meeting of the City of Elizabethton shall be open to the public pursuant to the Tennessee Open Meetings Act, T.C.A. Section 8-44-101, *et seq* (full text found in Appendix B). The public shall be afforded the opportunity to comment on current agenda items at any of the meetings. The chair of the meetings shall determine the time to be allotted to each speaker. Before commenting on an item, the person must state their name and address for the record.

## Access to Public Records

The City of Elizabethton will provide, with reasonable access, to records concerning any projects, minutes of meetings, etc. These records will be available during the City's regular business hours of 8:00 a.m. to 5:00 p.m. Confidential information normally protected under the State and Federal Freedom of Information Laws may not be made available for public review. Information not normally available to the public would be concerning personal or business financial statements, social security numbers, earnings, or sources of income.

## Section 3. General Guidelines

### Public Workshops (Kickoff), Public Meetings, and Public Hearings

Public workshops, meetings, and hearings can be held for a variety of reasons. Depending on the nature of the meeting, there will be varying levels of public input. The purpose of these public meetings has several objectives:

- To confirm the purpose and intent of the plan or project
- To present the trends and forecasts for the region
- To gather public input

These meetings may be specially scheduled, project - or plan-specific.

Public workshops are held during the review/ public comment period for a document or project, such as a transportation plan, or a corridor study. These are usually the kickoff meetings to begin the review process for a document. This is to gather information such as what the projected land use should be along a certain roadway.

Generally these workshops are during a regular scheduled Planning Commission meeting, but additional workshops may be held on an as needed basis. Stakeholders are generally involved in one or more of the workshops for a specific plan or project.

Public meetings are during the public comment period for various plans and/or programs. These meetings are when a draft document is available for public comment. These meetings are to inform the general public of the reports or documents to be approved, and to allow the general public to comment on them. It gives the general public another opportunity to comment on a specific plan or program without feeling nervous or pressure by any political forum.

Public hearings are held when a document or project is open for approval or adoption by the City Council. Public hearings and workshops may also be scheduled at meetings of the Planning Commission and/or the City Council. Actions at these meetings may result in the adoption or approval of various plans and programs. Other actions include adoption of resolutions for endorsements, special plans and/or reports. For meetings to be successful, the following steps are recommended.

**Early Involvement** - Early Involvement with local community leaders (including elected officials, city manager and department heads) and stakeholders (including non-profit groups, businesses and community service agencies) can help to determine suitable meeting forums and information formats to foster valuable input, especially when soliciting input from target populations including the traditionally underserved populations.

**Accessibility** – City of Elizabethton public meetings, hearings and workshops are held at a convenient location and time. All meeting locations shall be accessible to comply with the Americans with Disabilities Act (ADA). In general, City meetings will occur at one of the following locations:

City Hall City Council Room  
136 S. Sycamore St.  
Elizabethton, TN 37643

## Meetings

**City Council** meetings are held on the second Thursday of every month. Meetings convene at 6 p.m. The meetings are held in the City Hall Council Chamber, 136 S. Sycamore Street in downtown Elizabethton. All meetings are open to the public.

The **Elizabethton Regional Planning Commission (ERPC)** and the **Board of Zoning Appeals (BZA)** meet on the first (1<sup>st</sup>) Thursday of every month. Meetings convene at 6 p.m. The meetings are held in the City Hall Council Chamber, 136 S. Sycamore Street in downtown Elizabethton. All meetings are open to the public.

The **Elizabethton Historic Zoning Commission (EHZC)** meets on the third (3<sup>rd</sup>) Monday of each month. Meetings start at 5:340 p.m. The meetings are held in the City Hall Council Chamber, 136 S. Sycamore Street in downtown Elizabethton. All meetings are open to the public.

Other Board and Commissions, stated below, meet on an as needed basis. These meetings, in general, are advertised at least seven (7) days in advance. are:

1. Airport Commission (meets monthly)
2. Animal Shelter Advisory Board (meets monthly)
3. Building Codes Board of Appeals (as needed)
4. Beverage Board (this usually coincides with City Council meetings). (as needed)
5. Bonnie Kate Theatre Board (meets monthly)
6. Carter County Joint Economic Community Development Board  
(JECDB) (meets quarterly)



7. Equalization Board (meets monthly)
8. Health and Education Facilities Board (as needed)
9. Holston River Regional Library Board
10. Housing Authority Board (meets monthly)
11. Industrial Development Board (meets quarterly)
12. Main Street Board (meets every other month, on the 4<sup>th</sup> Thursday)
13. Personnel Advisory Board (as needed)
14. Public Library Board (meets every other month)
15. Parks and Recreation Board (meets monthly)
16. School Board (meets monthly)
17. Solid Waste Regional Board
18. Surf Betsy Advisory Board (as needed)
19. Veteran's Oversight Committee (as needed)
20. Watauga River Regional Water Authority Board (meets monthly)
21. Wastewater Regulations Appeals Board (as needed)
22. 911 Emergency System Board of Directors (meets monthly)

Additional meetings will be held at other locations when necessary. City staff will check to see if another meeting site is ADA accessible, convenient for the target audience, and is large enough for a proposed meeting. These meeting(s) may be for corridor studies, training opportunities, minority population outreach efforts, other planning projects or programs, or additional public comment opportunities, if needed.

If a meeting is canceled, it will be posted on the [City of Elizabethton Tennessee](#) website, and emails sent out stating the cancellation.

## Section 4. Public Notices Information Tools and Techniques

The City of Elizabethton will employ various outreach and information tools for public involvement. Outreach tools are used to solicit information from the public, while information tools are used to share information with the public.

Listed below are techniques that The City of Elizabethton can choose from to encourage public outreach and information dissemination to ensure that all area residents have the opportunity to be involved in the transportation planning process, including traditionally underserved groups. These are generally listed and plan specific guidelines are listed later in this plan.

1. Public Notices - Public notices and/or advertisements will be placed in regional general circulation newspapers (and/or electronic media) deemed appropriate for the project. Public notices are also placed on the City's website and social media pages.
  - a. Public notices are also sent by an email distribution list to all interested individuals.
  - b. The City of Elizabethton may send the public service announcements and meeting advertisements to the public access cable television station, and/or radio stations.
  
2. Unless otherwise provided in this plan, all notices shall be published a minimum of **seven (7) calendar days** prior to the meeting date. The agenda for the meeting is made available on the City's website.
  
3. If a special meeting is called for unusual circumstances or urgent situations, notices shall be published a minimum of **three (3) calendar days** prior to the meeting date, with the purpose of the meeting stated in the notice and be limited to that item(s). In addition to the notice for public meetings, public notices are specified for individual plans in the **Section 4 "Plan-Specific Guidelines."** Direct Outreach- When appropriate, traditional letters about plans, studies, projects or any other information deemed important for public input will be mailed out to identified parties. For example, letters may be mailed to property owners directly affected by a project or household travel surveys mailed out to gather data for the travel demand model. Addresses are identified through the use of the counties' property assessment databases.

### Other Tools for Public Outreach and Public Comments

1. Email Distribution List – Planning Staff maintains an email distribution list of all City Council, Planning Commission, BZA, and EHZC members, along with other interested city/state agencies, stakeholders, and individuals in the community. Anyone can request to be added to or removed from the list, either in person or by contacting the Planning Department at 423-297-9007, or by email at [richd@cityofelizabethton.org](mailto:richd@cityofelizabethton.org).

In addition, as individuals leave their elected office or organization, they are removed from the list, unless they request to remain on the list as an interested party.

2. Website – City’s website [City of Elizabethton Tennessee](#) is employed as a tool for disseminating information on public notices, meeting agendas and minutes, draft/adopted documents, project updates, maps and other documents. The website provides information about meetings, plans and projects, as well as contact information for the administrative staff and board members. City staff will post draft and final documents on the website for public comment and review.

3. Presentations & Exhibits-Planning staff is frequently invited to present at conferences, civic meetings and local neighborhood meetings. This usually involves giving a presentation and providing handouts, along with setting up an exhibit table.

4. Advanced Visualization Techniques - Advanced visualization techniques shall be used to enhance the public's understanding of the CITY OF ELIZABETHTON plans and programs.

These techniques will employ such technologies as photographs, posters, geographic information system (GIS)-based maps, interactive maps, 3D-visualization, video animation, use of a multi-media room with large format presentation screen, video clips and other technology that will enhance the public knowledge of plans and programs to present technical knowledge in an understandable format.

5. Posters and Flyers - When appropriate, participation from target populations will be sought by posting flyers and posters in locations such as the Elizabethton City Hall, other government centers, social service agencies, employment centers, community centers, public health clinics, public libraries and other popular meeting places.

6. Surveys – The City of Elizabethton may use electronic, web-based, and paper surveys to gather public input and comments about specific projects or plans. Links to web-based surveys may be provided on the website, and also emailed. In an effort to broaden the publication of the survey link, City staff may request other agencies to post on their websites to include a link to the survey, such as the local utility board or possibly non-profit agency websites.

