

December 19, 2016 Commission Meeting

- McCartney Produce, LLC, change in payment in lieu of taxes, Res. 1-12-16
- Change dates for January and February 2017 Commission meetings, due to 3rd Mondays falling on holidays
- Authorizing the sale of certain delinquent tax property at a reduced price, Res. 2-12-16

STATE OF TENNESSEE
COUNTY OF HENRY...

Be it remembered that the County Commission met in a regular session at the Courthouse in Henry County, Tennessee on December 19, 2016 at 5:00 p.m. Present and presiding the Honorable Brent Greer, Chairman, Donna Craig, County Clerk and the County Commissioners:

ITEM NO. 1 The meeting was called to order by HCSO Sergeant Ricky Wade.

ITEM NO. 2 The invocation was led by Commissioner Travis.

ITEM NO. 3 The pledge to the flag was led by Commissioner Bradley.

ITEM NO. 4 Roll Call

The following Commissioners were present: Wesley Bradley, Dell Carter, Greg Carter, Bobby Freeman, Randy Gean, Kenneth Humphreys, Don Jones, Kreg Kyle, Paul Mathenia, Paul Neal, Monte Starks, and James Travis. Absent: Connie McSwain, Marty Visser, and David Webb.

ITEM NO. 5 Citizen's Forum – City of Paris Mayor Carlton Gerrell invited everyone to the lighting of the Eiffel Tower on Tuesday December 20 at 5:30 P.M.

THE CHAIR CLOSED THE FORUM

ITEM NO. 6 Commissioner's Forum – Commissioner Kyle congratulated County Attorney Rob Whitfield on his recent wedding.

THE CHAIR CLOSED THE FORUM

ROLL CALL

COUNTY COMMISSION, HENRY COUNTY, DONNA CRAIG, COUNTY CLERK
PARIS, TENNESSEE

Commissioner Neal made a motion to approve the Consent Agenda, which consists of the following: Minutes of the meeting of November 21, 2016, report of property tax collections to date, approval of Trustee's monthly report, Henry County Medical Center statement of cash flow, report of total revenue collections to date, and the following Notary Public designations: Heather Wade, Tiffany A. Robbins, Tammie Hollingsworth, Stephanie D. Warren, Vicky Sinclair, Kristen Cuthbertson, and Haley O'Neill. Commissioner Starks seconded the motion.

ITEM NO. 7

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN
BRADLEY, WESLEY							
CARTER, DELL							
CARTER, GREG							
FREEMAN, BOBBY							
GEAN, RANDY							
HUMPHREYS, KENNETH							
JONES, DON							
KYLE, KREG							
MATHENIA, PAUL							
MCSWAIN, CONNIE							
NEAL, PAUL			X				
STARKS, MONTE				X			
TRAVIS, JAMES							
VISSER, MARTY							
WEBB, DAVID							
TOTAL							

VOICE VOTE CARRIED

DATE : 12-19-16

ROLL CALL
 COUNTY COMMISSION, HENRY COUNTY, DONNA CRAIG, COUNTY CLERK
 PARIS, TENNESSEE

A motion was made by Commissioner Jones and seconded by Commissioner Greg Carter to approve Resolution 1-12-16, to approve a change in a previously approved payment in lieu of taxes agreement with McCartney Produce, LLC.

ITEM NO. 8

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN
BRADLEY, WESLEY					X		
CARTER, DELL					X		
CARTER, GREG				X	X		
FREEMAN, BOBBY					X		
GEAN, RANDY					X		
HUMPHREYS, KENNETH					X		
JONES, DON			X		X		
KYLE, KREG					X		
MATHENIA, PAUL					X		
MCSWAIN, CONNIE	X						
NEAL, PAUL					X		
STARKS, MONTE					X		
TRAVIS, JAMES					X		
VISSER, MARTY	X						
WEBB, DAVID	X						
TOTAL	3				12		

MOTION CARRIED

DATE : 12-19-16

RESOLUTION NO. 1-12-16

**A RESOLUTION OF THE HENRY COUNTY BOARD OF
COMMISSIONERS TO APPROVE A CHANGE IN A
PREVIOUSLY APPROVED PAYMENT IN LIEU OF TAXES
AGREEMENT WITH MCCARTNEY PRODUCE, LLC**

WHEREAS, The Industrial Development Board of the City of Paris, Tennessee (“Board”) is a public non-profit corporation organized and existing under the laws of the State of Tennessee, pursuant to and in accordance with the provisions of Tennessee Code Annotated §§ 7-53-101 *et. seq.*, as amended (the “Act”);

WHEREAS, the Board was created for the purpose of maintaining and increasing employment opportunities in affected communities by promoting industry, trade, commerce, tourism, recreation and housing construction by inducing manufacturing, industrial, governmental, educational, financial services, commercial and recreational enterprises to locate in or to remain in the State of Tennessee and thereby furthering the use of its agricultural products and natural resources;

