

## City of Fairview

**SPECIAL MEETING  
BOARD OF COMMISSIONERS****June 17, 2008**

7:00 p.m.

Ken Brison, Mayor  
Stuart L. Johnson, Vice Mayor  
Eddie Arney, Commissioner  
Wayne Hall, Commissioner  
Darrell Mangrum, Commissioner  
Shirley Forehand, City Manager  
Larry Cantrell, City Attorney  
Kathleen Daugherty, Recorder

PURPOSE OF THE SPECIAL MEETING WAS TO DISCUSS AND/OR TAKE ACTION ON RECOMMENDATIONS FROM THE WORKSHOP HELD ON JUNE 17<sup>TH</sup> AT 6:00 P.M. TO DISCUSS A LAND CONSERVATION EASEMENT FOR BOWIE NATURE PARK AND A POSSIBLE SALE OF PROPERTY TO SOUTHSTAR.

BOC Present: Brison, Arney, Hall, Johnson, Mangrum

Also Present: Forehand and Cantrell

1. Mayor Brison called the Special Meeting to order at 7:10 p.m. and stated that the only thing being considered will be the recommendations from the Workshop. Mayor Brison also advised that since he owns property next to the Park and has a contract with Southstar he will not be participating in any votes and is recusing himself from any discussions and Vice-Mayor Johnson will conduct the meeting.
2. Vice-Mayor Johnson asked if anyone was prepared to make a motion from the recommendations from the Workshop. Commissioner Hall advised that the Board has nine or two things to vote on and he will read through the entire motion and then they can go back and vote on each item individually. Commissioner Hall's motion was to accept the recommendations from the Workshop which are as follows:
  - (1) To sever approximately 5.908 Acres from Bowie Nature Park and sell this acreage to Southstar LLC for development in accordance with plans to be submitted to and approved by the City of Fairview, Tennessee for a total price of \$415,000.00.
  - (2) To sell to Southstar LLC, a permanent slope easement upon Bowie Nature Park property of approximately 3.325 acres. The property is to remain the sole and exclusive property of the City of Fairview, Tennessee subject to the permanent slope easement purchase by Southstar LLC. This easement when sold shall run with the land. The purchase price for the easement is \$35,000.00. The property inside the easement will be utilized during construction of the Southstar project and will be restored in accordance with plans to be filed with and approved by the City of Fairview, Tennessee.

- (3) Based upon the results and recommendations of the previously submitted environmental study, a conservation easement shall be placed upon the remaining acreage which constitutes Bowie Nature Park which shall include the entire park property exclusive of the portion known as "the out parcel" and the approximately 5.908 acres to be sold to Southstar. The remaining park property including the slope easement and subject to that easement shall be placed in the conservation easement to be prepared by and administered by The Land Trust for Tennessee.
- (4) As a jester of good faith Southstar will split the stewardship funds with the City of Fairview and will pay \$22,500.00 of the \$45,000.00 to The Land Trust for Tennessee. Southstar agrees to pay all legal for Bryan Echols (attorney for The Land Trust for Tennessee) for preparation of the conservation easement documents. The City of Fairview will provide the overall boundary survey for the park property. Southstar is to provide survey fee for the 5.908 acres parcel to be purchased, for the 3.325 slope easement and for the remaining 22 plus acres for future park improvements.
- (5) The proceeds from the sale of the property in the amount of \$450,000.00 shall be placed in a special account by the City of Fairview, Tennessee and used only for Bowie Nature Park improvements which will be approved by the Board of Commissioners for the City of Fairview, Tennessee prior to the beginning of any improvement project to or in Bowie Nature Park.
- (6) The sale of any of the Property herein listed shall not occur prior to the execution and perfection of the Conservation Easement on the remaining property, which constitutes Bowie Nature Park.
- (7) The Mayor, Vice-Mayor or a Commissioner designated by the Board of Commissioners shall be authorized to execute all documents necessary to carry out the provisions of this motion.
- (8) The sale of this property is to be added to the agenda for the regular Board of Commissioners Meeting for June 19, 2008 and the city attorney is directed to prepare the necessary ordinances and resolutions to authorize the sale and to conduct a public hearing prior to the sale becoming final.
- (9) Appoint a Task Force (to discuss what will be within the perimeters of the park).

Mangrum seconded the motion. Johnson asked if we need to set up the task force. Hall stated they need to go back and vote on each item individually. Vice-Mayor Johnson stated he will be recusing himself from voting on items (1) and (2) because during this process the development company has purchased property that borders his property.

Vice-Mayor Johnson asked for the vote on Item (1) For: Arney, Hall, Mangrum. Abstain: Brison, Johnson. Motion carried.

Vice-Mayor Johnson asked for the vote on Item (2) For: Arney, Hall, Mangrum. Abstain: Brison, Johnson. Motion carried.

Vice-Mayor Johnson asked for the vote on Item (3) For: Arney, Hall, Johnson, Mangrum. Abstain: Brison. Motion carried.

Vice-Mayor Johnson asked for the vote on Item (4) For: Arney, Hall, Johnson, Mangrum. Abstain: Brison. Motion carried.

Vice-Mayor Johnson asked for the vote on Item (5) For: Arney, Hall, Johnson, Mangrum. Abstain: Brison. Motion carried.

Vice-Mayor Johnson asked for the vote on Item (6) For: Arney, Hall, Johnson, Mangrum. Abstain: Brison. Motion carried.

Vice-Mayor Johnson asked for the vote on Item (7) For: Arney, Hall, Johnson, Mangrum. Abstain: Brison. Motion carried. It was decided that Vice-Mayor Johnson would sign the easement documents and Commissioner Hall would sign the sale of property documents.

Vice-Mayor Johnson asked for the vote on Item (8) For: Arney, Hall, Johnson, Mangrum. Abstain: Brison. Motion carried.

Vice-Mayor Johnson asked for the vote on Item (9) For: Arney, Hall, Johnson, Mangrum. Abstain: Brison. Motion carried. It was decided to add the appointment of the Task Force to the Agenda for the June 19<sup>th</sup> Board of Commissioners Meeting.

3. Vice-Mayor Johnson advised that they need to add a couple of more items to be voted on:
  - (10) Mangrum made a motion to authorize the funds to pay for the documentation and the base line report. Arney seconded the motion. For: Mangrum, Arney, Hall, Johnson. Abstain: Brison. Motion carried.
  - (11) Mangrum made a motion to authorize The Land Trust for Tennessee to ask the State to agree to become co-holder of the easement. Arney seconded the motion. For: Mangrum, Arney, Hall, Johnson. Abstain: Brison. Motion carried.
  - (12) Mangrum made a motion to amend Item (4) that the City's portion of the stewardship funds (\$22,500) will come from the City's Reserve Account and upon sale of the property this amount will be put back into the Reserve Account. Arney seconded the motion. For: Mangrum, Arney, Hall, Johnson. Abstain: Brison. Motion carried.
4. There being no further business the Special Meeting adjourned at 7:38 p.m.

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Mayor

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City Recorder