7. Public Comments - Opportunities for public comments and/or questions will be provided to all interested parties at public hearings, workshops, Planning Commission and/or City Council meetings. A specified period of time for receiving comments will be provided to the public for plans, rezonings, annexations, etc. prior to adoption. The comments can be submitted verbally or in writing. **A sample comment form is included**

at the end of this document as Appendix E. Comments can be submitted in the following ways:

a. Comment forms in paper formats mailed or given to City staff, the address is: 136 S Sycamore St., Elizabethton, TN 37643.

b. Emails sent to Planning staff, at [richd@cityofelizabethton.org](mailto:richd@cityofelizabethton.org).

d. Other times, staff may use electronic surveys with specific questions to gather information from the public using services such as SurveyMonkey, Metroquest, or some other online survey services.

8. Virtual Meetings – This is a tool that can be used to provide opportunities for the public to receive information when the safety of the public does not allow for in-person meetings. Utilization of this tool for public meetings that are normally required to be “In-Person” is dependent on executive orders by the Tennessee General Assembly that allows its use. However, when there is no official business to be undertaken, this tool can be utilized to encourage public participation. Microsoft Teams or Zoom are two webinar formats that will most likely be used for virtual meetings.

## Section 5. Consultation with Federal, State and Local Agencies

The City of Elizabethton has established contact with federal, state, and local agencies in developing documents such as the Public Participation Plan (PPP), and any other document that may be needed. City of Elizabethton staff communicates with various federal, state, and local agencies through telephone calls, emails, and interagency conference (IAC) calls.

The City of Elizabethton public participation processes shall be coordinated with the statewide transportation public involvement process through review and communication wherever possible.

The City of Elizabethton Contact Listing is available in Appendix C.

In addition to contacting the various agencies listed in Appendix C, City of Elizabethton staff will also contact the East Tennessee Hispanic Chamber of Commerce via email at [mail@hccet.org](mailto:mail@hccet.org). This will help in trying to get the Hispanic population involved in the planning process.

## Section 6. Document Process

When Staff is about to begin developing a planning document, such as a transportation plan or population plan, Staff will inform Planning Commission what document will be occurring. Once a draft document is done, it is advertised in the local newspapers and will be placed on the City's website. This will allow the general population know what is going on, and to give input as to what projects should go into these documents. Also, information is sent to the local NAACP (Johnson City and Knoxville) and the East Tennessee Hispanic Chamber of Commerce for documentation input as well.

Once the draft documents had received concurrence for public comment, the information is sent to the contact listing shown in [Appendix C](#), to the East Tennessee Hispanic Chamber of Commerce, as well as the local city halls and county courthouses, and posted on the City's website for review and comment. The Planning Commission and/or City Council will be notified of any comments, and any recommendations to resolve the comments.

The following pages of Section 6 describes the processes of various documents for the City of Elizabethton.

## Public Participation Plan (PPP) Development Process

The PPP outlines the strategies used to provide and receive information from the public on transportation planning and programming process including funding for projects, studies, plans, and committee actions. Once a draft PPP has been completed, it is presented to the Planning Commission for review to start a 45-day review period. After comments have been addressed, if any, then the draft will be finalized for review and approval. The draft PPP will be posted for review to the public for a period of 45 calendar days, which is a federally mandated established period of review. The final draft will be presented to the City Council for approval.

**Table 4.5 Public Participation Plan Guideline**

Activity	Technique(s)
<b>Draft Document for Public Comment</b>	Available online <a href="#">City of Elizabethton Tennessee</a> and at the Planning Department office 136 S Sycamore St, Elizabethton TN 37643
<b>Comment Opportunities</b>	Public Participation can occur by: <ol style="list-style-type: none"> <li>1. Public meetings</li> <li>2. Phone 423-297-9007</li> <li>3. Email (<a href="mailto:richd@cityofelizabethton.org">richd@cityofelizabethton.org</a>)</li> <li>4. In person</li> <li>5. By mail to the Planning Department office</li> <li>6. During regular scheduled meetings of the Planning Commission or City Council</li> <li>7. During public meetings held specifically for the PPP</li> </ol>
<b>Public Comment Period</b>	<b>Minimum of 45 days</b> , prior to adoption for updates and amendments. The public comment period begins with public notice.
<b>Public Meeting(s) Specifically for the PPP</b>	Public meeting(s) are to be held during the public comment period.
<b>Public Notice for the City Council Adoption of the PPP</b>	Published a minimum of ten (10) calendar days prior to the public meeting/hearing. This will be done by advertisements, emails, mailings, and posted on the <a href="#">City of Elizabethton Tennessee</a> website.
<b>Amendment Notice</b>	Amendments to the PPP will follow the same public review process and procedures as that of PPP adoption.
<b>Summary of Comments Received</b>	A public comment summary will be made available to members of the City Council prior to the meeting for the PPP adoption/ amendment. Written and verbal comments are summarized and incorporated into the final document. If significant changes are made after addressing the comments, an additional opportunity for public comment will be provided.
<b>Final Adopted Document</b>	The final, adopted PPP document will be available on <a href="#">City of Elizabethton Tennessee</a> website and at the Planning Department office.

## Title VI

Section 601 of Title VI of the Civil Rights Act of 1964 states the following: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. City of Elizabethton staff maintains an active Title VI document, that is updated every three (3) years, and does self-assurances and certifications to maintain Title VI compliance.

**Table 4.8. Title VI Public Comment Guideline**

Activity	Technique(s)
<b>Draft Document for Public Comment</b>	Available online at <a href="#">City of Elizabethton Tennessee</a> , and at the Planning Department office (136 S Sycamore St, Elizabethton, TN 37643)
<b>Comment Opportunities</b>	Public Participation can occur by: <ol style="list-style-type: none"> <li>1. Public meetings</li> <li>2. Phone (423-297-9007)</li> <li>3. Email (richd@cityofelizabethton.org)</li> <li>4. In person</li> <li>5. By mail to the Planning Department office</li> <li>6. During regular scheduled meetings of the Planning Commission or City Council</li> <li>7. During public meetings held specifically for the Title VI (if any)</li> </ol>
<b>Public Comment Period</b>	<b>Minimum of 30 days</b> , prior to adoption for updates and amendments. The public comment period begins with public notice.
<b>Public Meeting(s) Specifically for Title VI</b>	Public meeting(s) are to be held during the public comment period.
<b>Public Notice for the City Council Adoption of Title VI</b>	Published a minimum of ten (10) calendar days prior to the public meeting/hearing. This will be done by advertisements, emails, mailings, and posted on <a href="#">City of Elizabethton Tennessee</a> website.
<b>Amendment Notice</b>	Amendments to the Title VI will follow the same public review process and procedures as that of Title VI adoption.
<b>Summary of Comments Received</b>	A public comment summary will be made available to members of the City Council prior to the meeting for Title VI adoption/ amendment. Written and verbal comments are summarized and incorporated into the final document. If significant changes are made after addressing the comments, an additional opportunity for public comment will be provided.
<b>Final Adopted Document</b>	The final, adopted Title VI document will be available on the <a href="#">City of Elizabethton Tennessee</a> website and at the Planning Department office.



## Disadvantaged Business Enterprise (DBE)

The USDOT defines a DBE as a for-profit small business concerns where socially and economically disadvantaged individuals own at least a 51% interest and also control management and daily business operations. In general, a DBE document is needed for agencies that are receiving FHWA funds for project(s) in excess of \$500,000.00, or for FTA funds in excess of \$250,000.00.

**Table 4.9 DBE Public Comment Guideline**

Activity	Technique(s)
<b>Draft Document for Public Comment</b>	Available online <a href="#">City of Elizabethton Tennessee</a> and at the Planning Department staff office (136 S Sycamore St, Elizabethton, TN 37643)
<b>Comment Opportunities</b>	Public Participation can occur by: <ol style="list-style-type: none"> <li>1. Public meetings</li> <li>2. Phone (423-297-9007)</li> <li>3. Email (richd@cityofelizabethton.org)</li> <li>4. In person</li> <li>5. By mail to the Planning Department office</li> <li>6. During regular scheduled meetings of the Planning Commission or City Council</li> <li>7. During public meetings held specifically for the DBE (if any)</li> </ol>
<b>Public Comment Period</b>	<b>Minimum of 45 days</b> , prior to adoption for updates and amendments. The public comment period begins with public notice.
<b>Public Meeting(s) Specifically for DBE</b>	Public meeting(s) are to be held during the public comment period.
<b>Public Notice for the City Council Adoption of DBE</b>	Published a minimum of ten (10) calendar days prior to the public meeting/hearing. This will be done by advertisements, emails, mailings, and posted on <a href="#">City of Elizabethton Tennessee</a> website.
<b>Amendment Notice</b>	Amendments to the DBE will follow the same public review process and procedures as that of DBE adoption.
<b>Summary of Comments Received</b>	A public comment summary will be made available to members of the City Council prior to the meeting for the DBE adoption/ amendment. Written and verbal comments are summarized and incorporated into the final document. If significant changes are made after addressing the comments, an additional opportunity for public comment will be provided.
<b>Final Adopted Document</b>	The final, adopted DBE document will be available on the <a href="#">City of Elizabethton Tennessee</a> website and at the Planning Department office.

