

BOARD OF MAYOR AND ALDERMEN

PUBLIC HEARING

AUGUST 9, 2021

The Board of Mayor and Aldermen (BMA) met in a Public Hearing on Monday, August 9, 2021, at 7:00 p.m. at Town Hall, 123 Boone Street, Jonesborough, TN.

The first item on the Public Hearing agenda was an Ordinance adopting the 2018 Building Codes. There were no comments.

The next item on the Public Hearing agenda was an Ordinance amending the Fiscal Year 2020-2021 Budgets for the General, Solid Waste and Drug Funds. There were no comments.

The Public Hearing was closed.

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ABBHEY MILLER, RECORDER

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CHUCK VEST, MAYOR

BOARD OF MAYOR AND ALDERMEN

REGULAR MEETING

AUGUST 9, 2021

The Board of Mayor and Aldermen (BMA) met in Regular Session on Monday, August 9, 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 Zac Jenkins 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 next item was the Consent Agenda. Mayor Vest requested three items be pulled from the Consent Agenda: Item 7-d – Personnel – GIS Intern in Water Distribution, Item 7-f – Personnel – Administrative Assistant in the Police Department, and Item 9 Committee Appointments. Mayor Vest called for a motion to approve the removal of the three items as requested and to add to the agenda for discussion the resignation of the current Administrative Assistant in the Police Department. Alderman Callahan made the motion to approve the request from Mayor Vest as stated, seconded by Alderman Causey, and duly passed.

Mayor Vest asked the Aldermen if they had any items they wished to have pulled from the Consent Agenda for discussion. There being none, Mayor Vest called for a motion, Alderman Countermine made the motion, seconded by Alderman Dickson, and duly passed to approve the following items on the Consent Agenda:

1. Approve the minutes for the June 14, 2021, BMA meeting.
2. Approve the following bills for payment:

**Insert Payment**

3. Approve the following Operations Manager Report:

**Insert Report**

4. Approve the following Committee Reports: JRT Board of Directors, Jonesborough Board of Zoning Appeals, Jonesborough Planning Commission, and Historic Zoning Commission
5. Approve the following Supervisor Reports: Parks and Recreation, Events Coordinator, McKinney Center, MBM Program Director, Solid Waste and Recycling, Marketing and Promotions Coordinator, Police Department, Water Distribution, Visitor Center and Facilities Rental Manager, Website and Marketing Specialist, Building Inspector, Environmental Services/Wastewater, Animal Control, Street Department, and Fire Department.
6. Accept the resignation of Kathleen Cook as a Hostess at the Visitor Center with the effective date of September 26, 2021.
7. Accept the resignation of Cody Elliott as a Water Plant Operator at the Water Treatment Plant with the effective date of August 15, 2021.
8. Approve the appointment of Cody Page as a Meter Reader 2 at Grade 5, Step 1 (\$25,909), subject to all pre-employment requirements being met including WorkSteps.

9. Approve the appointment of Ricky Ledford as a Recycling Collection/Worker I in the Solid Waste Department at Grade 2 Step 1 (\$10.76 per hour) and to work up to 28 hours per week.
10. Approve the position of Lieutenant in the Police Department at Grade 15 in the Town's current Compensation Plan and the position description.

**Insert Position Description**

11. Approve the promotion of Police Sgt. Dennis Higgins to Police Lieutenant at Grade 15 Step 9 (\$53,461).
12. Approve the appointment of Luke Cole to the position of Water Treatment Plant Director, removing his current status as Interim Director, and at Grade 20 Step 2 (\$55,478).
13. Approve the following position descriptions in the Recorder's Office: Certified Senior Staff Accountant, Accounts Payable/HR Clerk, Staff Accountant II, Staff Accountant I, Billing Clerk, and Payments Clerk.

**Insert Position Descriptions**

14. Approve the full-time position of Assistant Recreation/Water Park Director at Grade 14 in the Town's current Compensation Plan and the position description.

**Insert Position Description**

15. Approve the appointment of Dillon Stout as the Assistant Recreation/Water Park Director at Grade 14, Step 1 (\$40,193).
16. Approve the 2021 Concession Agreement with the Persimmon Ridge Soccer Association authorizing the use of the Town concession buildings associated with the ballfields at Persimmon Ridge Park from August 1 – December 31, 2021, subject to the terms of the Agreement and CDC Guidelines.

**Insert Agreement**

The next item for discussion was the acceptance of the resignation of Billy Chestnut as the Administrative Assistant in the Police Department effective October 1, 2021, with regrets. Mayor Vest asked the Aldermen if they had any comments. There being none, Alderman Callahan made the motion, seconded by Alderman Causey, to accept the resignation of Billy Chesnut as Administrative Assistant in the Police Department effective October 1, 2021, with regrets. The motion was duly passed.

The next item for discussion was the appointment of Kelley Honeycutt to the position of Administrative Assistant in the Police Department at Grade 8, Step 1

(\$29,992), and subject to the successful completion of all pre-employment requirements, and to move to Grade 8 Step 2 (\$30,892) upon receiving required certifications through the State of Tennessee. Mayor Vest asked the Aldermen if they had any comments. There being none, Alderman Dickson made the motion to approve the appointment of Kelley Honeycutt as Administrative Assistant in the Police Department as presented, seconded by Alderman Countermine, and duly passed.

The next item on the agenda was the approval of the Financial Report. The motion to approve the Financial Report as presented was made by Alderman Countermine, seconded by Alderman Callahan, and duly passed.

