

BOARD OF MAYOR AND ALDERMEN

CALLED MEETING

AUGUST 19, 2021

The Board of Mayor and Aldermen (BMA) met in a Called Meeting on Thursday, August 19, 2021, at 7:00 p.m., at Town Hall, 123 Boone Street, Jonesborough, TN.

Mayor Chuck Vest called the meeting to order. Alderman Dickson led the group in an opening Prayer, and Dean Chesnut led the pledge to the Flag.

Upon call of the roll those present were: Mayor Chuck Vest, Alderman Stephen Callahan, Alderman Virginia Causey, Alderman Terry Countermine, and Alderman Adam Dickson. Also, present were: Town Administrator Glenn Rosenoff, Town Recorder Abbey Miller, Operations Manager Craig Ford, and Town Attorney Jim Wheeler.

The first item on the agenda was the interim financing and a change order to complete the Jackson Theatre project. Mayor Vest asked Glenn Rosenoff, Town Administrator, for his comments. Glenn Rosenoff said the Town has to obtain interim financing before the USDA-RD loan would come into effect. Mr. Rosenoff said the big thing is for GRC to be able to lock in their quotes because their prognosis is that the cost of various materials is going to go higher the longer we wait. He said lumber, steel, HVAC, drywall, and other building products are increasing by 50% to 100% to 200%. He said we want to make sure that GRC can lock in the prices and be more competitive. Mayor Vest said he agreed that we need to lock in what we can because in all likelihood the building material costs will continue to increase. Mr. Rosenoff said the one positive is that the work that has already been done with basically gutting the Jackson Theatre and the structural steel in place, we shouldn't be running into a whole lot of contingency issues as we have with the JRT improvement project. Mayor Vest asked the Aldermen if they had any comments. There being none, Alderman Countermine made the motion to authorize the staff, Mayor, and Town Attorney to sign documents necessary to obtain the best rate for interim financing on the additional Rural Development financing to complete the Jackson Theatre and to approve a change order with GRC Construction to complete the Jackson Theatre renovation for an amount not to exceed \$2,440,000. Alderman Callahan seconded the motion, and it was duly passed.

INSERT CHANGE ORDER

Mayor Vest said he had a couple of things to share about the history of Jonesborough. He said he had the opportunity to give a speech a couple of months ago, and he enjoyed learning about Jonesborough's history and thought that this might be fitting for tonight. Mayor Vest said in 1898 the Schubert Club was founded which was a group of women who promoted music and literacy in Tennessee's oldest Town, named in honor of composer Franz Schubert. He said the members of the club helped

form the Town's first library, purchased books for it, and provided a librarian. The Schubert Club also supported musical events and protested against censorship of cabaret artists in the 1950's, and they are still active in Jonesborough today. Mayor Vest said we have had controversial issues in Jonesborough before, and we have had duels in our streets in the past. He said in 1919-1920 women exercised their right to vote, and the women of Jonesborough and Washington County turned out to vote; women's suffrage was a hotly contested issue, and the debate on the topic filled the Washington County Courthouse to capacity in 1945. He said a change in law for women to vote in local elections occurred in 1919, and 720 women in Washington County registered to vote and voted in a June election; the following year the 19th Amendment was ratified granting universal suffrage to women voters; over 350 women in Washington County, including several African-American women, registered to vote in 1920.

Mayor Vest said in 1853, merchants Herman Cone and his brother Jacob Adler arrived in Jonesborough with a small covered wagon; the two Jewish immigrants from Germany had tried to set up shop in Virginia but had met with discrimination; they then moved their families to Jonesborough; the Town welcomed them and allowed them to establish a very successful business across the street from the Chester Inn on Main Street. He said they sold a number of different items including ready to wear clothing which was a wild concept in the mid-1800's. He said the families moved to Baltimore in 1873, but the Cone family sent money back to Jonesborough that summer during the cholera epidemic. The Cone family also sent money to the Town in the 1980's to help construct the Visitors Center and Town Hall. He said the Cone family ended up being one of the largest textile manufacturers in the world. Mayor Vest said if you travel up next to Blowing Rock, NC, you'll find the Moses Cone mansion and Price Lake which is a beautiful place. He said Jonesborough has a rich history that we cannot forget about, but through all that, we have overcome and continued to move forward.