## Procedures for Annexation Requests

Activity	Technique(s)
<b>Annexation Request Submittal</b>	An Annexation Request must be submitted with application, fee, and site plan by the end of the 1 <sup>st</sup> Friday of a month, for the item to be discussed at the Planning Commission meeting the following month (1 <sup>st</sup> Thursday of the month)
<b>Notification for Public Review/ Comment</b>	Adjacent property owners are notified of the rezoning request, the request advertised in two local newspapers at least <b>seven (7) days</b> in advance, and information placed on the <a href="#">City of Elizabethton Tennessee</a> website. An Annexation notification sign is placed on the property
<b>Draft Document for Public Comment</b>	Available online <a href="#">City of Elizabethton Tennessee</a> and at the Planning Department staff office (136 S Sycamore St, Elizabethton, TN 37643)
<b>Comment Opportunities</b>	Public Participation can occur by: 1. Planning Commission Meeting 2. Phone (423-297-9007) 3. Email (richd@cityofelizabethton.org) 4. In person 5. By mail to the Planning Department office 6. During regular scheduled meetings of the Planning Commission and/or City Council
<b>Planning Commission Action</b>	Planning Commission considers the request at a public meeting and chooses to approve or reject the annexation. a. If Approved: The rezoning request is forwarded to the City Council for 1 <sup>st</sup> Reading.  b. If Denied, the applicant may appeal Planning Commission Decision to the City Council.
<b>City Council Action</b>	1. A. If Approved by City Council: A Notice of Public Hearing is published in local newspaper(s) at <b>least 30 days</b> prior to the City Council's Public Hearing, and 2 <sup>nd</sup> Reading. B. If Denied by City Council: applicant must wait one year before application can be resubmitted.  2. A. If Approved, the annexation becomes effective, and City Staff amends the Elizabethton Zoning map. B. If Denied by City Council: the applicant must wait one year before application can be resubmitted.

## Procedures for Rezoning/ Zoning Text Change Requests

Activity	Technique(s)
<b>Rezoning Request Submittal</b>	A Rezoning Request must be submitted with application, fee, and site plan by the end of the 1 <sup>st</sup> Friday of a month, for the item to be discussed at the Planning Commission meeting the following month (1 <sup>st</sup> Thursday of the month)
<b>Notification for Public Review/ Comment</b>	Adjacent property owners are notified of the rezoning request, the request advertised in two local newspapers at least <b>seven (7) days</b> in advance, and information placed on the <a href="#">City of Elizabethton Tennessee</a> website. A Rezoning notification sign is placed on the property
<b>Draft Document for Public Comment</b>	Available online <a href="#">City of Elizabethton Tennessee</a> and at the Planning Department staff office (136 S Sycamore St, Elizabethton, TN 37643)
<b>Comment Opportunities</b>	Public Participation can occur by: 1. Planning Commission Meeting 2. Phone (423-297-9007) 3. Email (richd@cityofelizabethton.org) 4. In person 5. By mail to the Planning Department office 6. During regular scheduled meetings of the Planning Commission and/or City Council
<b>Planning Commission Action</b>	<p>Planning Commission considers the request at a public meeting and chooses to approve or reject the rezoning.</p> <p>a. If Approved: The rezoning request is forwarded to the City Council for 1<sup>st</sup> Reading.</p> <p>b. If Denied, the applicant may make substantial changes to the request and site plan, or wait one year to resubmit, or appeal Planning Commission Decision to the City Council.</p>
<b>City Council Action</b>	<p>3. A. If Approved by City Council: A Notice of Public Hearing is published in local newspaper(s) at <b>least 15 days</b> prior to the City Council's Public Hearing, and 2<sup>nd</sup> Reading.  B. If Denied by City Council: applicant must wait one year before application can be resubmitted.</p> <p>4. A. If Approved, the rezoning becomes effective, and City Staff amends the Elizabethton Zoning map.  B. If Denied by City Council: the applicant must wait one year before application can be resubmitted.</p>

## Procedures for Subdivision Concept Plan Requests

Activity	Technique(s)
<b>Request Submittal</b>	A Subdivision Concept Plan Request must be submitted with application, fee, and site plan by the end of the 1 <sup>st</sup> Friday of a month, for the item to be discussed at the Planning Commission meeting the following month (1 <sup>st</sup> Thursday of the month)
<b>Notification for Public Review/ Comment</b>	The subdivision concept plan request advertised in two local newspapers at least <b>seven (7) days</b> in advance, and information placed on the <a href="http://www.cityofelizabethton.org">City of Elizabethton Tennessee</a> website.
<b>Draft Document for Public Comment</b>	Available online <a href="http://www.cityofelizabethton.org">City of Elizabethton Tennessee</a> and at the Planning Department staff office (136 S Sycamore St, Elizabethton, TN 37643)
<b>Comment Opportunities</b>	Public Participation can occur by: 7. Planning Commission Meeting 8. Phone (423-297-9007) 9. Email ( <a href="mailto:richd@cityofelizabethton.org">richd@cityofelizabethton.org</a> ) 10. In person 11. By mail to the Planning Department office 12. During regular scheduled meetings of the Planning Commission and/or City Council
<b>Planning Commission Action</b>	Planning Commission considers the request at a public meeting and chooses to approve or reject subdivision concept plan. a. If Approved: The design professional may submit preliminary plat with construction plans, application and fee for review.  b. If Denied, the applicant may make substantial changes in order to resubmit plat.

## Procedures for Subdivision Preliminary/ Final Plat Requests

Activity	Technique(s)
<b>Request Submittal</b>	A Subdivision Preliminary Plan Request must be submitted with application, fee, and site plan by the end of the 1 <sup>st</sup> Friday of a month, for the item to be discussed at the Planning Commission meeting the following month (1 <sup>st</sup> Thursday of the month)
<b>Notification for Public Review/ Comment</b>	The subdivision concept plan request advertised in two local newspapers at least <b>seven (7) days</b> in advance, and information placed on the <a href="http://www.cityofelizabethton.org">City of Elizabethton Tennessee</a> website.
<b>Draft Document for Public Comment</b>	Available online <a href="http://www.cityofelizabethton.org">City of Elizabethton Tennessee</a> and at the Planning Department staff office (136 S Sycamore St, Elizabethton, TN 37643)
<b>Comment Opportunities</b>	Public Participation can occur by: 13. Planning Commission Meeting 14. Phone (423-297-9007) 15. Email ( <a href="mailto:richd@cityofelizabethton.org">richd@cityofelizabethton.org</a> ) 16. In person 17. By mail to the Planning Department office 18. During regular scheduled meetings of the Planning Commission and/or City Council
<b>Planning Commission Action</b>	Planning Commission considers the request at a public meeting and chooses to approve or reject subdivision preliminary plan. a. If Approved: The design professional proceeds with construction of improvements, or bond of streets and utilities. If a Bond is to be issued, it must be presented and accepted by City Council..  b. If Denied, the applicant may make substantial changes in order to resubmit plat.
<b>Design Improvements</b>	If all improvements are completely made, or a bond has been posted, design professional may submit final subdivision plat at least 30 days prior to Planning Commission meeting for final approval.
<b>Planning Commission Action for Final Plat Approval</b>	Final Plat submitted to Planning Commission for Approval a. If approved, final plat signed and recorded with the Carter County Registrar of Deeds office as legal lots of record, OR  b. Design Professional forfeits bond to the City, or finish the required improvements, then resubmit final plat for final approval.

## Procedures for Variance Requests

Activity	Technique(s)
<b>Request Submittal</b>	A Variance Request must be submitted with application, fee, and site plan by the end of the 1 <sup>st</sup> Friday of a month, for the item to be discussed at the Planning Commission/ Board of Zoning Appeals (BZA) meeting the following month (1 <sup>st</sup> Thursday of the month)
<b>Notification for Public Review/ Comment</b>	Adjacent property owners are notified of the request, the request advertised in two local newspapers at least <b>seven (7) days</b> in advance, and information placed on the <a href="http://www.cityofelizabethton.org">City of Elizabethton Tennessee</a> website.
<b>Draft Document for Public Comment</b>	Available online <a href="http://www.cityofelizabethton.org">City of Elizabethton Tennessee</a> and at the Planning Department staff office (136 S Sycamore St, Elizabethton, TN 37643)
<b>Comment Opportunities</b>	Public Participation can occur by: <ol style="list-style-type: none"> <li>1. Planning Commission/ BZA Meeting</li> <li>2. Phone (423-297-9007)</li> <li>3. Email (richd@cityofelizabethton.org)</li> <li>4. In person</li> <li>5. By mail to the Planning Department office</li> </ol>
<b>Planning Commission Action</b>	<p>Planning Commission/ BZA considers the request at a public meeting and chooses to approve or reject the request.</p> <ol style="list-style-type: none"> <li>a. If Approved: The applicant may request a building permit.</li> <li>b. If Denied, the applicant may make substantial changes to the request and site plan, or wait one year to resubmit, or appeal Planning Commission/ BZA.</li> </ol>

## Section 7. Evaluating the Performance of the PPP

The PPP shall be reviewed periodically based on changes in local, state, or federal legislation, and in response to periodic evaluations of the effectiveness of public participation techniques that are used by the City of Elizabethton. When updates or amendments are made to the PPP, the same process for adoption will be followed, including the same 45-calendar day comment period.

