

AUGUST



**AGENDA
HENRY COUNTY COMMISSION
MONDAY
AUGUST 27, 2018
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. Citizen's forum.
6. Commissioners' forum.
7. Recognition of the Henry County *No Fly Zone*.

7. Appointments, confirmations, and elections.
 - a. Consideration of a resolution making certain appointments to various boards and committees and action thereon by the Commission.

8. **BUSINESS:**
 - a. Approval of Consent Agenda and action thereon by the Commission.
 - b. Presentation by the County Trustee of requests for certain tax refunds and action thereon by the Commission.
 - c. Consideration of a resolution to modify the distribution of the victim's assistance fee and action thereon by the Commission.
 - d. Consideration of a resolution to approve a Capital Outlay Note in the amount of \$113,000 and action thereon by the Commission.
 - e. Consideration of a resolution to remove Brogdon Cemetery Road from the county road list and action thereon by the Commission.
 - f. Consideration of a resolution to authorize the sale of certain delinquent tax property at a reduced price and action thereon by the Commission.
 - g. Consideration of a resolution to quitclaim certain real and action thereon by the Commission.

9. Announcements and Statements.

10. Adjournment.



CONSENT AGENDA AUGUST 27, 2018

ITEMS TO BE APPROVED:

1. Minutes of the meeting of July 16, 2018
2. Notary Public designations.
3. Various quarterly reports.
4. Henry County Medical Center Statement of Cash Flow.
5. Trustee's month end report.
6. Report of property tax collections to date.
7. Report of total revenue collections to date.

RESOLUTION NO. 1-08-18

A RESOLUTION OF THE HENRY COUNTY, TENNESSEE, BOARD OF COMMISSIONERS TO AUTHORIZE THE COUNTY MEDICAL EXAMINER TO APPOINT A MEDICAL INVESTIGATOR

WHEREAS, pursuant to Tenn. Code Ann. § 38-7-104 a county legislative body may authorize the county medical examiner to appoint medical investigators subject to confirmation by the county legislative body; and

WHEREAS, the county medical examiner, Dr. Scott Portis, has requested authorization to appoint the following person as medical investigator and that this body approve the appointments of Matthew McClure; and

WHEREAS, Matthew McClure meets the statutory qualifications to serve as a medical investigator and has agreed to receive initial training and regular continuing education through the chief medical examiner as required by law; and

WHEREAS, the appointment of Matthew McClure as a medical investigator is in the best interests of the citizens of Henry County, Tennessee;

NOW, THEREFORE, IT IS RESOLVED by the Board of Commissioners of Henry County, Tennessee, assembled in regular session

on this the 27th day of August, 2018, a majority or more of the membership concurring that:

1. The county medical examiner, Dr. Scott Portis, is authorized to appoint Matthew McClure as a medical investigator.
2. The Board of Commissioners of Henry County, Tennessee approves the appointment of Matthew McClure as a medical investigator.

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. 2-08-18

A RESOLUTION OF THE HENRY COUNTY, TENNESSEE BOARD OF COMMISSIONERS TO MODIFY THE DISTRIBUTION OF THE VICTIM'S ASSISTANCE FEE

WHEREAS, Tennessee Code Annotated 40-24-109, allows for any county legislative body to establish a "victim's assistance assessment" of forty-five dollars (\$45.00) to fund a program which assists victims of crime; and

WHEREAS, the Victims Assistance Fee was established through Resolution 2-3-08; and

WHEREAS, The Exchange Club-Carl Perkins Center, Women's Rape Assistance Program (WRAP), Court Appointed Special Advocate (CASA) serves child victims of severe sexual and physical abuse by offering services such as forensic interviews, court preparation, and victims advocacy; and

WHEREAS, The Exchange Club-Carl Perkins Center, WRAP, and CASA requests to become the designated recipients of this fee with one-third of the Victim's Assessment Fee will go to Carl Perkins, one-third will go to CASA and one-third will go to WRAP; and

WHEREAS, this resolution shall take effect immediately upon its passage, pursuant to Tennessee Code Annotated 40-24-109.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Henry County, Tennessee, meeting in regular session this 27th day of August, 2018, a majority or more of the membership concurring, that the Court Clerk of Henry County, Tennessee be authorized to collect the forty-five dollars (\$45.00), as aforementioned, to distribute forty-two of those dollars (\$42.00) to The Exchange Club-Carl Perkins Center, CASA and WRAP.