WHEREAS, the Board received a request in 2014 from McCartney Produce, LLC (“McCartney”), doing business in Henry County, Tennessee (“County”) and at that time planning to expand its operations in the County through the construction of real property improvements and through capital investments in industrial equipment anticipated in an amount no to exceed \$7,500,000;

WHEREAS, in order to induce McCartney to expand its operations and make the capital investment in industrial equipment, McCartney proposed that the Board purchase real property, planned improvements thereon, and the industrial equipment to be used on the site, and then lease the property, improvements and the equipment back to McCartney, in the form of a transaction authorized by the Act for payments in lieu of taxes (“PILOT Incentive”), having the effect of abating all ad valorem property taxes on the contemplated real estate for a period of twenty (20) years and having the effect of abating all ad valorem property taxes on the contemplated industrial equipment for seven (7) years, provided, however, that McCartney maintains a minimum of one-hundred (100) full-time jobs during the term of the PILOT Incentive, with a percentage penalty on the PILOT Incentive equal to the percentage by which McCartney fails to meet this full time employment requirement;

WHEREAS, the Board, and this County, by its Resolution No. 7R-12-14, passed on December 29, 2014, determined that consummation of the transaction herein contemplated was in the best interest of the citizens of Henry County, Tennessee, as it will keep, maintain, and expand employment

opportunities and will thereby promote industry, trade, commerce and housing construction in Henry County, Tennessee, thereby furthering the public purpose for which the Board was created, and approved the consummation of the transaction; and


WHEREAS, McCartney subsequently advised the Board of its desire to further expand its anticipated facility and investment, and in order to induce McCartney to further develop employment opportunities for the citizens of the City of Paris and Henry County and to induce McCartney to expand its operations by constructing additional Project Site improvements and purchasing additional Project Equipment to be used at the Project Site, the Board desires to increase the aggregate amount of non-recourse Industrial Development Revenue Notes (McCartney Project) Series 2014 (the "Series 2014 Notes") that the Board may issue to an aggregate amount not to exceed Nine Million Five Hundred Thousand Dollars (\$9,500,000).

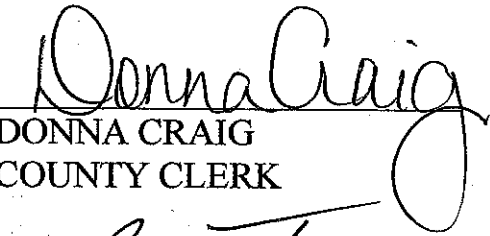
NOW, THEREFORE, IT IS HEREBY RESOLVED by Henry County, Tennessee, as follows:

1. The Industrial Development Board of the City of Paris, Tennessee, is hereby authorized pursuant to and in accordance with the Act, to enter into a Payment in Lieu of Tax/Sale and Leaseback transaction with McCartney, under the terms and conditions that McCartney will sell or otherwise transfer to the Board real property, subsequent improvements thereon and equipment used at such site at fair market value in an amount not to exceed Nine Million Five Hundred Thousand Dollars (\$9,500,000), and the Board shall Lease or otherwise grant to McCartney the use of the real property, improvements and equipment.
2. The Board is further authorized to enter into a transaction authorized by the Act, having the effect of abating all ad valorem property taxes on the contemplated real property and improvements thereon for a period of twenty (20) years and having the effect of abating all ad valorem property taxes on the contemplated industrial equipment for seven (7) years, subject, however, to McCartney maintaining a minimum of one-hundred (100) full-time jobs during the term of the PILOT Incentive, with a percentage penalty on the PILOT Incentive equal to the percentage by which McCartney fails to meet this full time employment requirement.
3. To the extent otherwise required under the law, The Industrial Development Board of the City of Paris, Tennessee, has the required authority to act on behalf of Henry County, Tennessee to implement the tax abatement program described above, and hereby ratifies and confirms all actions taken by the Board prior to date hereof to implement the tax abatement program described above.

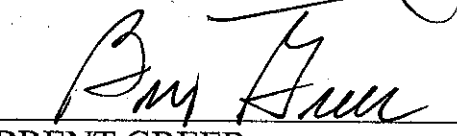
BE IT FINALLY RESOLVED that a true copy of this Resolution be spread upon the Commission record of this date.

PASSED 12-19-16


BRENT GREER, CHAIRMAN
HENRY COUNTY
COMMISSION


DONNA CRAIG
COUNTY CLERK

APPROVED 12-19-16


BRENT GREER
HENRY COUNTY MAYOR

ROLL CALL

**COUNTY COMMISSION, HENRY COUNTY, DONNA CRAIG, COUNTY CLERK
PARIS, TENNESSEE**

Chairman Greer held a discussion regarding changing the dates of the January and February 2017 Commission meetings to January 17, 2017 and February 21, 2017, due to the third Mondays falling on a holiday. A motion was made by Commissioner Gean and seconded by Commissioner Kyle.