Communications from the Mayor was the next item on the agenda. Mayor Vest said he received an email from Marty Glasgow of Noelle's Seasonal Decor and Gifts Galore expressing her special thanks to the BMA for the continued encouragement and help during a difficult season. She said the Special Events the Town has put together for Jonesborough have really kept the merchants going, and they especially want to recognize Cameo Waters and Melinda Copp for their hard work and diligence in promoting the Town. She said we always have Christmas in July, which is one of our biggest events of the year, and we enjoyed seeing how the Town came together to make it an even bigger success and the Harry Potter event brought in new people and extended their customer base. We are currently blessed to have a store in downtown Jonesborough and a Mayor and Aldermen who are dedicated to the Town and support their merchants in a positive way. Mayor Vest expressed his and the Board's appreciation to Ms. Glasgow for her comments. Mayor Vest said the Harry Potter event was a great event, and it was good to see young and old enjoying that event, and it being tied in with the Christmas in July made it a special time. He thanked everyone that made the event possible. Mayor Vest said the Pioneer Pride 5K had a great turnout, and it is always good when we get our young people in our downtown.

Mayor Vest read a Proclamation designating September 2021 as Suicide Awareness Month in the Town of Jonesborough and presented the Proclamation to Dr. Drew Turner, member of the Tennessee Suicide Prevention Network. Mayor Vest asked Dr. Turner if he had any comments. Dr. Turner thanked the Mayor and Board for having him at the meeting and said he is very thankful for the Town's support for Suicide Prevention Awareness.

### **Insert Proclamation**

Mayor Vest announced that under the Consent Agenda Police Sgt. Dennis Higgins was promoted to Lieutenant, Luke Cole was appointed as the permanent Water Treatment Plant Director, and the position of Assistant Recreation/Water Park Director was created and Dillon Stout was appointed to that position.

Mayor Vest asked Police Sgt. Chad Reece to come up to accept the August Employee of the Month Award. Mayor Vest read the following nomination letter:

*I would like to nominate Sergeant Chad Reece of the Jonesborough Police Department as Employee of the Month for the Town of Jonesborough. On Saturday, July 24th, myself and Beebo Russell had made plans to come in early and spray the weeds growing in the 11 E medians leading into town. With the hot and wet weather, we have experienced this summer, weed control is a large, tough task. When you couple this with the location on the medians and the heavy traffic along the 11 E corridor, safety and efficiency are big focus. That morning Sergeant Reece offered to provide us escort as we sprayed, ensuring our safety as well as allowing us to move quickly along, saving us valuable time and limiting any traffic obstruction to drivers. Thanks to his willingness to assist us, we were able to get done 2 hours earlier than expected. And more importantly, we were able to do so safely. There is no doubt that had Sergeant Reece not provided this escort, things would have taken a lot longer, costing us time and payroll expense. We in the Parks & Recreation Department greatly appreciate Chad keeping us safe and proudly nominate him as Employee of the Month.*  
*Matt Townsend, Recreation Director*

Mayor Vest asked Sgt. Reece if he had any comments. Sgt. Reece thanked Matt Townsend for the nomination. He said the Recreation Crew did all the work and are very kind.

Glenn Rosenoff said that the Board needs to set two called meeting dates. Mr. Rosenoff said that Shell Road, one of the long-standing road improvement projects, has been improved and is operational now. Mayor Vest said the first meeting will hopefully include an appointment of a Town Recorder and an agreement with Washington County in regards to the County Water Line Extension Projects, and the second meeting is for the second and final reading for the FY2021-2022 Budget. Upon discussion of dates and times, Alderman Callahan made the motion to set the two called meetings as follows: Thursday, August 19, 2021, at 7:00 p.m., and Thursday, August 26<sup>th</sup>, at 8:00 a.m. Alderman Dickson seconded the motion, and it was duly passed.

Alderman Communications was the next item on the agenda. Mayor Vest asked the Aldermen if they had any comments. Alderman Dickson said he is very excited about the work on Shell Road and very grateful to see that. Alderman Dickson said he was curious to know Town staff's thoughts about North Lincoln Avenue going by the old garage and the future Lincoln Park; he stated he has heard from a couple of residents about the need for speed bumps going up the hill. He said he was wondering as Lincoln Park develops will we see a need or feel a need for speed bumps on North Lincoln Avenue at some point. Glenn Rosenoff said typically the process is that citizens call and say we need a speed bump and we gather intel, or if the BMA brings it up, it is something that staff can look at. Craig Ford addressed Alderman Dickson stating that the issue has actually been looked at before, and we have even had some discussions on making the actual entry to Lincoln Park off of Jefferson or Long View on that side and even closing the North Lincoln Avenue side all together. Mr. Ford said he doesn't think there has been a definitive answer. He said he knows Street Director Malcolm Highsmith has done some traffic counts on North Lincoln Avenue and the speeds are high. He said one of the big issues is, just from an engineering point of view, there is a

very steep decline going down that hill which makes it a lot more difficult to install speed humps, and you get to a point where it's not feasible to do that because the speed humps almost become launching pads. Mr. Ford said he does not have an answer at this point other than it has been studied and they would have to talk to the engineer to see if it is even feasible to install any speed tables on that stretch of roadway because of the steepness of that decline from the hill. Glenn Rosenoff said if speed tables are not feasible, they could look at alternatives. Alderman Countermine said the Pioneer Pride 5K Run last Saturday night was really well done, and he applauds the staff from David Crockett High School; there were a lot of people in attendance. Mayor Vest said that is an important fundraiser for the high school.

The next item on the agenda was Committee appointments. Mayor Vest presented the following Committee appointments and reappointments:

JRT Board of Directors

Reappoint Kelly Wolfe to a three-year term expiring June, 2024.

Historic Zoning Commission

Appoint Susan Flower to a five-year term expiring August, 2026.

Jonesborough Planning Commission

Reappoint Bryan Barnett with the term expiring August, 2023.

Reappoint Tom Foster with the term expiring August, 2023.

Reappoint Hal Knight with the term expiring August, 2023.