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 CRAID
COUNTY CLERK**

APPROVED _____

**BRENT GREER
HENRY COUNTY MAYOR**

RESOLUTION NO. 3-08-18

A RESOLUTION OF THE HENRY COUNTY, TENNESSEE BOARD OF COMMISSIONERS TO AUTHORIZE THE ISSUANCE, SALE, AND PAYMENT OF CAPITAL OUTLAY NOTES NOT TO EXCEED \$105,000

WHEREAS, the Governing Body of Henry County, Tennessee (the Local Government) has determined that it is necessary and desirable to provide funds for the following public works project (the “Project”): Capital Outlay Note 2017-2018 Fiscal Year (See Attachment).

WHEREAS, the Governing Body has determined that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose; and

WHEREAS, under the provisions of Parts I, IV, and VI of Title 9, Chapter 21, Tennessee Code Annotated (the “Act”), local governments in Tennessee are authorized to finance the cost of this Project through the issuance and sale of interest bearing capital outlay notes upon the approval of the State Director of Local Finance; and

WHEREAS, the Governing Body finds that it is advantageous to the Local Government to authorize the issuance of capital outlay notes to finance the cost of the Project;

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of Henry County, Tennessee, as follows:

Section 1. That, for the purpose of providing funds to finance the cost of the Project in and for the Local Government, the Chief Executive Officer of the Local Government is hereby authorized in accordance with the terms of this resolution to issue and sell interest-bearing capital outlay notes in a principal amount not to exceed one-hundred five thousand dollars (\$105,000) (the “Notes”) at either a competitive public sale or at a private negotiated sale upon approval of the State Director of Local Finance pursuant to the terms, provisions, and conditions permitted by law. The Notes shall be designated “2018 Capital Outlay Notes, Series 2018a”, shall be numbered serially from 1 upwards; shall be dated as of the date of

issuance; shall be in denomination (s) as agreed upon with the purchaser; shall be sold at not less than 99% of par value and accrued interest; and shall bear interest at a rate or rates not to exceed 3 percent (3%) per annum, and in no event shall the rate exceed the legal limit provided by law.

Section 2. That, the Notes shall mature not later than one (1) year after the date of issuance and that the Notes and any extension or renewal notes shall not exceed the reasonably expected economic life of the Project, which is hereby certified by the Governing Body to be at least See Attachment year. The existing balance of said note will be retired prior to the end of the 2018-2019 fiscal year.

Section 3. That, the Notes shall be subject to redemption at the option of the Local Government, in whole or in part, at any time, at the principal amount and accrued interest to the date of redemption, without a premium, or, if sold at par, with or without a premium of not exceeding one percent (1%) of the principal amount.

Section 4. That, the Notes shall be direct general obligations of the Local Government, for which the punctual payment of the principal and interest on the notes, the full faith and credit of the Local Government is irrevocably pledged and the Local Government hereby pledges its taxing power as to all taxable property in the Local Government for the purpose of providing funds for the payment of principal of and interest on the Notes. The Governing Body of the Local Government hereby authorizes the levy and collection of a special tax on all taxable property of the Local government over and above all other taxes authorized by the Local government to create a sinking fund to retire the Notes with interest as they mature in an amount necessary for that purpose.

If applicable, the Notes shall be further secured by Not Applicable.

(If the revenues generated by Project are to be applied as additional security for the Notes, describe such revenues here.)

Section 5. That, the Notes shall be executed in the name of the Local Government and bear the manual signature of the chief executive officer of the Local Government and the manual signature of the County Clerk with the Local Government seal affixed thereon; and shall be payable as to principal and interest at the office of the County Mayor of the Local Government or the paying agent duly appointed by the Local Government. Proceeds of the Notes shall be deposited with the County Trustee of the

Local Government and shall be paid out for the purpose of financing the Project pursuant to this Resolution and as required by law.

Section 6. That, the Notes will be issued in fully registered form and that at all times during which any Notes remain outstanding and unpaid, the Local Government or its agent shall keep or cause to be kept at its office a note register, if held by an agent of the Local Government, shall at all times be open for inspection by the Local Government or any duly authorized officer of the Local Government. Each Note shall have the qualities and incidents of a negotiable instrument and shall be transferable only upon the note register kept by the Local Government or its agent, by the registered owner of the Note in person or by the registered owner's attorney duly authorized in writing, upon presentation and surrender to the Local Government or its agent together with a written instrument of transfer satisfactory to the Local Government duly executed by the registered owner of the registered owner's duly authorized attorney. Upon the transfer of any such Note, the Local Government shall issue in the name of the transferee a new registered note or notes of the same aggregate principal amount and maturity as the surrendered Notes. The Local Government shall not be obligated to make any such Note transfer during the fifteen (15) days next preceding an interest payment date of the Notes or, in the case of any redemption of the Notes, during the forty-five (45) days next preceding the date of redemption.