### Monitoring and Evaluation

As part of the evaluation process, The City of Elizabethton will seek to ask the following questions regarding its strategies and outreach methods in order to evaluate the effectiveness of the PPP:

- a. How many people did the method reach?
- b. Do the people that the method reached have a better understanding of our process as a result?
- c. Did this method reach people new to our process?

These questions determine the effectiveness of a method and its potential value moving-forward. Other ways to determine the overall effectiveness of the PPP might include:

- a. Tabulation of media coverage;
- b. Surveys (including web based, email based);
- c. Comment/feedback cards;
- d. Website polling (including the number of hits);
- e. Periodic review and updating of outreach mailing lists (at least annually)
- f. Keeping a record/ sign-in sheet of attendance and involvement at City of Elizabethton events;
- g. Keeping a log of contacts with the public, via telephone, mail, email, fax, in-person meetings, or other means, which resulted from a public outreach activity.

This monitoring will identify any special circumstances which may have contributed to an unusually high or low attendance. It will also identify the nature of the notification process for the public outreach activity, including press releases, paid advertising, mailed notices, emails, phone calls, and other means.

The City of Elizabethton will look to outside sources, such as FHWA's *A Guide to Transportation Decision Making*, to provide guidance in evaluating and finding new outreach methods, especially methods that are able to be measured in a statistically significant way. This guidance can be a meaningful tool in evaluating which methods and practices may warrant further consideration and which practices may warrant less emphasis.

## Reliable Outside Sources

The City of Elizabethton will look to outside sources that are able to evaluate outreach methodology, especially those that are able to do so in a statistically significant way. This can be a meaningful source of information in evaluating which methods and practices may warrant further consideration and which practices may warrant less emphasis. A Tennessee Department of Transportation (TDOT) did a statewide survey (done in 2011) revealed that the most effective communication tools for public outreach are public meetings, e-mail, and websites as well as newspaper and direct mailings. The least effective communication tools are legal documents at libraries and telephone and direct mail surveys.



## Appendix A Code of Federal Regulations, Title 23, Part 450

### 23 CFR 450

#### **§450.316 Interested parties, participation, and consultation.**

(a) The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

(1) The participation plan shall be developed by the MPO in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:

(i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;

(ii) Providing timely notice and reasonable access to information about transportation issues and processes;

(iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;

(iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;

(v) Holding any public meetings at convenient and accessible locations and times;

(vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;

(vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;

(viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and

raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts;

(ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and

(x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

(2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.

(3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.

(b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, metropolitan transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:

(1) Recipients of assistance under title 49 U.S.C. Chapter 53;

(2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and

(3) Recipients of assistance under 23 U.S.C. 204.

(c) When the MPA includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.

(d) When the MPA includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.

(e) MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under §450.314.

## Appendix B Tennessee Open Meetings Act

**TENNESSEE CODE ANNOTATED**  
**TITLE 8. PUBLIC OFFICERS AND EMPLOYEES**  
**CHAPTER 44. PUBLIC MEETINGS**  
**PART 1. GENERAL PROVISIONS**

\*\*\* Current through the 2014 Regular Session and amendments approved at the November 4, 2014 General Election\*\*\*

- § 8-44-101. Policy- Construction.
- § 8-44-102. Open meetings- "Governing body" defined - "Meeting" defined.
- § 8-44-103. Notice of public meetings.
- § 8-44-104. Minutes recorded and open to public- Secret votes prohibited.
- § 8-44-105. Action nullified- Exception.
- § 8-44-106. Enforcement - Jurisdiction.
- § 8-44-107. Board of directors of Performing Arts Center Management Corporation.
- § 8-44-108. Participation by electronic or other means.
- § 8-44-109. Electronic communication
- § 8-44-110 [Repealed.]
- § 8-44-111 Open meetings- Development of educational program required --Materials.

### **8-44-101. Policy -- Construction.**

(a) The general assembly hereby declares it to be the policy of this state that the formation of public policy and decisions is public business and shall not be conducted in secret.

(b) This part shall not be construed to limit any of the rights and privileges contained in article I, § 19 of the Constitution of Tennessee.

**HISTORY:** Acts 1974, ch. 442, §§ 1, 8; T.C.A., § 8-4401.

### **8-44-102. Open meetings -- "Governing body" defined -- "Meeting" defined.**

(a) All meetings of any governing body are declared to be public meetings open to the public at all times, except as provided by the Constitution of Tennessee.

(b) (1) "Governing body" means:

(A) The members of any public body which consists of two (2) or more members, with the authority to make decisions for or recommendations to a public body on policy or administration and also means a community action agency which administers community action programs under the provisions of 42 U.S.C. § 2790 [repealed]. Any governing body so defined by this section shall remain so defined, notwithstanding the fact that such governing body may have designated itself as a negotiation committee for collective bargaining purposes, and strategy sessions of a governing body under such circumstances shall be open to the public at all times;

**(B)** The board of directors of any nonprofit corporation which contracts with a state agency to receive community grant funds in consideration for rendering specified services to the public; provided, that community grant funds comprise at least thirty percent (30%) of the total annual income of such corporation. Except such meetings of the board of directors of such nonprofit corporation that are called solely to discuss matters involving confidential doctor-patient relationships, personnel matters or matters required to be kept confidential by federal or state law or by federal or state regulation shall not be covered under the provisions of this chapter, and no other matter shall be discussed at such meetings;

**(C)** The board of directors of any not-for-profit corporation authorized by the laws of Tennessee to act for the benefit or on behalf of any one (1) or more counties, cities, towns and local governments pursuant to the provisions of title 7, chapter 54 or 58. The provisions of this subdivision (b)(1)(C) shall not apply to any county with a metropolitan form of government and having a population of four hundred thousand {400,000) or more, according to the 1980 federal census or any subsequent federal census;

**(D)** The board of directors of any nonprofit corporation which through contract or otherwise provides a metropolitan form of government having a population in excess of five hundred thousand {500,000), according to the 1990 federal census or any subsequent federal census, with heat, steam or incineration of refuse;

**(E) (i)** The board of directors of any association or nonprofit corporation authorized by the laws of Tennessee that:

**(a)** Was established for the benefit of local government officials or counties, cities, towns or other local governments or as a municipal bond financing pool;

**(b)** Receives dues, service fees or any other income from local government officials or such local governments that constitute at least thirty percent {30%) of its total annual income; and

**(c)** Was authorized as of January 1, 1998, under state law to obtain coverage for its employees in the Tennessee consolidated retirement system.

**(ii)** The provisions of this subdivision (b)(1)(E) shall not be construed to require the disclosure of a trade secret or proprietary information held or used by an association or nonprofit corporation to which this chapter applies. In the event a trade secret or proprietary information is required to be discussed in an open meeting, the association or nonprofit corporation may conduct an executive session to discuss such trade secret or proprietary information; provided, that a notice of the executive session is included in the agenda for such meeting.

**(iii)** As used in this subdivision (b)(1)(E):

**(a)** "Proprietary information" means rating information, plans, or proposals;

actuarial information; specifications for specific services provided; and any other similar commercial or financial information used in making or deliberating toward a decision by employees, agents or the board of directors of such association or corporation; and which if known to a person or entity outside the association or corporation would give such person or entity an advantage or an opportunity to gain an advantage over the association or corporation when providing or bidding to provide the same or similar services to local governments; and

**(b)** "Trade secret" means the whole or any portion or phrase of any scientific or technical information, design, process, procedure, formula or improvement which is secret and of value. The trier of fact may infer a trade secret to be secret when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.

**(b) (2)** "Meeting" means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. "Meeting" does not include any on-site inspection of any project or program.

**(c)** Nothing in this section shall be construed as to require a chance meeting of two (2) or more members of a public body to be considered a public meeting. No such chance meetings, informal assemblages, or electronic communication shall be used to decide or deliberate public business in circumvention of the spirit or requirements of this part.

**HISTORY:** Acts 1974, ch. 442, § 2; 1979, ch. 411, §§ 1, 2; T.C.A., § 8-4402; Acts 1985, ch. 290, § 1, 2; 1986, ch. 594, § 1; 1988, ch. 908, §§ 3, 5; 1997, ch. 346, § 1; 1998, ch. 1102, §§ 1, 3.

#### **8-44-103. Notice of public meetings.**

**(a) Notice of Regular Meetings.** Any such governmental body which holds a meeting previously scheduled by statute, ordinance, or resolution shall give adequate public notice of such meeting.

**(b) Notice of Special Meetings.** Any such governmental body which holds a meeting not previously scheduled by statute, ordinance, or resolution, or for which notice is not already provided by law, shall give adequate public notice of such meeting.

**(c)** The notice requirements of this part are in addition to, and not in substitution of, any other notice required by law.

**HISTORY:** Acts 1974, ch. 442, § 3; T.C.A., § 8-4403.

**8-44-104. Minutes recorded and open to public -- Secret votes prohibited.**

(a) The minutes of a meeting of any such governmental body shall be promptly and fully recorded, shall be open to public inspection, and shall include, but not be limited to, a record of persons present, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in the event of roll call.