Mayor Vest asked the Aldermen if they had any questions or comments. There being none, Alderman Callahan made the motion to approve the appointments and reappointments as presented. Alderman Causey asked in regards to the Historic Zoning Commission, there is supposed to be a representative from the Planning Commission, and there is not one at the present time. Mayor Vest said there is a plan in place to hopefully take care of that situation in the next couple of months. Alderman Countermine said he received several calls in regards to committee appointments, and the process is a concern to him, especially when there are people who have served for a lot longer on the Historic Zoning Commission than Jay Jarman, and Chairman Zac Jenkins was not contacted; he said he just urges that we do a better job with that in the future. Mayor Vest said he agrees. Alderman Countermine seconded the motion, and it was duly passed.

Town Attorney Comments was the next item on the agenda. Mayor Vest asked Attorney Jim Wheeler if he had any comments. Attorney Wheeler reported that he and Kevin Brobeck had been meeting and negotiating with the Washington County Mayor and the County Attorney regarding the County Waterline Extension Project. Mr. Wheeler said he should have a draft of the agreement to the Board in the near future for review and to answer any questions the Board may have, and then we can finalize that.

Citizens Comments was the next item on the agenda. There were no comments.

The first item under Old Business was second and final reading of an Ordinance amending Title 4, Chapters 1 and 2, of the Jonesborough Municipal Code adopting the 2018 Building Codes. Mayor Vest read the following Ordinance caption, "An Ordinance Adopting the International Building Code 2018 Edition, the International Residential Code 2018 Edition, the International Fire Code 2018 Edition, the International Mechanical Code 2018 Edition, the International Fuel Gas Code 2018 Edition, and the International Plumbing Code 2018 Edition". Mayor Vest asked the Aldermen if they had any comments. There being none, Alderman Dickson made the motion to approve on second and final reading the Ordinance amending Title 4, Chapters 1 and 2, of the Jonesborough Municipal Code adopting the 2018 Building Codes as presented, seconded by Alderman Countermine, and duly passed.

### **Insert Ordinance**

The next item on the agenda was second and final reading of an Ordinance for the Budget Amendments for the General, Solid Waste and Drug Funds for Fiscal Year 2020-2021. Mayor Vest read the following caption, "An Ordinance Amending the Fiscal Year 2020-2021 Budget for the General, Solid Waste and Drug Funds". Mayor Vest asked the Aldermen if they had any comments. There being none, Alderman Causey made the motion to approve on second and final reading an Ordinance for the Budget Amendments for the General, Solid Waste and Drug Funds for Fiscal Year 2020-2021, seconded by Alderman Countermine, and duly passed.

### **Insert Ordinance**

The next item on the agenda was approval of a request from the JRT for a Net Profit Exception to their Operating Agreement to allow for the following breakdown based on the financials associated with all performances held at the Bonnie Kate Theatre in Elizabethton, TN: 25% - JRT Artistic Director, 25% - JRT, 30% - Town of Jonesborough, and 20% - Bonnie Kate Theatre. Mayor Vest asked the Aldermen if they had any questions. There being none, Alderman Countermine made the motion to approve the request from the JRT for a Net Profit Exception to their Operating Agreement as presented, seconded by Alderman Callahan, and duly passed.

The first item under New Business was a Special Event Request application from the Heritage Alliance for a "A Spot on the Hill" to be performed in the Old Jonesborough Cemetery. The dates of the six performances are Friday, October 15<sup>th</sup> – 1 show; Saturday, October 16<sup>th</sup> – 2 shows; Friday, October 22 – 1 show; and Saturday, October 23<sup>rd</sup> – 2 shows. Mayor Vest said that in the past the Heritage Alliance has used the Visitor's Center as a backup location due to inclement weather, but that option will be decided in September while monitoring the Covid-19 rates and closer to the performance schedule. Mayor Vest said he appreciates all that the Heritage Alliance does for the Town and community, and asked the Aldermen if they had any comments. There being none, Alderman Dickson made the motion to approve the "A Spot on the Hill" event as presented, subject to the Town Attorney's review and acceptance of the

Hold-Harmless Agreement and proof of required insurance, and CDC guidelines. Alderman Causey seconded the motion, and it was duly passed.

The next item for discussion was a lease agreement with Norfolk-Southern Railroad in regards to the land where the Chuckey Depot Museum building is located. Mayor Vest asked Town Administrator Glenn Rosenoff to explain the lease agreement. Mr. Rosenoff said several months ago a Norfolk Southern Property Agent reached out to the Town regarding the Chuckey Depot Museum building, and according to railroad records, they have taken the position that the depot is encroaching onto railroad property. Mr. Rosenoff said he examined the railroad's documents, reviewed the Tennessee property data parcel image, took measurements in the field, and concluded that the issue needed to be reviewed and addressed by the Town Attorney. He said that Attorney Wheeler has reviewed the documentation and concluded that entering into the lease agreement was a reasonable resolution to the issue. He said that Norfolk-Southern Railroad wants to work with the Town and has proposed that we complete and submit a land lease application to the railroad, and they will waive the \$500 application fee. Mr. Rosenoff said that the proposed annual lease amount is \$600 and renews yearly. He said in regards to the insurance component of the agreement, it is currently being reviewed by the Town's insurance company PEP (Public Entity Partners). Mayor Vest asked the Aldermen if they had any comments or questions. There being none, Alderman Causey made the motion to approve the following staff recommendations: (1) approve the Norfolk Southern Corporation (NSC) Land Lease Application with the \$500 fee waived; and (2) approve paying Norfolk Southern Corporation \$600 annually to lease the portion of the land on which the Chuckey Depot Museum is situated according to the documents provided by NSC to the Town of Jonesborough. Alderman Countermine seconded the motion, and it was duly passed.