The next item for discussion was approval of an Outdoor Use Permit for Tennessee Hills Distillery. Mayor Vest said Town Attorney Jim Wheeler has been very instrumental in regards to this item and turned the discussion over to him. Attorney Wheeler said after the last BMA meeting, Town Administrator Glenn Rosenoff and he were asked to work with the applicant on the Outdoor Use Permit for Tennessee Hills Distillery, and also, as he advised the BMA, to talk with each Board member individually about their concerns. Mr. Wheeler said Board members were given the opportunity to contact him. Mr. Wheeler said over the course of the last week he had discussions with several Board members individually. Attorney Wheeler said through the course of that, he had a meeting on August 17, 2021, with representatives of the applicant. He said the Mayor has also had a conversation with representatives of the applicant and provided some feedback from that meeting. He said as a result of those meetings, there are items that individual Aldermen asked to be addressed and brought forward that they feel are relevant to the Board's decision at this meeting tonight. Attorney Wheeler said he will first address proposed changes to the Outdoor Use Policy that will be brought to the Board at its next meeting in written form. Mr. Wheeler read the proposed changes as follows:

1. The Section on automatic renewals will be removed and replaced with a Section indicating that the permits are good for a period of one year and will expire on March 1st. All permit holders will reapply in January for consideration at the February Board of Mayor and Aldermen regular meeting for renewal.
2. Outdoor use applicants that serve alcohol will utilize servers holding ABC permits for alcohol service.
3. Outdoor use permits will be subject to the outdoor use area closing no later than 10:00 p.m. and being roped or gated off with signage indicating the permitted area is close.
4. The Town will monitor compliance with the ABC Server Licenses including requesting a list of servers and their license status from time to time and periodically spot-checking permit holders to ensure compliance with this new provision.

Attorney Wheeler said in addition to those changes to the Policy to be brought back to the Board for their discussion and consideration, several items have come forward that would be relevant to this applicant. He said it has been a very smooth experience sitting down and discussing this, and he feels there is all-around agreement on this. Mr. Wheeler said it is important to note that these agreed upon items will not carry the weight of a written agreement, but of course they can be used as a basis for consideration of their permit at any time. Attorney Wheeler said the following items have been agreed to by the Mayor and a representative of the applicant and in the meetings described above for consideration in approving the Outdoor Use Permit submitted. Mr. Wheeler said these items will not be included in recommended policy changes, but it would be appropriate for an Alderman or the Mayor to ask if Mr. Andrew is in agreement with these items. Mr. Wheeler reiterated that these items will not carry the weight of a written agreement but may be used as a basis for consideration of the renewal of this permit at any time.

1. When the large door(s) is open, there will be acoustic music only. When the large door(s) is closed, there may be amplified music inside the facility (acoustic music is any music that is played with instruments that do not require amplification).
2. Large door(s) closes at 10:00 p.m. each night, and music that can be heard outside the facility ends at 10:00 p.m.
3. Alcohol will not be served in the permitted area after 10:00 p.m. and after a period of time to close customers tabs, shepherd customers out of the permitted area, the permitted area will be roped or gated off with signage indicating it is closed which should occur no later than 10:20 p.m.

4. Tennessee Hills Distillery Staff will monitor to the best of its ability the conduct of guests inside the permitted area to prevent any safety hazards or disturbances of the peace and will follow ABC Guidelines with respect to serving patrons.
5. The Tennessee Hills Distillery Permit will be subject to the annual renewal requirement that is to be added to the permit policy beginning in 2022. In other words, this permit, if approved, will be valid through March 1, 2022. The permit reapplication process will start in January and be heard at the February meeting of the Board of Mayor and Aldermen.
6. Tennessee Hills Distillery agrees to come into compliance with the building codes adopted by the Town of Jonesborough within six months of the meeting on August 9, 2021. All parties understand that this is not contingent on any vote on any matter but is a matter of building code compliance.
7. Tennessee Hills Distillery agrees to come into compliance and remain in compliance with the other Town ordinances and policies at all times. This provision does not suggest there is any right to not be in compliance with the provisions of the Jonesborough Municipal Code and policies at all times, but recognizes a concern that the applicant not be in a position where they are in violation and before the Board after the fact.

