

Thayne Town Council  
Special Public Meeting

August 8, 2017

Council in attendance: Mayor Lainhart, Councilman Woolley, Councilman Heward, Councilman Wicks, Councilman Schwab, Clerk Hillstead and Assistant Clerk Hyde.

Public Meeting Open at 5:30 PM

**Welcome:** Mayor Lainhart Presiding

**Pledge:** Councilman Schwab

**Prayer:** Councilman Woolley

Mayor Lainhart opened the Special Meeting with adding an executive session first on the agenda.

**Motion to go into executive session 5:32pm**

**Motion-** Councilman Schwab

**Seconded-** Councilman Heward

**Motion carried**

**Motion to go out of executive and return to open meeting 5:41 pm**

**Motion-** Councilman Woolley

**Seconded-** Councilman Wicks

**Motion carried**

**Agenda approval with changes.**

**Motion-** Councilman Heward

**Seconded-** Councilman Woolley

**Motion carried**

**Rustlers**

-Mayor Lainhart stated that he had invited Rustlers owners Marc and Rusty to attend the Town of Thayne Special Meeting to inform them of the Council's recent decisions and to allow Marc and Rusty the opportunity to let the Town Council know of any other concerns that they might have. Mayor Lainhart stated the Town has heard their prior concerns and that the Council has discussed them. Lainhart expressed apologies on behalf of the Thayne Town Council to Marc and Rusty for the short notice of the meeting and of the time inconvenience, being that it was their dinner rush time and thanked Rusty and Marc for attending the meeting.

-Mayor Lainhart stated that the Council feels as though they would rather support the uses of the Commercial district and if there is a business or an operation that requires a more restrictive use than what a commercial district allows, the Town will allow the commercial entities to have

the “upper hand”. The Mayor then stated that the Council would be happy to entertain any other questions or concerns that Rustlers might have.

-Marc gave his thanks for being first on the agenda and stated that he had a few concerns. First was that he was a bit confused about the notes in the previous town meeting minutes. He feels as though the minutes very inaccurately reflected their concerns. The minutes stated that Rustlers wanted smoking ban on sidewalks and public areas which Marc felt was untrue.

Another minute was mentioned that he thought was inaccurate and that was about the bands at Dad’s Bar. Rustlers stated that they never talked about the bands being too loud but rather asked what time the bands needed to stop. The Council was asked if they have read the Town of Thayne Liquor Ordinance; specifically the section covering hours of operation and where it states that all non-employees need to be gone by 2:30am. Marc suggested to the Council that they follow their own ordinance and that the bands should not be playing past 2:30 since they are not employees. It was also concerning to Marc that that Town feels as though they don’t need to restrict a commercial area and he feels like it would behoove the Town to look at an ordinance for noise. Marc again stated that he felt that the previous meeting minutes incorrectly stated things that Rusty and he had said and that he expects that to be taken off the minutes and fixed. Marc made the Council aware that he will now follow up with their customers with the Town of Thayne has decided not to do anything.

-Mayor Lainhart stated the Council has decided to not write an ordinance to prohibit smoking on a public street. Lainhart also commented that if in fact the band is playing past the hours of operation, this is the first time that he or the Council has heard of it and the Council will follow up with that and to correct the situation.

-Kevin Gregory, an attorney from Jackson, was asked by Marc and Rusty to join them at the meeting in large part to the confusion that they had as to why they needed to attend the meeting. Gregory stated that on a Thursday morning there were several calls from the Town Clerk, the first weren’t answered then because the calls were repeated it seemed urgent. It was on short notice and Gregory felt as though Rustlers wasn’t given a lot of information about what was going to happen, the Agenda just says Rustlers. Gregory thanked the Council and Mayor for inviting them to the meeting to speak because it opened a discussion between the Town Officials and businesses and that is important. Gregory feels that concerns that Rustlers has do not rise to a level for asking to pass an ordinance to ban smoking in public areas or to treat them any different that the Council would treat any other bar or restaurant in the town. When Rustlers is asked to control their patrons that are using their liquor license, the same level of oversight should be provided to other bars.

-Mayor Lainhart stated that as a Council we try really hard to treat everyone the same, that the town doesn’t have any favorites and that we want everyone to live by the same rules and don’t want to single anyone out. The Town cannot address anything that they are not aware of.

-Councilman Wicks asked Marc and Rusty if they have had any conversation with the owners of Dad’s Bar and if it wasn’t going well. Rusty responded that they have had a conversation with the owners of Dad’s Bar regarding the smoking and having people congregate outside of their front door to smoke and also about abusive language directed at Marc and Rusty. Dad’s response was that they wanted their customers to smoke out front because they didn’t want their customers entering the steakhouse to have to walk through those smoking to get to their restaurant and that they would talk to their cliental about the foul language.

-Mayor Lainhart stated that he would have a conversation with Dad’s Bar about the band and asked if there were any other concerns that the Council should be aware of.

### **Resolution 2017-8-8**

-Mayor Lainhart asked for the Council's approval to sell lots 4 & 5 at the Thayne Business Park.

### **Motion to sell lots 4 & 5 to Horizon Communications, Inc.**

**Motion-** Councilman Woolley

**Seconded-** Councilman Heward

**Motion carried**

### **Sunrise Engineering-Jason Linford**

-Jason addressed the issue that the Town of Thayne has run into with the Thayne Storage Project funding. Jason stated that the SFR folks don't think that the Town will have enough funds to pay back the loan and have given us following four options.

1. Pay off the WWDC loan from the Town's reserves
2. Refinance WWDC loan through USDA-RD (would lose the 75% principal forgiveness)
3. Raise Rates
4. Pay off the loan with one payment upon completion

Sunrise Engineering also provided a 5<sup>th</sup> option to the town

5. Refinance the WWDC loan with a private bank.

Jason made the comment that the SFR rules are in the process of being changed and they are not sure how much longer the 75% principal forgiveness will be available.

The Council discussed the options. Councilman Schwab asked about a possible none-potable system and also asked why the Town couldn't use the monies from the sale of lots 4 & 5 at the Thayne Business Park. The none-potable system would be extremely expensive and the monies from the Business ready lots have to be rolled over before it can be used.

The Town Council came to the agreement that the Town would refinance the current WWDC loan with a private bank.

### **Motion to go with option 5 and to give the Mayor authority to start negotiating with banks.**

**Motion-** Councilman Woolley

**Seconded-** Councilman Schwab

**Motion carried**

### **Comments from the Audience:**

No comments were made from the audience.

### **Motion to Adjourn.**

**Motion-** Mayor Lainhart

**Seconded-** Councilman Woolley

**Motion carried**

**Meeting Adjourned at 6:40 p.m.**