The next item on the agenda was approval of an Outdoor Use Permit for Rugged American Spirits/TN Hills Distillery, 127 Fox Street, Jonesborough, TN. Mayor Vest said Scott Andrews, CEO of TN Hills Distillery, was present and asked Mr. Andrews to address the Board concerning what their plans are for the future. Scott Andrews thanked the Board for the time in allowing him to speak. Scott Andrews said they are not asking for anything special and they are going to try to do everything as best as they possibly can. Mr. Andrews said what they do ask for in considering this application for an Outdoor Use Permit, is the same treatment as the three businesses, the Barrel House, Texas Burrito & More, and Main Street Café, that have been given that same permit already that are on Main Street. He said they are not on Main Street and they have to consider their neighbors a little bit differently. Scott Andrews said they are looking to improve the TN Hills Distillery business, and people that park in the Parson's Table parking lot if they cross the street they mean to go to TN Hills, and if they park in the lot and go toward down town they don't even cross the street because the pathway is on the other side of the street. He said for the last seven years Stephen and Jessica have maintained this city property that has created all this issue that all of this needs to be done. Mr. Andrews said at the Callahan's expense they put in the patio, and he thinks the city has approved that, and put in everything to match the sidewalk and they have maintained bank between their property and Marcy Hawley's house. Mayor Vest



thanked Mr. Andrews for his comments. Mayor Vest said we have a wonderful little town that does big things. He said we have an atmosphere and historic past that we want to protect, and he feels that is why we are here. Mayor Vest said in talking with Scott Andrews he feels he knows what his vision is and he thinks he knows what is going to be successful for TN Hills and he does feel like it something different than what it was four or five months ago.

Alderman Causey said she did not have any questions, but she did have something she wanted to say. Alderman Causey said she would like to say that she knows this is not going to be a win-win situation. If we approve this request, we will have people upset and if we do not approve this request, we are going to have people upset. We have to take out the equation that there is personal dislike for actions in the past and we need to look at this openly. She said this is a request for Outdoor Use Permit at Tennessee Hills allowing tables and chairs outdoors, and this request went to Historic Zoning and was approved for the furniture and fencing. She said this decision has to be made on the permit and not because of personal dislike for actions in the past; and we should apply equal application for the request. Alderman Causey said this would give the Town more leverage to enforce the law and if cited with a violation, the Board could take that into consideration. Alderman Causey said we should apply equal application and treat business owners all with the same consideration. She said she had researched the Code, reviewed the policy and talked with more people on this item than she has talked to in a long time. She said she does not know if there will be a second, but she is making the motion to approve the Outdoor Use Permit Application with a barrier and the sidewalk to remain free and clear of any furniture or materials subject to the Town Attorney's review and acceptance of the Proof of Insurance form and the Hold Harmless Agreement for 6 months and at that time to be reevaluated. She also included that the Town Administrator look at this policy and take out automatic renewal and that each year the applicant has to reapply. Mayor Vest said he appreciates Alderman Causey's comments and taking the time to put that much thought into it.

Alderman Callahan recused himself from acting as an Alderman.

Mayor Vest asked Alderman Dickson and Alderman Countermine if they had any comments of their own, or a motion for a second. Alderman Countermine said no, that he means he does have some comments but does not have a motion for a second. Alderman Dickson said he had comments. Alderman Countermine asked if they don't need to have a first and a second on motion before it can be discussed. Town Attorney Jim Wheeler said Robert's Rules of Order states that you need a second on a motion before you can discuss, or the motion would fail, so you need a second to continue to discuss. Mayor Vest asked for a second to the motion so that the Board could discuss it. Alderman Dickson said for the sake of conversation he will second the motion. Alderman Dickson addressed Scott and Daphne Andrews, stating he did have some comments; he said it has been a pleasure to interact with them this evening and their success and it's really not only inspiring it is very neat to see. Alderman Dickson said as someone who has never owned a business but he does think he has somewhat of an entrepreneurial mind, it is neat to be around people who are innovative, who have fresh

eyes, and people who are creative, and are successful at it. He said very sincerely he is saying to the Andrews that it has been a pleasure to interact with you and some of the people that associate with your, in particularly Gary Mabrey and others, he considers to be good friends. He said he applauds Mr. & Mrs. Andrews, he applauds their tenacity, he applauds their efforts, and he applauds the fact that you want to come to Tennessee's oldest town. Alderman Dickson said to the Andrews that you seem to embrace lock, stock and barrel of what he believes is the secret to Jonesborough's success and that is the arts and economic development strategy. He said that strategy is about four decades old and people like Dr. Kennedy and Jimmy Neil Smith and others really saw the worth of trying to preserve this town and starting the National Storytelling Festival and it has been the secret to this town's success. Alderman Dickson said then when we have the McKinney Center and now the Jackson Theatre and such. He said we have such potential and he thinks we have seen it over 4 decades and people like the Andrews who see the potential in this town that is even more exciting to him, and so again, he thanked them for that and thanked them for wanting to make an investment in our town. Alderman Dickson said lastly, when you think about the Town of Jonesborough you got to think about quality of life. He said our community is rich, our community is inclusive and he does not believe that is just by happenstance. He said he thinks people are very intentional and they work very hard at it, and so our community is very close knit. He said he thinks over the past four decades and certainly the past two decades that he has been on the scene, he knows that a lot of different individuals make up the community but at the end of the day we are a family. Alderman Dickson said we are a community and the quality of life is very important to us. Alderman Dickson said now with all that said, with total appreciation to Mr. Andrews, he is concerned about this particular situation. He said for Adam Dickson, he thinks it goes without saying how Dickson feels about these issues. Alderman Dickson said his sincere hope is that the Andrews don't give up on Jonesborough. He said it is his sincere hope is that we can continue to move forward. He said his sincere hope is that the vision Scott Andrews has for TN Hills Distillery will continue to prosper and grow. He said his sincere hope is that Jessica and Stephen will continue to grow and thrive under your tutelage and you don't know me that well but as Adam Dickson he means that with the upmost sincerity. Alderman Dickson said he just doesn't believe that this is in the best interest for Tennessee's oldest town and he has to respectfully move with his conscious, but he does hope that we can continue to build relationship for the good of Jonesborough.