(b) All votes of any such governmental body shall be by public vote or public ballot or public roll call. No secret votes, or secret ballots, or secret roll calls shall be allowed. As used in this chapter, "public vote" means a vote in which the "aye" faction vocally expresses its will in unison and in which the "nay" faction, subsequently, vocally expresses its will in unison.

**HISTORY:** Acts 1974, ch. 442, § 4; T.C.A., § 8-4404; Acts 1980, ch. 800, § 1.

**8-44-105. Action nullified -- Exception.**

Any action taken at a meeting in violation of this part shall be void and of no effect; provided, that this nullification of actions taken at such meetings shall not apply to any commitment, otherwise legal, affecting the public debt of the entity concerned.

**HISTORY:** Acts 1974, ch. 442, § 5; T.C.A., § 8-4405.

**8-44-106. Enforcement -- Jurisdiction.**

a. The circuit courts, chancery courts, and other courts which have equity jurisdiction, have jurisdiction to issue injunctions, impose penalties, and otherwise enforce the purposes of this part upon application of any citizen of this state.

b. In each suit brought under this part, the court shall file written findings of fact and conclusions of law and final judgments, which shall also be recorded in the minutes of the body involved.

c. The court shall permanently enjoin any person adjudged by it in violation of this part from further violation of this part. Each separate occurrence of such meetings not held in accordance with this part constitutes a separate violation.

d. The final judgment or decree in each suit shall state that the court retains jurisdiction over the parties and subject matter for a period of one (1) year from date of entry, and the court shall order the defendants to report in writing semiannually to the court of their compliance with this part.

**HISTORY:** Acts 1974, ch. 442, § 6; T.C.A., § 8-4406.

**8-44-107. Board of directors of Performing Arts Center Management Corporation.**

The board of directors of the Tennessee Performing Arts Center Management

Corporation shall be subject to, and shall in all respects comply with, all of the provisions made applicable to governing bodies by this chapter.

**HISTORY:** Acts 1981, ch. 375, § 1.

**8-44-108. Participation by electronic or other means.**

{a) As used in this section, unless the context otherwise requires:

(1) "Governing body" refers to boards, agencies and commissions of state government, including state debt issuers as defined in this section and municipal governing bodies. For the purpose of this section only, "municipal governing bodies" means only those municipal governing bodies organized under title 6, chapter 18, and having a city commission of three (3) members, and having a population of more than two thousand five hundred (2,500), according to the 2000 federal census or any subsequent federal census;

(2) "Meeting" has the same definition as defined in § 8-44-102;

(3) "Necessity" means that the matters to be considered by the governing body at that meeting require timely action by the body, that physical presence by a quorum of the members is not practical within the period of time requiring action, and that participation by a quorum of the members by electronic or other means of communication is necessary; and

(4) "State debt issuers" means the Tennessee state funding board, Tennessee local development authority, Tennessee housing development agency, and Tennessee state school bond authority, and any of their committees.

(b) (1) A governing body may, but is not required to, allow participation by electronic or other means of communication for the benefit of the public and the governing body in connection with any meeting authorized by law; provided, that a physical quorum is present at the location specified in the notice of the meeting as the location of the meeting.

(2) If a physical quorum is not present at the location of a meeting of a governing body, then in order for a quorum of members to participate by electronic or other means of communication, the governing body must make a determination that a necessity exists. Such determination, and a recitation of the facts and circumstances on which it was based, must be included in the minutes of the meeting.

(3) If a physical quorum is not present at the location of a meeting of a governing body other than a state debt issuer, the governing body other than a state debt issuer must file such determination of necessity, including the recitation of the facts and circumstances on which it was based, with the office of secretary of state no later than two (2) working days after the meeting. The secretary of state shall report, no less than annually, to the general assembly as to the filings of the



determinations of necessity. This subdivision (b)(3) shall not apply to the board of regents, to the board of trustees of the University of Tennessee or to the Tennessee higher education commission.

(4) Nothing in this section shall prohibit a governing body from complying with § 8-44-109.

(c) (1) Any meeting held pursuant to the terms of this section shall comply with the requirements of the Open Meetings Law, codified in this part, and shall not circumvent the spirit or requirements of that law.

(2) Notices required by the Open Meetings Law, or any other notice required by law, shall state that the meeting will be conducted permitting participation by electronic or other means of communication.

(3) Each part of a meeting required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting. Any member participating in such fashion shall identify the persons present in the location from which the member is participating.

(4) Any member of a governing body not physically present at a meeting shall be provided, before the meeting, with any documents that will be discussed at the meeting, with substantially the same content as those documents actually presented.

(5) All votes taken during a meeting held pursuant to the terms of this section shall be by roll call vote.

(6) A member participating in a meeting by this means is deemed to be present in person at the meeting for purposes of voting, but not for purposes of determining per diem eligibility. However, a member may be reimbursed expenses of such electronic communication or other means of participation.

**HISTORY:** Acts 1990, ch. 815, § 1; 1999, ch. 490, § 1; 2005, ch. 82, § 1; 2008, ch. 923, § 1; 2012, ch.1054, § 3.

**8-44-109. Electronic communication**

(a) A governing body may, but is not required to, allow electronic communication between members by means of a forum over the Internet only if the governing body:

(1) Ensures that the forum through which the electronic communications are conducted is available to the public at all times other than that necessary for technical maintenance or unforeseen technical limitations;

(2) Provides adequate public notice of the governing body's intended use of the

electronic communication forum;

(3) Controls who may communicate through the forum;

(4) Controls the archiving of the electronic communications to ensure that the electronic communications are publicly available for at least one (1) year after the date of the communication; provided, that access to the archived electronic communications is user-friendly for the public; and

(5) Provides reasonable access for members of the public to view the forum at the local public library, the building where the governing body meets or other public building.

(b) Electronic communications posted to a forum shall not substitute for decision making by the governing body in a meeting held in accordance with this part. Communications between members of a governing body posted to a forum complying with this section shall be deemed to be in compliance with the open meetings laws compiled in this part.

(c) Prior to a governing body initially utilizing a forum to allow electronic communications by its members that meets the requirements of this section, including the public notice required in subsection (a), the governing body shall file a plan with the office of open records counsel. The plan shall describe how the governing body will ensure compliance with subsection (a). Within thirty {30} days of receipt of the plan, the office of open records counsel shall acknowledge receipt of the plan and shall report whether or not the plan and the proposed actions comply with subsection (a). If the office determines that compliance with subsection (a) has not been met, the office shall provide written comments regarding the plan to the governing body. Until such time as the governing body complies with the written comments provided by the office and the office issues a report of compliance, the governing body shall not be allowed to establish or utilize such forum. This subsection (c) shall not apply to any governing body that had established a forum pursuant to this section prior to May 7, 2009.

(d) No member participating in an electronic communication pursuant to this section is deemed to be eligible for per diem for such participation.

(e) As used in this section, "governing body" means the elected governing body of a county, city, metropolitan form of government or school board.

**HISTORY:** Acts 2008, ch. 923, § 2; 2009, ch. 175, § 2.

**8-44-110. [Repealed.]**

**8-44-111. Open meetings -- Development of educational program required --  
Materials.**

(a) The municipal technical advisory service (MTAS) for municipalities and the county technical assistance service (CTAS) for counties, in order to provide guidance and direction, shall develop a program for educating their respective public officials about the open meetings laws codified in this chapter, and how to remain in compliance with such laws.

(b) The Tennessee school board association shall develop a program for educating elected school board members about the open meetings laws and how to remain in compliance with such laws

(c) The utility management review board shall develop a program for board members of water, wastewater and gas authorities created by private act or under the general law and of utility districts, in order to educate the board members about the open meetings laws and how to remain in compliance with such laws.

(d) The state emergency communications board created by § 7-86-302 shall develop a program for educating emergency communications district board members about the open meetings laws and how to remain in compliance with such laws.

(e) The office of open records counsel established in chapter 4, part 6 of this title shall establish educational programs and materials regarding open meetings laws in this state, to be made available to the public and to public officials.

