



# AGC - West Tennessee News



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See what your State organization and other branches are doing.

[www.agc.org](http://www.agc.org)

See what your National organization is doing for you.



John Paul Finerson,  
President, AGC West Tennessee Branch

## Legislative Update:

As reported in the previous newsletter Legislative Update section, the Memphis City Council was to have the 3<sup>rd</sup> and final reading on the new Ordinance # 5384 at the October 12<sup>th</sup> meeting. At that meeting the Ordinance, covering the new MWBE goals, was returned to committee for further review and discussion. On October 26<sup>th</sup> the new Ordinance # 5384 was approved by the City Council. It is not known at this time how the AGC and other construction industry associations will respond to this action. We will keep all our members informed of additional developments.

## State Convention:

The State of Tennessee AGC Convention was held in Nashville, TN October 28 – 30. There was representation of AGC member from both the Tennessee and East Tennessee Chapters. In addition to the State Convention, the CompTrustAGC annual meeting was also held on the 28<sup>th</sup> of October.

CompTrustAGC: New guidelines have been established for Tennessee members only regarding a reimbursement program for safety training. The contractor must first pay for the seminar and then submit a copy of the paid invoice to the CompTrustAGC. The paid invoices must be submitted within 45 days of the specific training to be eligible for the reimbursement. There were a large variety of topics covered, far too many to cover in this newsletter. Your CompTrust continues to be a conservatively managed Trust. The losses have been very minimal; therefore the Trust made a small profit in 2010 and paid out a dividend of nearly \$ 1.0 million to qualifying members. Seldom do W/C carriers pay dividends to their customers. Of nearly 65 member companies, 1/3 of the members had ZERO accidents in this most recently concluded plan year. ACORD has a new form for providing notice of coverage to your project owners. Also, in some instances the CompTrust can supply notice of coverage for projects located outside Tennessee. Please consult the Trust for details. Check your billings and make SURE your employees are being classified correctly.

**CompTrustAGC...Tennessee Participant West TN companies that had a ZERO loss ratio for the 2009/10- period:**

- Bill Koeneman Construction**
- Commercial Roofing LLC**
- Electrical Contractors, Inc.**
- MCDR, Inc.**

The Convention: The speakers list for the convention was very well prepared and their presentations were extremely timely in content. The Mayor of Nashville, Mr. Karl Dean, provided the keynote address to the Convention. He covered topics ranging from the Mayor of Nashville is a regional position and he must caucus with Mayors of the surrounding areas, to public education, public safety and economic development as the most critical areas of focus.

## Contact Us

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Actually no difference than for the other municipalities in the State of Tennessee. Other significant presentations covered the use of Social Media (and risks), an open discussion Legislative Forum, led by Greg Cashion, an overview of the State of the Bonding Market, a view of the new Music City Center – WOW, an update on the use of the BIM initiative for new buildings and a very colorful presentation on Immigration...EEOC and other employee issues – BE AWARE!!!! The dinner and entertainment for the convention were well prepared and enjoyable for all in attendance. On Saturday morning the State of Tennessee AGC Board of Directors meeting was held. There was a financial report from Don Sloan, Bill Young provided a new member report, and David Dando provided the quarterly update on the CompTrustAGC. There was a lively discussion concerning the recently concluded convention and, if and where the convention should be held in 2011. In this regard there will be a questionnaire sent to all board members for their input. Once the information has been reviewed a decision will be made about the convention for 2011. If you have an opinion, please direct your comments to a West TN board member or directly to Bill Young – [bill@tnagc.org](mailto:bill@tnagc.org).