Alderman Countermine said he echoes exactly what Alderman Dickson said. Alderman Countermine said he has met with Scott Andrews and early on he met with Stephen and Jessica Callahan when they were first involved with it, they almost rented a house from him. He said the vision was of the distillery and the overlay was to have a distillery there and have tastings. Alderman Countermine said now the law has changed, not the Town's law. He said he and Sandy moved to Jonesborough in 1990 and this is home and this is where he wants to end up. He said twice in the 1990's he supported and worked for a referendum because at that time it was a dry town and both times it failed. Alderman Countermine said in the early 2000 when he first became an Alderman. he supported it again and we told people yes this will be supplementary, we will allow liquor

by the drink or beer, but in a restaurant, and the establishments that have been mentioned are all restaurants as their primary business. He said they put in the Ordinance that over 77% of the business has to be food. He said now those people if we allow this outside, it is a bar it encourages "take one down and pass it around" and he has driven up there and had to slow down because people were walking out of there, and he doesn't know because he doesn't have a breathalyzer, but they had too much to drink, and they have to walk in there. Alderman Countermine said the reason people go there is to consume alcohol. He said if you look on the police websites, they tell you if you have more than 2 drinks of 5% alcohol that you probably wouldn't pass a breathalyzer test. Alderman Countermine said he has seen with his own eyes, and he has had a lot other people tell him, that people drink too much in there and it is bar. He said when the Board passed the Ordinance to allow liquor by the drink, they assured people that there wouldn't be a bar, where the primary reason for going there is to drink. He said if you open at 11:00 a.m., and start tastings are open and stay open until 10:00 or 11:00 p.m. at night there are going to be some people that drink too much. He said he is concerned about the public safety, that is not a safe place right there by that road, when you come down off that hill and around that corner and having people there, or people walking that have to cross that street to get in there and then have to walk back. Alderman Countermine said he has had five people tell him that they won't drive home that way any more because there are people walking across out of there who have had too much to drink and they are afraid they are going to hit them. He said it is especially dangerous because if you come up over the tracks from downtown you don't see anybody until you level off on those railroad tracks, and sometimes there are people in the road there. Alderman Countermine said he has had more people call him, email him, text him, not that he has solicited about this, over 40. He said now granted those are people that have supported him in his "run" this time and they are not all gray-hairs, they are not all old like him, many of them were 40 or younger. He said several of them, at least four own businesses downtown, they urge him not to support this. Alderman Countermine said the vision of it and he looks back and almost everyone that he has talked to said when that opened up and Jessica and Stephen were in there and it was tastings and there were a nice gift shop and people went in there and had fun and then they left, and it was great. He said but now it has turned into a bar and there is that, please vote for us as the best bar in the region, that is on the website, and it is a bar. Alderman Countermine said when they passed this Ordinance to allow liquor by the drink, we assured people and when it passed many of the changes in vote from the previous two referendums was because they felt that way. He said he feels that he would be violating a trust with them if he said OKAY let's have a bar and go up there and drink. Alderman Countermine said he respects how you feel, and that is Terry Countermine's opinion and he feels it with his heart; and he hopes that just because you don't have seating outside of that place that it doesn't stop. Alderman Countermine said he talked to Chief Street this morning about safety issues and there are safety issues and yes there are some things in the background and that is not why he is against it. Alderman Countermine said he thinks Stephen has been sorry for that and he appreciates it; but his heart tells him that having a bar there where people go there just to drink is not something that is good for the quality of life in Jonesborough.

Mayor Vest said really this vote is, as Alderman Causey said, it is an application where the Board is being asked to do something that we have done before for others. He said he doesn't really think we should look toward the past and making comments about the past, its really about the vision of the future and he does think the 6-months that Alderman Causey put in her motion it gives us a 6-month run way to how it progresses. Alderman Vest said he is not sure why they don't take that option of the 6-months and if things are not progressing the way we desire, then the Board has the option to do something different in the future, just like for any business. He said there is leverage with that 6-months and he feels the Board will be making a great mistake if we don't take advantage of Alderman Causey's motion, because we have a chance with the 6-months to address something with this business and other businesses if there is a change in our quality of life. Mayor Vest said he thinks a no vote here is not looking to the future. He said we have to have faith that the vision for this development will be in keeping with our quality in life and that is what he thinks that the purpose is. He said if it is not keeping with our quality of life, you have an option of 6-months and then 6-months after that, and then 6-months after that; and that is just an easy thing. Alderman Causey said she would like to add one more thing, she said she moved to town in 1968, she did not vote for liquor by the drink in Jonesborough and she did not vote for it any of the times it came up, because she did not think Jonesborough needed it. She said, however, the majority of the people in town voted it in and it came in with a very, very small margin. She said they voted it in, it wasn't her voting it in. Alderman Causey said she look at that as a request for an Outdoor Use Permit, you have to look at the policy itself, there is nothing in that policy that says that you have to back to what has happened in the past. She said if there is nothing wrong or if Zac's business or any of the rest of them does something wrong with alcohol then the Police Department is going to get. She said it is already a proven fact they have already got one of them downtown, it is not something like we are not going to have in Jonesborough, this is just the beginning of what Jonesborough is going to have; because we do have liquor by the drink. Alderman Causey said she just feels like by policy, and she has wrestled every since she got this, by policy you have to approve it, you can't pull personal feeling into a decision, if it is by policy and it passes policy. Mayor Vest thanked Alderman Causey for her comments.

