

City of Fairview

BOARD OF COMMISSIONERS

November 1, 2007

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

Present: Brison, Arney, Johnson, Hall, Mangrum
Absent: Others Present: Forehand, Cantrell

1. Mayor Brison called the meeting to order at 7:06 p.m.

A. The Prayer and Pledge to the Flag were led by Rebecca Sharber.

2. Approval of the Agenda –

A. Mangrum made a motion to approve the Agenda. Hall seconded the motion. Johnson asked that since there are a lot of people here who want to speak that they allow more than the first five people to sign in to speak. Mayor Brison asked all those who wished to speak to sign in. He also announced that the students on the agenda to speak (Old Business – Item D) will also speak under Citizen Comments. Johnson then made a motion to amend the agenda as stated above. Arney seconded the motion. Vote on amending the agenda: All were in favor. Vote on approving the Agenda as amended: All were in favor.

3. Public Announcements – Mayor Brison announced that Dr. Sharber will be heard before Citizen Comments.

A. Dr. Rebecca Sharber – Williamson County Schools Director was present in response to a request from the city manager to report on what is going on in the Williamson County Schools. She reported that they are looking at adding some class rooms at Fairview High School and making a more secure front entrance to the school; adding class rooms at Westwood Elementary; and adding a new library at Pinewood. The State will be releasing its report card on all schools in the State tomorrow and feel people will be proud of how our students are achieving in the district and in Fairview as well.

4. Citizen Comments – (Limited to three (3) minutes each)

- A. Barbara Doak asked Cantrell if any of the Commissioners have filed a personal interest disclosure form in connection with the Bowie Park matter. Cantrell stated that no one has filed anything with him. She questioned the integrity and ethics of this governing body. She stated that it has come to her attention that at least one of the Board members has a personal interest in the development of Bowie Park. She asked Johnson why he has not disclosed that he and members of his family have purchased sixty acres adjacent to Bowie Park. (Mayor Brison reminded her that this is not a question and answer session). She asked Johnson to recuse himself from voting on this issue. Johnson reminded her that the issue tonight was the conservation easement not development of the Park.
- B. Samantha Cali (Student at FHS) feels the conservation easement on the current boundaries should be passed. She has seen the impact the Park has had on this community. She was a Naturalist Intern at Bowie Nature Park for two summers. She feels a lot of teenagers enjoy the Park and if it is taken away then we will just be another Cool Springs.
- C. Mike Smith advised that he is a voting member of the Land Conservation Easement Committee. He felt the Board can finalize the boundaries of Bowie Nature Park and put to rest the speculations surrounding the development of the Park by accepting the recommendation of the Land Conservation Easement Committee. He asked the Board to vote in favor of the Easement.
- D. Savannah Green – (Student at FHS) stated she was here because she wants to keep the Park. We don't need box stores and strip malls. She is not in favor of developing the Park.
- E. Bill Monahan lives in McCormick Grove and stated the Park was his enticement to build in Fairview. The Park is a real benefit and if you take that away then you destroy the feel of this community. It is wrong for anyone who will benefit to vote on this issue.
- F. Janie Wells advised that she built Joann's Outdoor Classroom. She was glad to see all the kids here. She feels the Park is a perfect place for kids to get much needed exercise. She feels the Park is Ms. Bowie's legacy. She thanked the Board again for giving her the opportunity to give something to the City in the name of her daughter.
- G. Danielle Huston – (Student at FMS) stated that Ms. Bowie gave the Park to the City as an animal sanctuary and don't think the Board should turn into a Kroger's and an O'Charley's because the City already has a Food Lion and H.G. Hills and can go to Dickson to go to O'Charley's. A lot of children love the Park and it should not be torn down.

- H. Stuart Moore stated he does not live in the city limits of Fairview but considers it his community. Dr. Bowie was generous to this community. She not only gave the Park to the City but over 200 acres in other parcels of land which have been sold and the money put into city funds. He thought the money was to be used to sustain the Park. We must honor Dr. Bowie by preserving this land. There is other land for developers. He hopes the Board will do the right thing.
- I. Lisa Anderson urged the public to get their facts before sending hurtful emails to people. She advised that it has been brought to her attention that many children have been misled to believe that they will lose their playground, lakes, trails, outdoor classroom and nature center. This is not true. She encouraged everyone to visit a website called FairviewBlvd.com where they can find out the truth about the wishes of Ms. Bowie.
- J. Dr. Neil Rice stated that the Board has been asked to do the right thing. He stated that they need to follow the wishes of Dr. Bowie and they need to listen to the legal opinion of the city attorney and take time to study it.
- K. Mark Dietz – As a developer from Franklin he advised that if there is a will then development can be brought to the City without bothering this jewel (Bowie Nature Park). Ask the Board to vote for the Land Easement.
- L. Madison Stewart (FES Student) stated that the Park is a place he cares about and if part of it is taken down then we will lose some of this beauty we call nature.
- M. Shelby Hadley (FES Student) stated that she is ten years old and ever since she has been able to walk she has been enjoying Bowie Nature Park. She felt Ms. Bowie wanted the City to respect her wishes by keeping the Park as it is. She wants to be able to bring her children to the Park.
- N. Emma Johnson (WES Student) stated that she is nine years old and is here to help protect Bowie Nature Park. She has attended the summer camps and learned about nature. She asked the Board to protect the Park.
- O. Sally Johnson (WES Student) stated that she is six years old and loves the Park. She sees lots of animals when she goes there and wonders what will happen to them when the City sells the Park.
- P. Jake Cashion (FMS) stated that his parents help build the Playground and he has attended the summer camps. He felt kids need to learn more about nature. He and his mother helped with the mosaic projects in the Park. He feels the Park is a symbol of pride in our community and the heart and soul. He asked the Board to not sell any part of the Park.