**HISTORY:** Acts 2008, ch. 1179, §

## Appendix C Contact Listing

Agency	Name	Address_1	Address_2	City_St_Zip
Milligan University	President	1 Blowers Blvd		Milligan TN 37682
TCAT	President	Main Campus	426 Highway 91 N	Elizabethton, TN 37643
Carter County Board of Education	Director	305 Academy St		Elizabethton, TN 37643
Elizabethton School Board	Director	804 S Watauga Ave		Elizabethton, TN 37643
Social Security	Director	818 Sunset Drive		Johnson City, TN 37604
Sycamore Shoals Hospital	Director	1501 W Elk Av		Elizabethton, TN 37643
Chamber of Commerce	Director	615 E Elk Av		Elizabethton, TN 37643
United Way	Director	546 E Elk Ave		Elizabethton, TN 37643
Carter County EMS	Director	105 Iodent Way		Elizabethton, TN 37643
Carter County 911	Director	529 S Sycamore St		Elizabethton, TN 37643
Senior Citizens Center	Director	428 E G St		Elizabethton, TN 37643
Elizabethton Housing and Development	Director	910 Pine Bridge Circle		Elizabethton, TN 37643
Main Street Program	Courtney Bean	136 S Sycamore St		Elizabethton, TN 37643
FTHRA	Director	704 Rolling Hills Dr		Johnson City TN 37604
NET TRANS	Director	704 Rolling Hills Dr		Johnson City TN 37604
FTN RPO Chase Milner	Director			
FTDD	Director	3211 N Roan St		Johnson City, TN 37601
Carter County Democratic Party	Director	PO Box 967		Elizabethton, TN 37644
Carter County Republican Party	Director	707 E Elk Ave		Elizabethton, TN 37643
Hola Lakeway	Director	2450 S Cumberland St		Morristown TN 37813
Hispanic Chamber of Commerce of East TN	Director	PO Box 31552		Knoxville TN 37930
City of Elizabethton	Daniel Estes	136 S Sycamore St		Elizabethton, TN 37643
JCMTPO	Glenn Berry	137 W Market St		Johnson City, TN 37604
TN NAACP	President	PO Box 1878		Johnson City, TN 37601

<b>Agency</b>	<b>Name</b>	<b>Address_1</b>	<b>Address_2</b>	<b>City_St_Zip</b>
TN Dept of Health	Cameron Taylor	2101 Medical Center Way		Knoxville, TN 37920
TDOT - Title VI Program Regions I and II	Pamela Sharp	James K Polk Bldg, 18th Floor	505 Deaderick St,	Nashville, TN 37243
TDOT Civil Rights Division	Jessica Starling, Director	James K Polk Bldg, 18th Floor	505 Deaderick St,	Nashville, TN 37243
TDOT Civil Rights Division	Cynthia Howard, Title VI Program Director	James K Polk Bldg, 18th Floor	505 Deaderick St,	Nashville, TN 37243
TDOT Civil Rights Division	David Neese, Small Business Development Director	James K Polk Bldg, 18th Floor	505 Deaderick St,	Nashville, TN 37243
TDOT, OCT	Troy Ebbert	Region I	7345 Region Lane	Knoxville, TN 37914
TDOT, Local Programs	Michael Kolor	James K Polk Bldg- Suite 1800	505 Deaderick St,	Nashville, TN 37243
TDOT, OCT	Michelle Christian	Region I	7345 Region Lane	Knoxville, TN 37914
TDOT, OCT	Ronda Sawyer	Region 1	7345 Region Lane	Knoxville, TN 37914
Tennessee Valley Authority (TVA)	Director	400 West Summit Hill Drive		Knoxville, TN 37902-1499
National Park Service	Philip Campbell, Unit Manager	PO Box 429	208 N. Maiden Street	Wartburg, TN 37887
National Park Service	Asst. Superintendent	Great Smoky Mountains National Park	107 Park Headquarters Road	Gatlinburg, TN 37738
FHWA	Director/ Planner	404 BNA Dr, Bldg 200, Suite 508		Nashville, TN 37217
FHWA DBE	Joi HamiltonJones	404 BNA Dr, Bldg 200, Suite 508		Nashville, TN 37217
TDEC	Manager	711 RS Gass Blvd		Nashville, TN 37243
TDEC	Deputy Commissioner	711 RS Gass Blvd		Nashville, TN 37243
TDEC Environmental Field Offices	Senior Director	3711 Middlebrook Pike		Knoxville, TN 37921
TDEC Parks and Conservation Operations	Assistant Commissioner	711 RS Gass Blvd		Nashville, TN 37243

<b>Agency</b>	<b>Name</b>	<b>Address_1</b>	<b>Address_2</b>	<b>City_St_Zip</b>
Tennessee Wildlife Resources Agency	Executive Director	5107 Edmondson Pike		Nashville, TN 37211
Tennessee State Historic Preservation Office	Executive Director	Clover Bottom Mansion	2941 Lebanon Road	Nashville, TN 37243-0442
TDEC Air Resources	Senior Director	711 RS Gass Blvd		Nashville, TN 37243
TDEC Land Resources	Senior Director	711 RS Gass Blvd		Nashville, TN 37243
TDEC Water Resources	Senior Director	711 RS Gass Blvd		Nashville, TN 37243
US Fish and Wildlife Service	Erwin National Fish Hatchery			
US Fish and Wildlife Service	SW VA Ecological Services Field Office	330 Cummings St Abingdon VA 24210		
US Fish and Wildlife Service	Field Supervisor	446 Neal Street		Cookeville, TN 38501
USDA Forest Service	Regional Forester	Region 8 (Southern Region	1720 Peachtree Road NW	Atlanta, GA 30309
USDA Forest Service	Director	Cherokee National Forest	2800 N. Ocoee St	Cleveland, TN 37312
USDA SULLIVAN/CARTER COUNTY FARM SERVICE AGENCY	Director	2942 HIGHWAY 394		BLOUNTVILLE, TN 37617
Corps of Engineers, Memphis District	Commander	167 North Main Street		Memphis, TN 38002

## Appendix D Environmental Justice, Title VI, LEP

This appendix contains excerpts from City of Elizabethton's Title VI Plan which explains how City of Elizabethton's conducts public involvement and makes special efforts to reach out to those persons protected under Title VI. The Title VI document can be found on the City of Elizabethton's website, [www.cityofelizabethton.org](http://www.cityofelizabethton.org). The City of Elizabethton strives to be sure that all programs or projects planned under City of Elizabethton's responsibility consider Title VI and Environmental Justice impacts. The City of Elizabethton monitors these efforts by analyzing project selection, project location, funding distribution, and possible project impacts, especially social and environmental impacts with regards to Title VI and Environmental Justice populations. The City of Elizabethton maintains a set of adopted objectives which state that all plans and programs must consider Title VI impacts and include a proactive public involvement process that seeks to engage members of low income, minority groups, and Limited English Proficiency (LEP) populations early in the planning process. The City of Elizabethton believes part of its role is to alert the responsible jurisdiction that there are community concerns, to help inform the community about the project, and to act as a liaison between the community and the jurisdiction.

Each project's public involvement plan must consider Title VI issues and look to include opportunities for persons protected under Title VI to participate. Each plan's level of public involvement can vary depending on the magnitude of the project, its potential impact on the community, and its budget. Every City of Elizabethton staff member is reminded to consider Title VI issues and plan the necessary outreach accordingly. Examples and techniques the City of Elizabethton staff considers in designing a public involvement process with regards to Title VI are as follows:

- Hold meetings geographically in Title VI areas. □
- Use a variety of meeting locations and different start times to encourage participation.
- If possible, consider broadcasting the meeting on public access television or radio.
- All meeting dates and times and all draft Plans are posted on the City of Elizabethton's website.
- Send notices of Plans to area libraries.
- Advertise meetings and post legal notices general circulation newspapers (and/or their websites) within the region. This shall include minority newspapers. The advertisements and legal notices are in English and Spanish.
- If budget allows, consider buying an advertisement in the newspapers. This may bring more attention and awareness than the legal notices.
- If appropriate, meeting announcements should be sent to neighborhoods, community groups or community centers, churches, and/or special interest groups.
- If possible, use other agencies to help communicate with the public, such as the Elizabethton/ Carter County Chamber of Commerce, Elizabethton Main Street Program, Elizabethton/ Carter County United Way, First Tennessee Human Resource

Agency (FTHRA), Northeast Tennessee Regional Public Transit (NET Trans) system, and senior citizens center. Many of these agencies or organizations represent disadvantaged populations, including but not limited to minority, low-income, and Hispanic populations.

- Send information by email to the East Tennessee Hispanic Chamber of Commerce
- Accept written comments in order to help those who may not feel comfortable talking or approaching a staff member. Participating in public meetings can be intimidating and City of Elizabethton recognizes that individual comfort levels with attendees vary. Comments can be sent to:

City of Elizabethton

136 S Sycamore St

Elizabethton, TN 37643

or by email to [richd@cityofelizabethton.org](mailto:richd@cityofelizabethton.org).

- City staff makes sure that all reports and documents include a Title VI statement of protection, or how someone can access Title VI information. Title VI information can be found on the City of Elizabethton website, [www.City of Elizabethton.com](http://www.CityofElizabethton.com)

Limited English Proficient (LEP) individuals are persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand

English. LEP persons are entitled to language assistance under Title VI of the Civil Rights

Act of 1964 with respect to a particular type of service, benefit, or encounter. Recipients of federal funding are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. City of Elizabethton provides the following opportunities:

- City of Elizabethton keeps updated maps of areas that have been identified as either Hispanic, Low-Income, or LEP areas.
- City of Elizabethton staff are made aware of these resources and are responsible for ensuring that if they are working on a project or study that encompasses these areas, they will follow the actions stated in the plan. If meetings are held in these areas, extra effort will be made to advertise in a Hispanic newspaper and/or website.
- City of Elizabethton has access to telephone language interpreter service through the City of Morristown.
- If notified within a reasonable timeframe, City of Elizabethton can offer interpreter services at meetings or at the office.
- City of Elizabethton has a LEP plan that states CITY OF ELIZABETHTON will translate vital documents

into languages other than English, as long as the requests meet the City of Elizabethton LEP plan guidelines. If the reports or documents can not be translated, then City of Elizabethton will offer assistance from an interpreter to explain the contents of the report(s) or document(s).