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## Executive Directors Message:

Each time I come to this point in the newsletter I always seem to have so many items that can, and maybe should, be addressed it is difficult to pick one topic. However, considering it has been just a week since a very important election took place, where some of the results are still pending, I think an appropriate topic is our continued involvement with our elected officials. While we are given the opportunity to vote for the people that will shape the legislation that will govern, in large part, how we conduct our everyday affairs, oft times we cast our vote and seldom get involved until the next election period. Just because we have cast our vote does not mean we should cease making our ideas, thoughts and suggestions known to those that we voted and even those that, due to their location or party affiliation, we could not cast a vote for or against!! I would hazard a guess that your employees, which do not elect you to your position, make their ideas and suggestions known to you and which most of you encourage them to do. Thus, why should it be any different with our elected officials? For many years I too have cast my vote and then proceeded on about my merry way, complaining and bemoaning the decisions made by elected officials at all levels, never once thinking my thoughts and ideas would have any bearing on a decision(s). Not today!! I take every opportunity to let the elected officials know when I agree and when I disagree with their decisions and give them an opinion of an alternative solution to the problems they face. Why not take a few minutes each week to let your elected officials hear from you, good or bad. I know you will feel more empowered and they will appreciate your input.....



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## Safety Director's Message:

### Cranes and Derricks in Construction Final Rule

The 29 CFR OSHA 1926.1400 Regulation for the employers which operate cranes and derricks is now in effect as of November 8, 2010 in the states covered by Federal OSHA. The effective date for Tennessee OSHA is March 31, 2011 as stated to the AGC of Tennessee by TOSHA Assistant Administrator, Mr. Steve Hawkins on November 8, 2010. Some states or localities have had licensing requirements for the crane operators before the November 8 date and the above requirement has been in effect for the Corp of Engineers jobsites since 2009.

Between January 1 and March 31, 2009, there were forty-nine reported crane-related fatalities. On average, eighty-nine deaths occur annually from crane accidents in the United States of America. The most are caused by the victim being struck by the crane load (32%), electrocution from contact with power lines (27%) or with the assembly and disassembly of the crane (21%). The average cost of each crane related fatality is 1.1 million dollars.

Key areas of concern when working with cranes are understanding crane capacity, operator error, weather considerations, supporting surfaces, communication problems, inspection and maintenance deficiencies, rigging failure, power lines and crane set up. Examples of crane failure are: overloading, side pull, outrigger failure, hoist limitations, lack of two-blocking, upset or



Nick Nanney,  
Director of Safety &  
Loss Control

overturn, unintentional turntable turning, control confusion by operator/signalperson, unintentional power line contact and rigging failure with fall of load. The Crane Regulation identifies the use of a qualified operator with a certification to operate the crane by a Nationally Recognized Accrediting Agency, the use of a qualified rigger and the use of a qualified signal person as a means to decrease accidents relating to the use of cranes.

**A REMINDER:** If you have a safety related issue or are in need of training, please contact our Safety Director – Nick Nanney at (901)481-0126. Nick is very well informed on safety matters that affect our members and is available to assist you with your safety related issues. (One of the most important functions Nick performs during a Site Inspection is to alert you, the contractor, to deficiencies he observes on your project. His objective is to inform you of those items that may represent a potential danger on the project and not only protect the personnel on the job but to insulate you, the company, from fines or other penalties imposed by OSHA or other outside agencies!!!!!!)

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## Meeting Re-Caps:

### THE ANNUAL TAILGATE: U of M versus UT

If you missed this event, you really missed an outstanding afternoon of fellowship, gamesmanship and outstanding food and drink. I am told, by many who have attended several of the Tailgate functions, that this was far and away the best attended tailgate in many years and maybe the best ever. In this newsletter you will see several photographs, taken throughout the day, of the activities that took place. The only photo I missed taking, my error, was of all the kids who played football from early afternoon right up until the game. There were Tennessee and U of M kids having more fun than one can imagine. I know all the adults that watched wish we had as much energy.

While there has always been an outstanding rivalry between U of M and UT, I must applaud the respect and conduct exhibited by all in attendance. There were no disagreements, arguments or otherwise, just good kidding and all in the name of fun. A truly exceptional afternoon and evening!