Scott Andrews addressed the Board. Mr. Andrews said he has had their Chief Legal Officer review them, too and he will question, if it is a no vote, how and why because he will fully believe they will then be discriminated against when other people have been given the same thing. He said this isn't a liquor by the drink application, its an application to have outdoor furniture in an enclosed barrier at a business; and it is already going to have people inside drinking, whether you approve that or not. Mayor Vest said Mr. Andrews said something about quit serving at 9:00 p.m., and he has discussed with others about requiring to cease serving liquor at 10:00 and you brought up 9:00; and he said one issue there that maybe a compromise that could work is if you are saying you that you could quit serving the liquor to go outside at 9:00. He said he has always had a little bit issue with that and how do you control that. Mayor Vest asked Mr. Andrews if part of that can be closing that door at 9:00 that way it could of kind of ensure that no body orders a drink and wonders out into the patio at 9:00. Scott

Andrews said he thinks they close all music at 10:00, so it is going to be very difficult to monitor that totality of that. He said 10:00 would be a better number and then they could strongly inform their customers no drinks outside of that building. Mayor Vest said if you could roll down that door at that point that would ensure that would actually happen and might make this Board feel better about it. Mr. Andrews said at 10:00 he would be willing, we deserve to be able to think about that, can I be willing to do that you might as well be shutting down the person playing music, you hurt people like the guy getting tips for playing music shouldn't be shut out from the four months out of the year, it is a very nice place to sit. Mr. Andrews said what he promises is that if you give us the chance, we will make it within 6-months, its not like we won't lose that. He said you are putting that on the table and if you think we are the kind of people who don't fulfill our commitments you will find out we are not perfect at doing it but we believe in trying to. Mr. Andrews said he thinks they will fulfill that commitment that 6-months from now you won't complaints or problems. He said as dangerous as it sounds, he doesn't know of anybody that has been hit and he doesn't know of anybody whose fallen; he said he has seen things from Marcy Hawley that he didn't want to see but he apologized to her, that was language oriented it might have been caused by drinking, it might have just been caused by a disrespectful millennial, he doesn't know because he wasn't there. Mr. Andrews said if you do approve it on that 6-month window, he appreciates you thinking about it and given us another chance to prove ourselves and if we don't handle it right, we will be in trouble. Mayor Vest asked if there were any further comments from the Aldermen. Alderman Countermine said he would like to ask Attorney Wheeler about the legality if it is denied. Mayor Vest asked Attorney Wheeler if the Board needs to go into Executive Session. Attorney Wheeler said yes, because it has been suggested that maybe you are discriminating and issue would be taken with your decision which suggested legal action. Attorney Wheeler said his advice to the Board needs to be in an Executive Session. Mayor Vest announced that the Board is going into Executive Session and the meeting resume after the Executive Session has ended.

The Executive Session ending and Mayor Vest resumed the meeting.

Mayor Vest asked Glenn Rosenoff, Town Administrator, his opinion of all this is and how it impacts our town. Glenn Rosenoff said in looking at the permit, he looked at it based on the criteria. Mr. Rosenoff said an Outdoor Use Permit it talks about if the Historic Zoning Commission has approved the furniture materials, schematic is provided showing location of furniture materials, also as in the case, posts with chains, proof of liability insurance, including listing the Town as other insured and a signed hold-harmless agreement, inspection of any furniture materials by Building Inspector to ensure that the items use are structurally sound and safe, and review of specific layout of any furniture or materials, sign used and insured, and there remaining adequate pedestrian access down the sidewalk including wheelchair accessibility. He said the Historic Zoning Commission has approved the appearance of the furniture materials which is basically black metal tables with wooden tops, spent bourbon barrels that access the boundary with black chain. He said there was a couple of different options presented, one was talking about the sidewalk not having an extensive use just where it is located on the one side of the street and his one notation is that despite the sidewalk

remain free and clear and become the buffer between the roadway and the outdoor use area. He said there is a little bit less than 6 ft. separating from where a car would be and if someone was actually sitting there. Mr. Rosenoff said their application and information provided strategic locations of those tables and chairs and based on the applications showing where they are located that's where it would have to be, so they wouldn't be able to redesign it as such. He said they also made sure, like the last one, is that there is pedestrian way and ADA accessibility. Mr. Rosenoff said also to say of note, it's been discussed quite a bit as far as whether there be noise, or actions on the outside. He said one of the thoughts is just meeting the criteria the other part was the Board controls approving the boundary and the use, if that use is abused then that same Board that offers the approval is the same ones that can suspend or revoke; and that was the position he was looking at just like anybody else if there is an issue going on then it's this Board's authority to suspend or revoke. Mr. Rosenoff said he was not sure whether or not there is any accidents or not, but that is what he looked at. He said there has been a couple other different places that have gone to Historic Zoning and didn't have the sidewalk, for example, Gigi's had applied not too long ago and they didn't have enough for pedestrian walkway because the sidewalk isn't as wide and they are not technically a restaurant but they never made it to the Board with an Outdoor Use Permit because of the pedestrian part. Mr. Rosenoff said he looked at the criteria in his analysis narrative and provided information where TN Hills met those criteria. Mayor Vest asked the Aldermen if they wanted to digest what has been heard tonight, or do you want to come back at the meeting schedule for August 19<sup>th</sup> and come back to address it at that time, and it gives us a chance to think about the food component and some of other things and discuss it with staff more. Mayor Vest asked the Aldermen if they wanted to table this item until the August 19<sup>th</sup> meeting, and that we have a motion and a second on the floor. Alderman Countermine said he would like to table it. Glenn Rosenoff said complaints about noise that is affecting a citizen or really anybody around there of any violation of our anti-Noise Ordinance. Alderman Countermine asked about an intoxication problem. Mr. Rosenoff said that would be a law enforcement matter, so yes that would be anybody this is violating any of our codes and ordinances would basically be found in violation of any of the Town's codes. He said recently there was an issue with Music-On-The-Square and another business and an officer stepped in and went over to that other business and told them the Town has a special event going on, and as far as he knows it went peaceful. Mr. Rosenoff said he just found out about it the other day and it was addressed rather than just ignoring it and thinking it will go away. He said a lot of these issues can't be thought it is just going to go away, it has to be addressed or there has to be conditions, there has to be boundaries, just like those barrels and that chain provides a physical boundary; he thinks, behavior either good or bad, it also has to provide that boundary as well. He said police can't be out there all the time, it is just not possible. He said if a citizen calls or anybody driving by calls about a violation that is our responsibility as far as the Police Department to respond and that is one of the big things is when we respond and it is occurring there could be a violation, in his opinion. Mr. Rosenoff said the hard part sometimes is that maybe there is a call, and you come around and it stops. He said he feels strongly, whether it is this matter or not, that the Board of Mayor and Aldermen has authority have in certain regards to different permits that we provide to be able to measure those whether its