- If interpreter services are needed, City of Elizabethton staff will post signs at entry points to meetings notifying the public of translator services when City of Elizabethton anticipates attendance of persons who do not speak English well.
- If meetings or services are in areas where City of Elizabethton knows there is a concentration of persons who do not speak English well, City of Elizabethton may look to partner with other agencies or organizations in those areas

City of Elizabethton staff always makes an extra effort to reach out to Title VI low-income, minority and Hispanic communities. This has been done in the past by have documents and pamphlets translated into Spanish, sending information to churches that cater to Hispanics, sending information to the East Tennessee Hispanic Chamber of Commerce and to other agencies that cater to low income and minority populations.

City of Elizabethton Staff will receive regular training for all Civil Rights components (Title VI, DBE, LEP, and Environmental Justice). Individuals or organizations who believe they have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, color, or national origin by a recipient of the United States Department of Transportation or Federal Transit Administration funding can seek information or file complaint with City of Elizabethton. For information on Title VI or how to file a complaint, visit the City of Elizabethton website, [www.cityofelizabethton.org](http://www.cityofelizabethton.org).

# Appendix E Public Comment Sheet

Your comments and suggestions are an important aspect of the planning process.

Please provide your comments and suggestions on **[DOCUMENT NAME]**.

Please send any comments or suggestions by **[DATE]**. **Please state how you found out about meeting, and/or about the document you may have questions or comments on.**

You can submit comments by email to [richd@cityofelizabethton.org](mailto:richd@cityofelizabethton.org).

Please send written comments by mail to:

Planning Director  
136 S Sycamore St  
Elizabethton, TN 37643

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Optional) Participant Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ email: \_\_\_\_\_

## Appendix F Performance Evaluation of the Public Participation Plan

### *Example*

*Staff has reviewed past records of public participation and outreach methods for performance and make the following recommendations for updating the Public Participation Plan*

- 1. update agency contact listing*
- 2. continue having public meetings/ hearings during a public review period for a document/ plan approval process.*

## Appendix G TRANSPORTATION GLOSSARY

**American Association of State Highway and Transportation Officials (AASHTO) –**

A nonprofit, nonpartisan association representing highway and transportation departments in the 50 states, the District of Columbia and Puerto Rico.

**Access/Accessibility** - The opportunity to reach a given end use within a certain time frame, or without being impeded by physical, social or economic barriers.

**Alternative Modes of Transportation** - Forms of transportation that provide transportation alternatives to the use of single-occupant automobiles. Examples include: rail, transit, carpools, bicycles and walking.

**Americans with Disabilities Act (ADA)** - Federal civil rights legislation for persons with disabilities, signed into law in 1990, that prohibits discrimination specifically in the areas of employment, public accommodation, public services, telecommunications and transportation. Transportation requirements include the provision of "comparable paratransit service" that is equivalent to general public fixed-route service for persons who are unable to use regular bus service due to a disability.

**Arterial Street-A** class of street serving major traffic movements (high-speed, high volume) for travel between major points.

**Attainment Area** - An area considered to have air quality that meets or exceeds the U.S. Environmental Protection Agency (EPA) health standards used in the Clean Air Act. Nonattainment areas are areas considered not to have met these standards for designated pollutants. An area may be an attainment area for one pollutant and a nonattainment area for others.

**Bipartisan Infrastructure Law (BIL)- also known as the Infrastructure Investment and Jobs Act (IIJA).**

**Capacity** - A transportation facility's ability to accommodate a moving stream of people or vehicles in a given time period. The maximum rate of flow at which persons or vehicles can be reasonably expected to traverse a point or uniform segment of a lane or roadway during a specified time period under prevailing roadway, traffic and control conditions; usually expressed as vehicles per hour or persons per hour.

**Capital Improvement Program (CIP)** - A plan for future capital infrastructure and program expenditures which identifies each capital project, its anticipated start and completion and allocates existing funds and known revenue sources for a given period of time. Most local governments have a CIP.

**Clean Air Act (CAA)** - Federal statute established by the United States Congress which set the nation's air quality goals and the process for achieving those goals. The original

Clean Air Act was passed in 1963, but the national air pollution control program is actually based on the 1970 version of the law. The 1990 Clean Air Act Amendments are the most recent revisions of the 1970 law.

**Code of Federal Regulations (CFR)** - The Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

**Congestion** -A condition under which the number of vehicles using a facility is great enough to cause reduced speeds and increased travel times.

**Congestion Management Process (CMP)** -Systematic process for managing congestion. Provides information on transportation system performance and finds alternative ways to alleviate congestion and enhance the mobility of people and goods, to levels that meet state and local needs.

**Consolidated Planning Grant (CPG)** - Primary source of funding for metropolitan planning designated by the FHWA, FTA and TDOT. This is the combined funding grant of FHWA PL funds and FTA Section 5303 funds.

**Context Sensitive Solution (CSS)** -A collaborative, interdisciplinary approach that involves all stakeholders to develop a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic and environmental resources, while maintaining safety and mobility. CSS is an approach that considers the total context within which a transportation improvement project will exist.

**Design Standards-Standards** that are met when a new road is constructed, or when a deficient section is improved. These standards pertain to all relevant geometric and structural features required to provide a desired level of service over the life of the project. The life of the project is generally 20 years beyond its implementation.

**Disadvantage Business Enterprise (DBE)** - A Disadvantaged Business Enterprise (DBE) is a for-profit small business concern that is at least 51 percent owned and controlled by socially and economically disadvantaged individuals. The DBE program is a federal program that aims to remedy ongoing discrimination and the continuing effects of past discrimination in federally-assisted transportation contracting markets.

**Environmental Assessments (EA)** -Prepared for federal actions under the National Environmental Policy Act (NEPA) where it is not clearly known how significant the environmental impact might be. If, after preparing an environmental assessment, it is determined that the project impact is significant, an Environmental Impact Statement (EIS) is then prepared. If not, a "finding of no significant impact" (FONSI) is documented.

**Environmental Impact Statements (EIS)** -Prepared for federal actions that have a significant effect on the human and natural environment. These are disclosure

documents prepared under the National Environmental Policy Act (NEPA) that provide a full description of the proposed project, the existing environment and analysis of the anticipated beneficial and adverse environmental effects of all reasonable alternatives. There are various stages -Draft EIS and Final EIS.

**Environmental Justice (EJ)** -Environmental justice assures that services and benefits allow for meaningful participation and are fairly distributed to avoid discrimination.

**Environmental Protection Agency (EPA)** -The federal regulatory agency responsible for administering and enforcing federal environmental laws, including the Clean Air Act, the Clean Water Act, the Endangered Species Act and others. EPA is the source agency of air quality control regulations affecting transportation.

**Federal Highway Administration (FHWA)**- A branch of the U.S. Department of Transportation that administers the federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads and bridges. The FHWA also administers the Federal Lands Highway Program, including survey, design and construction of forest highway system roads, parkways and park roads, Indian reservation roads, defense access roads and other Federal lands roads.

**Federal Transit Administration (FTA)** - A branch of the U.S. Department of Transportation that is the principal source of federal financial assistance to America's communities for planning, development and improvement of public or mass transportation systems. FTA provides leadership, technical assistance and financial resources for safe, technologically advanced public transportation to enhance mobility and accessibility, to improve the nation's communities and natural environment and to strengthen the national economy.

**Financial Planning** - The process of defining and evaluating funding sources, sharing the information and deciding how to allocate the funds.

**Financial Programming** - A short-term commitment of funds to specific projects identified in the regional Transportation Improvement Program (see TIP).

**First Tennessee Human Resource Agency (FTHRA)**- established in 1973 under state law as a not-for-profit delivery system designed to implement human services programs. The FTHRA was created in 1974 by state and local elected officials in accordance with provisions of the Tennessee Human Resource Agency Act of 1973 as amended (Title 13, Chapter 26, Tennessee Code Annotated.) The FTHRA is one of nine Human Resource Agencies across the State of Tennessee and works in concert with the other HRAs through membership in the Tennessee Association of Human Resource Agencies (TAHRA) in providing wall-to-wall social services across the state.

**Fiscal or Financial Constraint** -Sufficient financial information must be provided to demonstrate that projects in the metropolitan transportation plan (LRTP), TIP, and STIP can be implemented using committed, available, or reasonably available revenue

sources, with reasonable assurance that the federally supported transportation system is being adequately operated and maintained. For the TIP and the STIP, financial constraint/fiscal constraint applies to each program year. Additionally, projects in air quality nonattainment and maintenance areas can be included in the first two years of the TIP and STIP only if funds are "available" or "committed." Please see [http://www.fhwa.dot.gov/planning/guidfinconstr\\_qa.cfm](http://www.fhwa.dot.gov/planning/guidfinconstr_qa.cfm), for more information.

