



AGENDA

**HENRY COUNTY COMMISSION
RECESSED SESSION
MONDAY, DECEMBER 29, 2014
5:00 P.M.
HENRY COUNTY COURT HOUSE**

1. Call to order and opening of the Commission.
2. Invocation.
3. Pledge to the Flag of the United States of America.
4. Roll call.
5. Consideration of a resolution to approve a payment in lieu of taxes agreement with “Project Sampson” and action thereon by the Commission.
6. Consideration of a resolution to approve a franchise and consent to the City of Paris and its Board of Public Utilities to maintain, operate and distribute an electric transmission and distribution system in the limits of Henry County and action thereon by the Commission.
7. Adjournment.

RESOLUTION NO. 7R-12-14

A RESOLUTION OF THE HENRY COUNTY BOARD OF COMMISSIONERS TO APPROVE A PAYMENT IN LIEU OF TAXES AGREEMENT WITH “PROJECT SAMPSON”

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 has received the request of a certain industrial development prospect (under the pseudonym “Project Sampson”) that is doing business in Henry County, Tennessee (“County”) and is planning to expand its operations in the County through the construction of real property improvements and through capital investments in industrial equipment;

WHEREAS, in order to induce Project Sampson to expand its operations and make the capital investment in industrial equipment, Project Sampson proposes 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 Project Sampson, 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 Project Sampson 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 Project Sampson fails to meet this full time employment requirement; and

WHEREAS, consummation of the transaction herein contemplated is 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.

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 Project Sampson, under the terms and conditions that Project Sampson 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 Seven Million Five Hundred Thousand Dollars (\$7,500,000), and the Board shall Lease or otherwise grant to Project Sampson 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 Project Sampson 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 Project Sampson 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.

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

PASSED_____

**BRENT GREER, CHAIRMAN
HENRY COUNTY COMMISSION**

**DONNA CRAIG
COUNTY CLERK**

APPROVED_____

**BRENT GREER
HENRY COUNTY MAYOR**

RESOLUTION NO. 8R-12-14

A RESOLUTION OF THE HENRY COUNTY, TENNESSEE BOARD OF COMMISSIONERS TO FRANCHISE AND CONSENT TO THE CITY OF PARIS AND ITS BOARD OF PUBLIC UTILITIES TO MAINTAIN, OPERATE AND DISTRIBUTE AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM IN THE LIMITS OF HENRY COUNTY, TENNESSEE

WHEREAS, THE City of Paris, a municipal corporation duly organized, created, and existing under and by virtue of the laws of the State of Tennessee (hereinafter called the “City”), proposes to maintain and operate an electric transmission and distribution system within the limits of Henry County Tennessee, under and pursuant to the Municipal Electric Plant Act of 1935 (Chapter 32 of the Public Acts of 1935); and

WHEREAS, the County Commission of Henry County, Tennessee, upon application duly made by the City, deems it advantageous to the County and the inhabitants thereof to grant to the City a franchise on the terms and conditions here stated and to indicate its consent to the maintenance and operation of an electric transmission and distribution system within the limits of the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Henry County, Tennessee, assembled in regular session on this 29th day of December, 2014, a majority or more of the membership concurring, that the City, its successors and assigns, is hereby given and vested with the permission, right, authority, easement, privilege, franchise, and consent to construct, erect, suspend, install, renew, repair, maintain, operate, and conduct within Henry County, Tennessee a system of poles, towers, conduits, cables, conductors, transforming stations, fittings, and all appliances or appurtenances necessary or desirable to the transmission of electric current for all purposes whatsoever, in, over, under, along, upon, and across all public highway, roads,

lanes, bridges, viaducts, and other public ways and places in the County, as they now exist or may hereafter be laid out or extended, together with the further right, privilege, franchise, and consent to construct, erect, suspend, install, renew, repair, maintain, and operate such poles, towers, conduits, cables, wires, conductors, transforming stations, fittings, and all appliances and appurtenances necessary or desirable to the transmission of electric energy within, into, through, over, across, and beyond the County, for the purpose of furnishing, supplying, and distributing to the County and to the inhabitants and corporations, both within and beyond the limits thereof, electric energy for lighting, heating, power, and all other purposes for which electric energy may be used now or hereafter and for the purpose of extending its lines and furnishing electric current beyond the limits of the County.

This permission, grant, franchise, and privilege is made upon the following terms:

1. The poles, towers, conduits, cables, conductors, transforming stations, fittings, appliances, and appurtenances shall be so constructed as not reasonably to interfere with the proper use of the public highways, roads, lanes, bridges, viaducts, and other public ways and places in the County and shall be maintained in a reasonably good condition and repair.
2. Whenever the city shall cause any opening or alteration to be made in any of the public highways, roads, lanes, bridges, viaducts, and other public ways and places in the County for the purpose of installing, maintaining, operating, or repairing any poles, towers, conduits, cables, and other appliances, the work shall be complete within a reasonable time and the City shall upon the completion of such work restore such portion of the highways, roads, lanes, bridges, viaducts, and other public ways and places to as good condition as it was before the opening or alteration was so made.

3. The City may, with the consent of any landowner having any interest therein, trim any trees which may come into contact with said wires, poles, or appurtenances.
4. The City shall hold the County harmless from any and all liability or damages resulting from the negligence of the City in the construction, maintenance, or operation of its poles, towers, conduits, wires, cables, and other appliances.
5. The rights hereby granted shall become effective upon the adoption of this resolution and shall continue for a period of twenty-five (25) years thereafter.
6. The invalidity of any sentence, clause, or provision hereof shall not affect the validity of any of the remaining provisions hereof.
7. The consideration hereof is the operation by said City of the system herein described for distribution of electric energy to the County and its inhabitants and the proper maintenance thereof.

BE IT FINALLY RESOLVED that a true copy of this Resolution and record of this date.

PASSED_____

**BRENT GREER, CHAIRMAN
HENRY COUNTY COMMISSION**

**DONNA CRAIG
COUNTY CLERK**

APPROVED_____

**BRENT GREER
HENRY COUNTY MAYOR**