Attorney Wheeler said that report was provided to the Board this afternoon, and he does have extra copies for anyone who is interested in obtaining a copy. Mr. Wheeler said in his opinion, and again he gave opportunity for feedback from both the BMA and the applicant, it accurately reflects the various numerous discussions that have been held in the meetings held this week.

Mayor Vest thanked Attorney Wheeler and stated that the Board would move on to Item 6 for the Tennessee Hills Distillery Outdoor Use Permit request. Alderman Stephen Callahan recused himself from acting as an Aldermen due to his position as the President of Tennessee Hills Distillery. Mayor Vest reiterated that going forward there will be an annual permitting process for any business with an Outdoor Use Permit, including businesses holding permits now. Mayor Vest said it is good to go back and clean up some things that impact our Town on a wider scale than just this one permit application. He said he is certainly appreciative of the work that Attorney Wheeler has put in and appreciates the Aldermen's feedback. Mayor Vest thanked Scott Andrew and Stephen Callahan for their work and cooperation with Attorney Wheeler. He said in Jonesborough sometimes it's not how you get there; it is what you accomplish once you have an agreement, and in his opinion, he feels it is going to be a great relationship.

Mayor Vest said Alderman Causey had a motion on the table from the August 9, 2021, Board meeting for the approval of the Outdoor Use Permit for Tennessee Hills Distillery and asked if she wanted to amend her motion to include the items addressed

tonight by Town Attorney Jim Wheeler. Alderman Causey said she is amending her motion to include the new items addressed and presented by Attorney Wheeler. Alderman Countermine seconded the motion. Mayor Vest asked the Aldermen if they had any discussion. Aldermen Countermine said he had a few items to address, and he then read the following statement:

“At our last Board of Mayor and Aldermen meeting I made the motion to table the motion dealing with an Outdoor Use Permit for the Tennessee Hills Distillery (THD). There had been much discussion, some quite heated. I felt that calmer heads were needed to make the right decision. I believe in compromise and second chances. That’s why I made the motion. Our Town Administrator was asked to facilitate a compromise. Starting that very evening, THD began a campaign that was not what I expected. I began to receive emails and messages that were filled with erroneous statements from people who obviously did not know the whole story. Some crossed the line of decency. They have continued through yesterday. On Saturday there was an editorial in the Johnson City Press that was very disparaging to Alderman Dickson and me. The author also was not aware of many of the details related to activities over the past months. Then there was the petition. Again, offering a financial incentive to sign a petition removes any credibility that it might add, and he is not saying that TN Hills did that, but it was there. I must admit that the events that I just mentioned tested my patience and jeopardized the compromise that was being worked on. I want to personally thank Glenn Rosenoff and Jim Wheeler for the many hours that they have spent. Without them, we would still be where we were 10 days ago. The two things that concern me the most are safety and proximity to a neighborhood. I believe that these issues have been addressed. In a gesture of goodwill, I’m going to request that the Town staff review the idea of the Town putting up decorative and removable bollards at the corner on the Town property and send that information to the Town’s traffic committee to come back to the Board of Mayor and Aldermen. This would improve safety in front of the THD. Trust is something that is earned. By granting this request, the Town is putting trust in the words that have been spoken and written. I will do the same. I feel assured that we will take the suggestion made by Alderwoman Causey to update our Outdoor Use Policy. I hope that a yearly renewal will be a part of that change and will be required of all businesses that have been granted the use of Town property. It has been suggested that the renewal will occur in the first two month of the calendar year. I sincerely hope that in the time from now until then, the trust that I mentioned will have been earned. Rest assured that if that trust is violated, I will not be intimidated by petitions, social media outbursts, and email threats. It is my sworn duty to represent the citizens of Jonesborough in a way that I feel is in the best interests of our Town and I will continue to do that.” Alderman Countermine said that from the bottom of his heart, he hopes and wants this to work. Alderman Countermine said that compromise is important, but trust must be earned. He thanked the Board and audience for listening.