Section 7. That, the Notes shall be in substantially the form authorized by the State Director of Local Finance and shall recite that the Notes are issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated.

Section 8. That, the Notes shall be sold only after the receipt of the written approval of the State Director of Local Finance for the sale of the Notes.

Section 9. That, upon the opinion of bond counsel, the Notes may be designated as qualified tax-exempt obligations for the purpose of Section 265(b) (3) of the Internal Revenue Code of 1986.

Section 10. That, after the sale of the Notes, and for each year that any of the notes are outstanding, the Local Government shall prepare an annual budget in a form consistent with accepted governmental standards and as approved by the State Director of Local Finance (the "Director".) The budget shall be kept balanced during the life of the notes. The annual

budget shall be submitted to the Director immediately upon its adoption; however, it shall not become the official budget for the fiscal year until such budget is approved by the Director in accordance with Title 9, Chapter 21, Tennessee Code Annotated (the “Statutes”.) If the Director determines that the budget does not comply with the Statutes, the Governing Body shall adjust its estimates or make additional tax levies sufficient to comply with the Statutes, or as directed by the Director.

Section 11. That, if any of the Notes shall remain unpaid at the end of one (1) year from the issue date, then the unpaid Notes shall be renewed or extended as permitted by law, or retired from the funds of the Local Government or be converted into bonds pursuant to Chapter 11 of Title 9 of the Tennessee Code Annotated, or any other law, or be otherwise liquidated as approval by the State Director of Local Finance.

Section 12. That, all orders or resolutions in conflict with this Resolution are hereby repealed insofar as such conflict exists and this Resolution shall become effective immediately upon its passage.

Duly passed and approved this 27th day of August, 2018.

PASSED _____

**BRENT GREER, CHAIRMAN
HENRY COUNTY COMMISSION**

**DONNA CRAIG
COUNTY CLERK**

APPROVED _____

**BRENT GREER
HENRY COUNTY MAYOR**

ATTACHMENT "A"

CAPITAL PROJECTS

<u>General Admin</u>		<u>Estimated Life</u>
Airport Improvements	\$ 808	20 yrs.
Building Improvements	\$27,029	Various
Data Processing	\$ 5,813	5 yrs.
Heating & A/C	\$35,000	5 yrs.
Law Enforcement Equipment	\$10,000	5 yrs.
Office Equipment	\$ 3,850	5 yrs.
Transportation Equip	\$22,500	<u>5 yrs</u>
Total		\$105,000

RESOLUTION NO. 4-08-18

**A RESOLUTION OF THE HENRY COUNTY, TENNESSEE
BOARD OF COMMISSIONERS TO REMOVE BROGDON
CEMETERY ROAD FROM THE COUNTY ROAD LIST**

WHEREAS, the Henry County Highway Commission (“Road Board”) met in a regular scheduled meeting on August 13, 2018; and

WHEREAS, the Road Board determined that there are no residences adjoining Brogdon Road and recommended that Brogdon Road be deleted from the county road list; and

WHEREAS, and it is in the best interests of the citizens of Henry County, Tennessee, that Brogdon Road be abandoned as a public county road and deleted from the county road list.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Henry County, Tennessee, assembled in regular session on this 27th day of August, 2018, a majority or more of the membership concurring, that Brogdon Road be abandoned as a public county road and deleted from the county road list.

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. 5-08-18

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 096, Group A, Control Map 095, Parcel 025.00**, is impossible to sell for the entire amount of the delinquent tax debt; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Henry County, Tennessee, assembled in regular session

on this the 27th day of August, 2018, a majority or more of the membership concurring that:

1. **Map 096, Group A, Control Map 095, Parcel 025.00**, 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 **Terrance McClain** (or higher offeror) in consideration for amount of **\$1,000** (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.