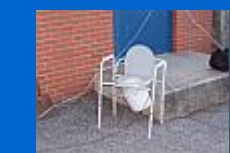
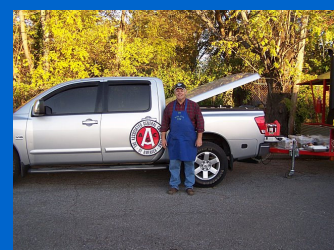
I would be very remiss if I did not acknowledge the outstanding contributions to the success of the afternoon by **Hanson Pipe & Precast, Jim Johnson, Safety – Quip and Shelby Millworks.** Jim Johnson provided his usually great BBQ feast and Safety – Quip was generous in supplying the much needed restroom facilities. Also, the location at Shelby Millworks was simply stated – ideal for this event. And Hanson Pipe & Precast!! WOW is the only word that comes to mind. Don Powell, Billy Wallin, Richie Davis and Joey provided beverages for everyone, food, tents, tables, chairs and a “wide screen” TV from which those that attended the event watched football games from noon until the very end at mid-night!!!! It does not get any better than this. Hanson Pipe has been a very loyal supporter of the West TN Branch of the AGC activities and we really appreciate their contributions.

And to you, the members of the West TN Branch of the AGC! THANK YOU for making is a most memorable and enjoyable afternoon. Okay, UT won the game but all that attended won the day!!!

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## EMERGENCY MANAGEMENT ALERT

On November 1, 2010 the Mississippi Valley Branch of the AGC, along with representatives from eight (8) state AGC Chapters and the Corps of Engineers met in Memphis at the Peabody Hotel to discuss a Disaster Response Plan in the event of an earthquake along the New Madrid Fault. Representative from the Mid-America Earthquake Center provided insight into the New Madrid Seismic Zone and the likely impact such an event would have on the area surrounding the New Madrid Fault. It was reported there is no real plan in place should such an event occur,



Only the best for AGC

similar to the earthquake of 1811 – 1812. Some of the other agencies that would be directly involved in such a catastrophic event would be FEMA, the local EMA, EPA, Coast Guard, law enforcement agencies in addition to those listed above. It is very important that a formal plan be in place so all the agencies that will be involved understand the part they will play in responding to such an event. Since the immediate Memphis area will be effectively “shut down” communications and debris removal become the first issues of concern. (Think in terms of SWEAT – Security, Water, Energy, Accessibility, and Telecommunications). The area of impact could be as large as eight (8) states, 140 counties, and 7-8 million people!!!! As the planning process evolves, the member of the West TN Branch of the AGC will be kept up to date with the developments as our members will most likely play a huge role in the immediate response and recovery from such an event. It is estimated the impact and damage will be far greater than Hurricane Katrina that hit the New Orleans area in 2005!!!

## UPCOMING EVENTS



**Saturday December 4**

**AGC West TN Annual Christmas Party, The Butcher Shop**

**6:30 pm – 12:00, \$85/person includes 2 drinks.**

**Featuring The Whiskey Bent Band**

**Call or email for Sponsorship Opportunities!**

**Watch your email and fax for details and reservation form.**

In December we will provide all the membership with a “projected” calendar of events for 2011, including estimated dates for the events, to assist you in your planning for 2011. If you have programs or events you would like to see instituted by the West TN Branch of the AGC, PLEASE bring them to our attention. We are here to benefit you, the members!!!!!!

### Announcing your 2011 AGC West TN Board of Directors :

**President . . . . . Don Sloan**  
**Vice President . . . . . Kevin Moyes**  
**Secretary/Treasurer . . . . . Kim Shropshire**  
**Past President and State Director . . . . . John Paul Finerson**  
**State Director . . . . . Jay Madden**  
**Sub Contractor Director . . . . . Sam Haynie**  
**Service/Supplier Director . . . . . Roy Rothenberger**  
**Service/Supplier Director . . . . . John Thompson**  
**Service/Supplier Director . . . . . Chris James**

**Coming in 2011 - advertising opportunities in the quarterly  
AGC West TN Newsletter.**

**Watch for advertising details in December 2010**



**THE ASSOCIATE GENERAL CONTRACTORS OF AMERICA**  
*The Association of the Construction Industry*