performance, whether that's trust which he thinks is great. He said he thinks measurable is more of performance and violations and then being able to assess it and saying it's working out ok or its not working out ok, and the Board asks Mr. Rosenoff to put it on the next agenda and we are going to discuss it in an open meeting, if there are issues and not just anything made up, but things that are actually occurring. Mr. Rosenoff said just like on property maintenance, if there is an ongoing occurring issue, then there is a due process that the Town takes for a property maintenance violation. He said it might take us a little bit of time to get to cleaning up a property or what have you, but there is a due process approach to it. He said which is the creation of the Ordinances by the Board of Mayor and Aldermen providing a due process of adopting an Ordinance, the same things as amending it or addressing it that there are some deficiencies in it. Mayor Vest asked the Aldermen if that helped clarify anything for them. Alderman Dickson said he supports the idea of tabling to the next meeting, and he thinks this Board wants to see success, this Board wants to move forward, we want to see great opportunities in Jonesborough, so if we can table and come back and deliberate and hopefully move forward. Mayor Vest asked Alderman Causey if that was good with her and withdraw her motion. Attorney Wheeler said Alderman Causey did not necessarily have to withdraw her motion, but there needs to be a motion to table this to the August 19<sup>th</sup> meeting. He said Alderman Causey's motion can come back up but it would not require a withdrawal. Mayor Vest said we have a motion to table the Outdoor Use Permit Request for TN Hills Distillery until the August 19, 2021 Called Meeting by Alderman Countermine and seconded by Alderman Dickson, and asked if there was any further discussion and he called for the vote. Alderman Countermine said he would like to know if they are just going to discuss again the next time. He said he thinks it would be good for the Aldermen to share with the Town Administrator Glenn Rosenoff concerns so that issues are well defined and what we expect is well defined. Mayor Vest said yes. Mr. Rosenoff said he agrees and if the Board talked to even Craig Ford and himself whether it's the utilities, whether its water, whatever the issue is we have to clearly define what we are talking about, as you said pick versus alcohol use to properly define and address the definitions of those issues or subject matters. Alderman Countermine asked if the Board members should send to the Town Administrator a list of any issues. Mr. Rosenoff said yes, BMA members can email him or they can simply talk, and he would be happy to meet with each Board member individually if that is easier. Attorney Wheeler said to Mayor Vest that he had to advise Board members that the fact it has been raised the issue of possible litigation, he would suggest that Board members need to funnel their questions through legal counsel, so that he can look at those confidentially and individually about you may or may not want to ask and not send them to the Town Administrator. Mayor Vest called for the vote to table the Outdoor Permit Use request. Upon call of the roll: Alderman Countermine voted yes, Alderman Dickson voted yes, and Alderman Causey asked if Mr. Andrews and Mr. Callahan are okay with this being tabled. Mayor Vest said they discussed that one of the possibilities. Mr. Andrews said he didn't think they were going to do that, he thought they were going to vote. He said we were always planning to put a food truck there that is part of why we bought the Parson's Table, we have already bought a 20 ft. trailer for Johnson City, they are a lot easier to work with, and we are going to need an 18 ft trailer and all of this came up and it is on city property and then we got to go through more rig-a-ma-row to

even have a food truck/trailer. Mr. Andrews said he thought the Board would be voting tonight, tabling just delays, and their business was off about 56% and they can prove what it does to the business not to have that outdoor space open; and that is why he says there is a legal basis. He said if Zac Jenkins of Main Street Café wants to be open until 3:00 a.m. on Sunday serving drinks and beer, he can, and that puts you without having a buy a sandwich or food. Mr. Andrews said the point is not to take something away from Zac, it is just to apply your regulations equally to all businesses that are asking for it. Mayor Vest said what we have before us is a motion and a second and we are going to need to take a vote one way or the other, or unless someone wants to rescind another motion. He said the vote before the Board now is whether we want to delay this decision and that is the Board's prerogative and if its not acceptable to the applicant then we will cross that bridge, and if the Board wants to take a vote tonight then we can to rescind our motion. Glenn Rosenoff asked if the Board had already voted on the motion to table. Mayor Vest said no, we had a motion and a second and we were waiting on Alderman Causey to vote and got into the discussion. Alderman Causey said on August 19<sup>th</sup> is ten days and she will go ahead and vote yes. Mayor Vest said there was a motion and a second to table this request and three positive votes and the motion carried; and we are going to address this on August 19, 2021. He said this gives us a little time to digest this tonight and it is such an important decision we do need to digest it, so we will come back on August 19<sup>th</sup> and make a definite decision.

Alderman Callahan rejoined the meeting as a Board member.