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. 6-08-18

**A RESOLUTION OF THE HENRY COUNTY, TENNESSEE
BOARD OF COMMISSIONERS TO QUITCLAIM UNDEVELOPED
CUL-DE-SAC TO ADJOINING LANDOWNERS**

WHEREAS, the Henry County Highway Commission (“Road Board”) met in a regular scheduled meeting on August 13, 2018; and

WHEREAS, at said meeting the Road Board determined that a certain cul-de-sac depicted on the plat of Russwood Shores Subdivision Unit 2 fronting lots 213–216 and more particularly described in *Exhibit A* hereto (which had not previously been adopted as a public county road) is not needed as a public county road; and

WHEREAS, for the purposes of relinquishing any title (or right to develop a public county road) that Henry County may have in said cul-de-sac, the Road Board recommended that said cul-de-sac be quitclaimed by Henry County to the adjoining landowners: Jayne Harris, Johnnie E. Harris, Jr., and John Christopher Harris;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Henry County, Tennessee, assembled in regular session on this 27th day of August, 2018, a majority or more of the membership

concurring, to proceed with quitclaiming the cul-de-sac described on Exhibit A hereto to Jayne Harris, Johnnie E. Harris, Jr., and John Christopher Harris;

BE IT FURTHER RESOLVED that: (a) Henry County makes no claim of title ownership of the quitclaimed area, (b) the quitclaim deed to be issued shall be for the limited purposes of relinquishing any title (or right to develop a public county road) that Henry County may have in the quitclaimed area, and (c) the quitclaim deed to be issued shall in no way affect any rights or easements of third parties (if any) regarding the quitclaimed area;

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**

EXHIBIT A

**SURVEY DESCRIPTION
FOR HENRY COUNTY, TENNESSEE
TO CONVEY TO JOHNNIE E. AND ANNE G. HARRIS
UNDEVELOPED CUL-DE-SAC FRONTING LOTS 213-216
RUSSWOOD SHORES UNIT 2 PLAT SLIDE A-49
HENRY COUNTY, TENNESSEE
0.206 ACRES**

BEING a 0.206 acre undeveloped right of way of a cul-de-sac of the Russwood Shores Subdivision Unit 2 of record in Plat Book 1 Page 164-165, Plat Slide A-49, joining Port Road and lying in the 13th Civil District of Henry County, Tennessee, fronting Lots 213-216 of said Subdivision as recorded in the Register's Office of Henry County, Tennessee as more particularly described as follows:

BEGINNING at a found iron pin (1/2 inch diameter steel rebar) in the north right of way of Port Road at the southeast corner of this described right of way, being the original southwest corner of Lot 216 of Russwood Shores Unit 2 (Plat Book 1 Pages 164-165, Plat Slide A-49), said found iron pin lies 30.5 feet north of the existing pavement centerline of said Port Road, said POINT OF BEGINNING being the southeast corner of the undeveloped right of way being described herein;

Thence, North 79 degrees 51 minutes 47 seconds West, a distance of 50.01 feet along the north right of way of Port Road, to a point at the southwest corner of this described right of way, being the southeast corner of the original Lot 213 of said Russwood Shores Unit 2;

Thence, running with the west, north and east lines of said cul-de-sac right of way along the following six (6) calls:

Along a curve to the left for an arc length of 39.92 feet, said curve having a radius of 47.45 feet and is subtended by a chord of North 12 degrees 25 minutes 08 seconds West, 38.76 feet to a point on a curve to the right;

Along said curve to the right for an arc length of 112.68 feet, said curve having a radius of 40.00 feet and is subtended by a chord of North 54 degrees 10 minutes 00 seconds West, 78.95 feet to a point at the original northeast corner of said Lot 213, the original southwest corner of Lot 214;

Continuing along said curve to the right for an arc length of 43.84 feet, said curve having a radius of 40.00 feet and is subtended by a chord of North 57 degrees 55 minutes 53 seconds East, 41.68 feet to a point at the original southeast corner of Lot 214, the original southwest corner of Lot 215;

Continuing with said curve to the right for an arc length of 7.41 feet, said curve having a radius of 40.00 feet and is subtended by a chord of South 85 degrees 21 minutes 48 seconds East, 7.40 feet to a point of tangent to another curve to the right;

Along said other curve to the right for an arc length of 42.57 feet, said curve having a radius of 97.45 feet and is subtended by a chord of South 67 degrees 32 minutes 42 seconds East, 42.23 feet to a point at the original southeast corner of Lot 215, the original southwest corner of Lot 216;

Continuing with said curve to the right for an arc length of 112.12 feet, said curve having a radius of 97.45 feet and is subtended by a chord of South 22 degrees 04 minutes 16 seconds East, 106.04 feet to the point of beginning, containing 0.206 acres or 8,961.9 square feet. Basis for bearings are from a prior survey by Crocker Land Surveying of a tract west of the subdivision on Port Road, with bearings based upon geodetic north, NAD83 datum.

James W. Crocker, TN RLS 1125
Crocker-Prather Land Surveying, LLC
397 Herman Brooks Road
Martin, Tennessee 38237
June 9, 2018