5. Awards and/or Recognitions – None

6. Approval of the Minutes –

- A. Presented for approval were the minutes of the Public Hearing held on October 18, 2007. Mangrum made a motion to approve the minutes as presented. Johnson seconded the motion. All were in favor.
- B. Presented for approval were the minutes of the Board of Commissioners Meeting held on October 18, 2007. Mangrum made a motion to approve the minutes as presented. Johnson seconded the motion. All were in favor.

7. Old Business –

- A. Appointments to Committees, Commissions, and/or Boards:
 - (1) Appointment to the Fairview Industrial Development Board:
 - One Vacancy – No applicants
- B. Presented for Second and Final Reading was Bill #2007-32: Rezoning property located at 2188 Fairview Blvd. owned by Robert J. Coughlin Corporation and being Map 42, Parcel 174.00 from CG to TCOD/MSMU. (Recommended for rezoning by a unanimous vote of the Planning Commission at their October 9th Meeting). Johnson read the caption and made a motion to pass Bill #2207-32 on second and final reading. Mangrum seconded the motion. All were in favor.
- C. Presentation of Legal Opinion in Reference to the Bowie Nature Park Land Conservation Easement – Larry Cantrell presented copies of his opinion to the city manager and members of the Board just before the meeting began. He stated that in his opinion Ms. Bowie gave the stewardship of the Park to the legislative authority of the City. Therefore, the provisions in the deed forbid the City Governing Body to transfer the control/disposition of the property. This does not preclude the City from contracting with other entities to manage the Park (such as an easement) so long as the Governing Body always maintains control. (see copy attached for his complete opinion)
- D. Students speaking on behalf of the Land Conservation Easement – (These students spoke under citizen comments)
- E. Discuss and/or take action on a Land Conservation Easement for Bowie Nature Park – Mayor Brison opened the floor for discussion. Mayor Brison asked Cantrell if the Board could still have an

referendum on placing the Park in an Easement. Cantrell stated that they could. Mangrum asked what options are available to the Board. Cantrell stated that they could still place the park in an easement with the provision that it would be subject to recall by this Board or any future Board. Arney asked if they could do the easement and then a Master Plan for the Park. Cantrell stated that a Master Plan would need to be done before the Park is put in an easement. Cantrell suggested that they meet with Land Trust people to get all their questions answered. Hall made a motion to have a Workshop with the Board, City Manager, City Attorney and ask a representative from the Land Trust of Tennessee to attend. Arney seconded the motion. Mangrum asked that the representative from the Land Trust be given a copy of the legal opinion. All were in favor. Forehand was asked to get with the Land Trust and set a date for the Workshop.

8. New Business –

- A. Recommendations from the Planning Commission Meeting held on October 9, 2007:
 - (1) Approve Rezoning of Property located on Hwy. 96 North from RS-40 to R-20, Map 22, Parcel 163.00, 1.9 acres – Edward Paquin and David Fuqua, owners. (Recommended for rezoning by an unanimous vote of the Planning Commission) Johnson made a motion to have Cantrell prepare the necessary ordinance. Arney seconded the motion. All were in favor.
- B. Discuss donating additional funds to the FHPC, a non profit organization (Note: The City has already donated \$20,000 to the FHPC) – City Mgr. Forehand stated that she did not feel it is the responsibility of government to donate taxpayers' dollars to any non-profit organization. She stated that when the first \$20,000 was donated they were under the umbrella of the City and that ordinance has now been repealed and the Fairview Historic Commission is now a privately chartered, non-profit organization. Johnson stated that the City owns the property the History Village will be built on and the City should help finance it. Dr. Neil Rice stated that \$6,000 of the \$20,000 donation went to historic markers before the FHPC was formed. Dr. Rice stated that he did not know that by becoming a non-profit organization and being tax exempt they would be exempt from receiving city funds because all the money they raise will be put back into the History Village which is on city property. After further comments he asked the Board to vote to give the FHPC \$20,000 tonight for restoring the roof on the

old Triangle School. There were questions and other comments made by the Board Members and Dr. Rice. Hall asked if the Board could get copies of all minutes pertaining to the FHPC and discuss this further at the next meeting. Johnson asked Dr. Rice if he was comfortable waiting until the next meeting to discuss his request. He state that he was not. Therefore, Johnson made a motion to approve the \$20,000 donation to the FHPC. Hall seconded the motion for further discussion. Forehand advised that the General Fund cannot handle this type of donation at this time and the money would have to come from reserves. Mangrum stated that the Board turned down other non-profit organizations who asked for donations. Mayor asked for a vote on the motion: For: Johnson, Hall Against: Mangrum, Arney, and Brison. Motion failed.

9. City Manager Items for Discussion -

- A. Miscellaneous Updates – Forehand recognized Commissioner Hall for sending his crew to city hall to repair scratches on the seats in the meeting room.
- B. City Attorney Comments – None

10. Communications from the Mayor and Commissioners –

- A. Arney asked Forehand to contact the original contractor on the street lights in the parking lot and get him to repair them. He also stated that sections of the outside of the building need to be repainted.
- B. Johnson stated that he understands that we do not need to waste taxpayers dollars but the Board should complete projects that it starts and the interest on the City's reserves would do it.

11. The meeting adjourned at 8:40 p.m.

Kathleen Daugherty, CMC
City Recorder