Alderman Dickson said he would first like to say that he appreciated every email that he received, and he didn’t receive many, about 7 or 8, but he appreciated every one of them because what he saw was the democratic process at work. He said people

had feelings and were expressing their view points. Alderman Dickson said the country right now is being strained because people are not involved in the process, and it is good to hear from constituents about issues and people expressing their views. Alderman Dickson said what he saw in this small encounter, and as the Mayor alluded to duels and various other things in Tennessee's oldest Town's history, is that this is like a cakewalk. He said what he has seen is the American democratic process at work, and for a person who teaches political science and is engaged in political science, he kind of "wonks" out over stuff like this. He said it is very exciting to him, and he sees individual conscience but also collective compromise. Alderman Dickson said he hopes that as we deal with these issues, because he does not think this is going to be the end of issues we will deal with as a Town, that we see those two principals come about – individual conscience and collective compromise. He said individuals should be afforded the right to their feelings and beliefs, and there is nothing or any particular standard that says we have to agree. Alderman Dickson said we should be able to disagree without being disagreeable, and he thinks that is very important. He said he feels we have lost that in Washington and in Nashville. Alderman Dickson said he is very hopeful, and for those who know him, he is prayerful that we don't lose that in Tennessee's oldest Town. He said that we disagree and may not see eye to eye on things, but we don't have to be disagreeable. He said there is always a way that we should be able to come to the middle and work things out if we are just willing to. Alderman Dickson repeated: individual conscience and collective compromise. Alderman Dickson said he is grateful for Alderwoman Causey, and as she said to him earlier, with 30 years of experience in Tennessee's oldest Town, she knows how to read these Ordinances and policies, and so she is the one who has led this effort. He said he thinks Alderman Causey should be regarded as the one on this Board who has really stood in the deep to say there is a way forward. He said Mayor Vest has been the key spokesperson, and he is so grateful that Mayor Vest wanted to stand in the gap to communicate. Alderman Dickson said Alderman Countermine has played a key role in many of the requests that Attorney Wheeler brought out this evening, and he is glad that Alderman Countermine has been heard, and it seems like a resolution has been met. He said that is very positive in his mind. Alderman Dickson said there are two things he wants to say and then he will stop talking. He said his admonition going forward is the fact that there are people who really believe in the concept of community. Alderman Dickson said he doesn't know how to express it other than just to say it – Scott, Daphne, Jessica, and Stephen, you are part of this community. He said he is very hopeful that as we move forward in this community that again we can grow, we can see opportunities, thrive and abound. Alderman Dickson said just because there is disagreement does not mean that there is animosity, frustration, or anger. He said that is just not the case. He said that as he spoke about individual conscience, his vote still stands, but he says today with upmost sincerity, as he said before and will say again, that the vision you all have for Jonesborough he truly believes is a positive vision, and we as a Board want to work with you to accomplish that vision.

Mayor Vest asked Alderman Causey if she had any further comments. Alderman Causey said she is thankful that a compromise has been reached and she feels that Tennessee Hills brings a lot of people to Jonesborough. She said she also feels, and

maybe she is wrong, that downtown merchants profit from the people who come to Tennessee Hills because they come downtown and visit the shops. She said this is a crucial time right now with the Covid virus coming back up, and we need all the help we can get for our downtown merchants. Mayor Vest said he agrees that our downtown merchants do thrive on tourism whether it is Tennessee Hills or in the future the Jackson Theatre, all of these combined are really going to bless the downtown merchants, and our quality of life is only enhanced by it because the more successful our downtown is, the better it is going to be for everyone.

Mayor Vest thanked Alderman Countermine, Alderman Dickson and Alderman Causey for their comments, and said there is a motion and second on the floor and with there being no further discussion, he called for the vote. Voting Yes: Alderman Causey and Alderman Countermine. Voting No: Alderman Dickson. The motion carried.

Mayor Vest adjourned the meeting.

ABBEY MILLER, RECORDER

CHUCK VEST, MAYOR