**Fixing America's Surface Transportation (FAST) Act** - Authorizes the Federal surface transportation programs for highways, highway safety and transit for the five-year federal fiscal year period of 2016-2020.

**Geographic Information System (GIS)** - Computerized data management and information system designed to capture, store, retrieve, analyze and display geographically referenced information.

**High-Occupancy Vehicle (HOV)** - Vehicles carrying two or more people. The number that constitutes an HOV for the purposes of HOV highway lanes may be designated differently by different transportation agencies.

**Infrastructure Investment and Jobs Act (IIJA) p-** The **Infrastructure Investment and Jobs Act (IIJA)**, most commonly known as the **Bipartisan Infrastructure Law (BIL)**, ([H.R. 3684](#)), is a [United States federal statute](#) enacted by the [117th United States Congress](#) and signed into law by President [Joe Biden](#) on November 15, 2021. It was originally introduced in the House as the **INVEST in America Act**, and was commonly known as the **Bipartisan Infrastructure Bill** before it was signed into law.

**Intelligent Transportation Systems (ITS)** - The application of advanced technologies to improve the efficiency and safety of transportation systems.

**Intermodal** - The ability to connect and the connections between modes of transportation.

**Johnson City Metropolitan Transportation Planning Organization (JCMTPO)** – the local metropolitan planning organization that Elizabethton is a voting member.

**Level of Service (LOS)** - A qualitative rating of how well a unit of transportation supply (e.g. street, intersection, bikeway, etc) serves its current or projected demand. LOS A= free-flow condition (32 percent of capacity); B = reasonably free-flow conditions (51 percent); C = operation stable but becoming more critical (75 percent); D = lower speed range of stable flow (92 percent); E = unstable flow (100 percent); F = forced flow; >100 percent of capacity, stop-and-go operation.

**Limited English Proficiency (LEP)** - Persons with Limited English Proficiency are individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service

or benefit in federally funded programs and activities.

**Long Range Transportation Plan (LRTP)** - A document resulting from regional or statewide collaboration and consensus on a region or state's transportation system and serving as the defining vision for the region's or state's transportation systems and services. In metropolitan areas, the plan indicates all of the transportation improvements scheduled for funding over a minimum of the next 20 years.

**Maintenance Area**-Maintenance area is any geographic region of the United States previously designated nonattainment pursuant to the CAA Amendments of 1990 and subsequently re-designated to attainment subject to the requirement to develop a maintenance plan under section 175A of the CAA, as amended.

**Metropolitan Planning Area (MPA)** - The geographic area in which the metropolitan transportation planning process must be carried out. The MPA boundary shall, as a minimum, cover the UZA(s) and the contiguous geographic area(s) likely to become urbanized within the twenty year forecast period covered by the transportation plan. The boundary may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Census Bureau.

**Metropolitan Planning Organization (MPO)** - An MPO is a planning agency established by federal law to assure a continuing, cooperative and comprehensive transportation planning process takes place that results in the development of plans, programs and projects that consider all transportation modes and supports the goals of the community. Any urbanized area or contiguous urbanized areas, as defined by the U.S. Census Bureau, containing a population of greater than 50,000 are required to have an MPO. [See Metropolitan Transportation Planning Organization.

**Metropolitan Transportation Planning Organization** - The same as MPO. The Lakeway Area MTPO decided to add the word "Transportation" to its title which more accurately reflects the nature of the organization and to eliminate confusion with other regional planning commissions and agencies.

**Mode, Intermodal, Multimodal** - Form of transportation, such as automobile, transit, bicycle and walking. Intermodal refers to the connections between modes and multimodal refers to the availability of transportation options within a system or corridor.

**Moving Ahead for Progress in the 21st Century Act (MAP-21)** - Authorizes the Federal surface transportation programs for highways, highway safety and transit for the two-year period 2012-2014, which was extended by several continuing resolutions.

**National Ambient Air Quality Standard (NAAQS)** - Standards established pursuant to Section 109 of the Clean Air Act.

**National Environmental Policy Act of 1969 (NEPA)** - An established national environmental policy requiring that any project using federal funding or requiring federal



approval, including transportation projects, examine the effects of proposed and alternative choices on the environment before a federal decision is made.

**National Historic Preservation Act (NHPA)** - Law requiring federal agencies to consider the potential effect of a project on a property that is registered on or eligible for the National Register of Historic Places. If effects are identified, federal and state agencies and the public must identify means to mitigate the harm.

**Non-attainment** - Any geographic area that has not met the requirements for clean air as set out in the Clean Air Act Amendments of 1990. An area can at the same time be classified as in attainment for one or more air pollutants and as a non-attainment area for another air pollutant.

**Northeast Tennessee Regional Public Transit (NET TRANS)**- NET Trans is the Northeast Tennessee Regional Public Transit system that offers door-to-door demand response transportation with flexible schedules designed to meet your needs.

**Paratransit** - Alternative known as "special or specialized" transportation, which often includes flexibly scheduled and routed transportation services. These services use low capacity vehicles such as vans to operate within normal urban transit corridors or rural areas. Services usually cater to the needs of persons whom standard mass transit

G-6 services would serve with difficulty, or not at all. Common patrons are the elderly and persons with disabilities.

**Planning Funds (PL)** - Primary source of funding for metropolitan planning designated by the FHWA.

**Right-of-Way (ROW)** - Public space legally established for the use of pedestrians, vehicles or utilities. Right-of-way typically includes the street, sidewalk and buffer strip areas.

**Rural Planning Organization (RPO)** - An organization similar to an MPO, composed of representatives of rural local governments and appointed representatives from the geographic area covered by the organization with the purpose of involving local officials in multi-modal transportation planning through a structured process.

**Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)** - Authorized the Federal surface transportation programs for highways, highway safety and transit for the five-year period 2005-2009, and extended by several continuing resolutions until 2012.

**Stakeholders** - Individuals and organizations involved in or affected by the transportation planning process. Include federal/state/local officials, MPOs, transit operators, freight companies, shippers and the general public.

**State Implementation Plan (SIP)** - As defined in section 302(q) of the Clean Air Act (CAA), the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under section 110 of the CAA, or promulgated under section 110( c) of the CAA, or promulgated or approved pursuant to regulations promulgated under section 301 (d) of the CAA and which implements the relevant requirements of the CAA.

**Surface Transportation Program (STP)** - Federal-aid highway funding program that funds a broad range of surface transportation capital needs, including many roads, transit, sea and airport access, vanpool, bike and pedestrian facilities.

**Tennessee Department of Environment and Conservation (TDEC)** - Agency created to protect and improve the quality of Tennessee's land, air, water and recreation resources. It administers a variety of programs to safeguard human health and the environment while ensuring natural resources meet healthful, regulatory standards.

**Tennessee Department of Transportation (TDOT)** - The State agency that manages the highway system within Tennessee. TDOT's mission is to plan, implement, maintain and manage an integrated transportation system for the movement of people and products, with emphasis on quality, safety, efficiency and the environment for Tennesseans. TOOT is the administrative agency that responds to policy set by the Tennessee Legislation.

**Title VI**-Title VI of the Civil Rights Act of 1964. Prohibits discrimination in any program receiving federal assistance.

**Transportation Conformity**- Process to assess the compliance of any transportation plan, program, or project with air quality implementation plans. The conformity process is defined by the Clean Air Act.

**Transportation Control Measures (TCM)** -Transportation strategies that affect traffic patterns or reduce vehicle use to reduce air pollutant emissions. These may include HOV lanes, provision of bicycle facilities, ridesharing, telecommuting, etc. Such actions may be included in a State Implementation Plan (SIP) if needed to demonstrate attainment of the National Ambient Air Quality Standards (NAAQS).

**Transportation Demand Management (TDM)**- "Demand-based" techniques that are designed to change travel behavior in order to improve the performance of transportation facilities and to reduce the need for additional road capacity. Methods include the use of alternative modes, ridesharing and vanpool programs and trip reduction programs and/or ordinances.

**Transportation Improvement Program (TIP)** - A staged, multiyear (typically four years) listing of surface transportation projects proposed for federal, state and local funding within a metropolitan area. MPOs are required to prepare a TIP as a shortrange

programming document to complement its long-range transportation plan. TIPs contain projects with committed funds over a multiyear period.

**Transportation Management Area (TMA)**-All urbanized areas over 200,000 in population and any other area that requests such designation. The MPO is responsible for transportation planning with a TMA.

**Transportation Planning Process** - A collaborative process of examining demographic characteristics and travel patterns for a given area. This process shows how these characteristics will change over a given period of time and evaluates alternatives for the transportation system of the area and the most expeditious use of local, state and federal transportation funding. Long range planning is typically done over a period of 20 years; short-range programming of specific projects usually covers a period of 4 years.

**Unified Planning Work Program (UPWP)** - The management plan for the (metropolitan) planning program. Its purpose is to coordinate the planning activities of all participants in the planning process.

**Urbanized Area** - Area that contains a city of 50,000 or more population plus incorporated surrounding areas meeting size or density criteria as defined by the U.S. Census.

**Vehicle Miles of Travel (VMT)** - The sum of distances traveled by all motor vehicles in a specified region.

## Appendix H Summary of Public Comments

*No Comments Received*