ITEM NO. 9

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN
BRADLEY, WESLEY							
CARTER, DELL							
CARTER, GREG							
FREEMAN, BOBBY							
GEAN, RANDY			X				
HUMPHREYS, KENNETH							
JONES, DON							
KYLE, KREG				X			
MATHENIA, PAUL							
MCSWAIN, CONNIE							
NEAL, PAUL							
STARKS, MONTE							
TRAVIS, JAMES							
VISSER, MARTY							
WEBB, DAVID							
TOTAL							

VOICE VOTE CARRIED

DATE : 12-19-16

ROLL CALL
COUNTY COMMISSION, HENRY COUNTY, DONNA CRAIG, COUNTY CLERK
PARIS, TENNESSEE

A motion was made by Commissioner Bradley and seconded by Commissioner Kyle to approve Resolution 2-12-16, to authorize the sale of certain delinquent tax property at a reduced price.

ITEM NO. 10

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN
BRADLEY, WESLEY			X				
CARTER, DELL							
CARTER, GREG							
FREEMAN, BOBBY							
GEAN, RANDY							
HUMPHREYS, KENNETH							
JONES, DON							
KYLE, KREG				X			
MATHENIA, PAUL							
MCSWAIN, CONNIE							
NEAL, PAUL							
STARKS, MONTE							
TRAVIS, JAMES							
VISSER, MARTY							
WEBB, DAVID							
TOTAL							

VOICE VOTE CARRIED

DATE :12-19-16

RESOLUTION NO. 2-12-16

A RESOLUTION OF THE HENRY COUNTY, TENNESSEE, BOARD OF COMMISSIONERS TO AUTHORIZE THE SALE OF CERTAIN DELINQUENT TAX PROPERTY AT A REDUCED PRICE

WHEREAS, Henry County acquires ownership of parcels which were the subject of the annual delinquent tax collection suits; and

WHEREAS, these parcels are acquired when no other bidder bids on a parcel at the Delinquent Tax Sale; and

WHEREAS, while Tennessee law requires that no parcel of land purchased by the County at a delinquent tax sale shall be resold for an amount less than the total amount of the taxes, penalty, cost and interest accrued against such parcel, unless the legislative body, upon application, determines that it is impossible to sell the parcel of land for such amount, and grants permission to offer the land for sale at some amount to be fixed by such legislative body; and

WHEREAS, it appears that delinquent tax property assessed on the maps of the Assessor of Property as **Map 105E, Group E, Control Map 105E, Parcel 004.00** is impossible to sell for the entire amount of the delinquent tax debt.

WHEREAS, it appears that delinquent tax property assessed on the maps of the Assessor of Property as **Map 105E, Group E, Control Map 105E, Parcel 005.00** is impossible to sell for the entire amount of the delinquent tax debt.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Henry County, Tennessee, assembled in regular session on this the 19th day of December, 2016, a majority or more of the membership concurring that:

1. **Map 105E, Group E, Control Map 105E, Parcel 004.00** cannot be sold for the accumulated total of taxes, interest, penalties and costs against it;

therefore, pursuant to TENN. CODE ANN. § 67-5-2507, permission is granted to offer a quitclaim deed of said parcel to **Church of Christ Sparks Street** (or higher offeror) in consideration for amount of **\$1,500.00** (or higher offer), subject to the requirements of advertising and the opportunity for any other interested party to raise to the offer as prescribed by law.

2. **Map 105E, Group E, Control Map 105E, Parcel 005.00** cannot be sold for the accumulated total of taxes, interest, penalties and costs against it; therefore, pursuant to TENN. CODE ANN. § 67-5-2507, permission is granted to offer a quitclaim deed of said parcel to **Church of Christ Sparks Street** (or higher offeror) in consideration for amount of **\$1,000.00** (or higher offer), subject to the requirements of advertising and the opportunity for any other interested party to raise to the offer as prescribed by law.

3. The County Mayor and County Trustee are authorized to execute quitclaim deeds quitclaiming the above-referenced parcels to the highest offeror.

BE IT FINALLY RESOLVED that a true copy of this Resolution be spread upon the Commission record of this date.

PASSED 12-19-16



BRENT GREER, CHAIRMAN
HENRY COUNTY COMMISSION



DONNA CRAIG
COUNTY CLERK

APPROVED 12-19-16



BRENT GREER
HENRY COUNTY MAYOR

ROLL CALL
 COUNTY COMMISSION, HENRY COUNTY, DONNA CRAIG, COUNTY CLERK
 PARIS, TENNESSEE

Commissioner Jones made a motion to adjourn. Commissioner Dell Carter seconded the motion.

ITEM NO. 11

		ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN
BRADLEY, WESLEY								
CARTER, DELL					X			
CARTER, GREG								
FREEMAN, BOBBY								
GEAN, RANDY								
HUMPHREYS, KENNETH								
JONES, DON				X				
KYLE, KREG								
MATHENIA, PAUL								
MCSWAIN, CONNIE								
NEAL, PAUL								
STARKS, MONTE								
TRAVIS, JAMES								
VISSER, MARTY								
WEBB, DAVID								
TOTAL								

VOICE VOTE CARRIED

DATE : 12-19-16