The next item on the agenda was first reading of an Ordinance adopting the FY21-22 General Fund, Solid Waste Fund and Drug Fund budgets and setting the 2021 property tax rate. Mayor Vest said there are a couple of things in the budget that staff could look at as they prepare for second reading. He said it looks like there is about \$170,000 in unappropriated funds in the General Fund, it's great to have that, and it is a luxury. He said he wouldn't mind seeing, if the Aldermen end up supporting it, some time spent looking at some of the non-profits, like the Washington County-Jonesborough Library and Heritage Alliance, and some of the non-profits that we've been giving money to over the years, but the amount we have given has remained the same. Mayor Vest said Heritage Alliance is \$45,000 which has been the same amount for a while, and the library is \$13,500 and asked if we could go to \$15,000 which is a \$1,500 increase for the library, and maybe go up \$5,000 for the Heritage Alliance. Mayor Vest asked staff as they finalize the budgets to look at the possibility of increasing the amounts going to non-profits. Glenn Rosenoff said that the Town has not elevated its pay plan since 2008. Mr. Rosenoff said staff has been applying the plan the best it can, but he feels it's important for the lower paid employees and all the way up to the Directors to try and take a comprehensive look at where we are and in particular how competitive we are in the region. He said we have many talented people with a lot of experience and we are a very poachable Town meaning other people see our different talents, and experience, and often times look at Jonesborough the same way they do on tourism or economic development or downtown merchants or the corridors they look at our employees as well. Mr. Rosenoff said he looking at that as well in studying the pay plan. Mayor Vest said one more thing to look that ties to the pay plan



is the employees in Grade 1; we have about seven or eight employees in Grade 1, which is really a very low full-time salary. He added that there is no employee in Grade 2 except for one vacant position. He said we could move everybody in Grade 1 to Grade 2, and then take a comprehensive look at the entire pay plan. Mayor Vest said it really helps those 7 or 8 mostly public works employees get an additional increase in pay. Mr. Rosenoff said to contact him if any Board member has any ideas regarding the pay plan. Mayor Vest said we have a big gap between Grades 1 and 4; there is hardly anybody in Grade 3 and nobody in Grade 2, so if we want to make that adjustment, it is not going to be very costly but it gets us started in the right direction. Alderman Causey asked if the pay for employees could be done before second reading. Mr. Rosenoff said he would try. Town Recorder Abbey Miller said to clarify, we are just looking at moving those employees in Grade 1 and 2 to Grade 3, but not eliminating the Grade 1. Mr. Rosenoff said he would have to look at it because if you go from Grade 1 to 2, it's not just about the math, it includes employee longevity or experience. Alderman Causey said at one point she had talked with Craig Ford about the plan that he had on eliminating the bottom few grades because she doesn't want to see somebody in a Grade 1 go to Grade 4 or 5 and then you have someone in Grade 5 that has been employed for 5 years and their pay is the same as someone who has been with the Town for a much shorter period of time. Ms. Causey asked that staff get together and bring a recommendation back to the Board. Mr. Rosenoff said with the unappropriated funds, it gives us an ability to look at the current year, and staff also take a comprehensive look at the pay plan. Mayor Vest asked the Aldermen if they had any further comments. There being none, Mayor Vest read the Ordinance caption "An Ordinance of the Town of Jonesborough, Tennessee, Adopting the Annual General Fund, Solid Waste Fund and Drug Fund Budgets and Setting the Property Tax Rate for the Fiscal Year Beginning July 1, 2021, and Ending June 30, 2022", and called for a motion. Alderman Countermine made the motion to approve on first reading the Ordinance Adopting the General Fund, Solid Waste Fund and Drug Fund budgets and setting the property tax rate at the current rate of \$1.20, beginning July 1, 2021, and ending June 30, 2022, seconded by Alderman Dickson, and duly passed.

### **Insert Ordinance**

The next item for discussion was first reading of an Ordinance Establishing Garbage and Refuse Collection Fees for FY2021-22. Mayor Vest said he likes the fact that we are putting funds aside for equipment in Solid Waste. He said he had one comment in looking at the fee basically for our residents because we are having to start a recycling program that is going to cost the Town money versus using the inmates and asked if staff looked at the rates on dumpster pickups as an avenue to increasing revenue. He said it seems that is something to look at as well because if you increase the rates on residents then it should be the same for commercial customers. Glenn Rosenoff said not on first reading, but he can provide an analysis for second reading. Mayor Vest asked that staff look at a 10% increase in dumpster pickup fees. Mayor Vest asked the Aldermen if they had any comments. There being none, Mayor Vest read the Ordinance caption, "An Ordinance Setting the Garbage Collection Fees Within the Town of Jonesborough", and called for a motion. Alderman Causey made the motion to

approve on first reading the Ordinance establishing garbage and refuse collection fees for FY2021-22 and setting the residential fee of \$15.50 per month, and an additional fee of \$14.00 per month charged for each additional residential tote, seconded by Alderman Countermine, and duly passed.

### **Insert Ordinance**

The next item for discussion was first reading of an Ordinance Establishing Water/Sewer Rates for FY2021-22. Mayor Vest said the water/sewer rates will remain the same as the current rates and asked the Aldermen if they had any comments. There being none, Mayor Vest read the Ordinance caption, "An Ordinance Establishing Water and Sewer Rates to Provide the Necessary Funds for the Operation, Maintenance and Debt Service of the Jonesborough Water and Sewer Systems", and called for a motion. Alderman Countermine made the motion to approve on first reading the Ordinance Establishing Water/Sewer rates for FY2021-22 with no increase in rates, seconded by Alderman Dickson, and duly passed.

### **Insert Ordinance**

The next item for discussion was approval of the FY2021-22 Employee Compensation Plan. Mayor Vest asked the Aldermen if they had any further comments. There being none, Alderman Causey made the motion to table the FY2021-22 Employee Compensation Plan until the called meeting on August 26, 2021, seconded by Alderman Countermine, and duly passed.

Craig Ford said that August 26<sup>th</sup> is actually Municipal Court Day at 7:45 a.m. and asked if the Called Budget meeting could be held at the Visitor Center. Mr. Ford said that Cameo Waters is going to check to see if that time is available. Glenn Rosenoff said if the Visitor Center is not available, then staff could check to see if the McKinney Center is available.

There being no further business the meeting was duly adjourned.

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ABBAY MILLER, RECORDER

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CHUCK VEST, MAYOR