

MINUTES  
OF THE  
BOARD OF MAYOR AND ALDERMEN  
NOVEMBER 10, 2016  
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The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, November 10, 2016 at 7:00 P.M. in the Council Chamber of the City of Henderson City Hall. Present and presiding was Mayor Robert W. (Bobby) King. City Recorder Jim E. Garland called the roll with the following being present:

Aldermen: Mark A. Barber, Donna R. Butler, Johny R. Farris, Buel Maness,  
Michael Phelps and Keith Smith

Absent: None.

There also present at the meeting were: City Attorney Jerry Spore, City Recorder Jim E. Garland, Assistant Police Chief Leon Johnson, Public Works Director Carter Scales, Fire Chief Glenn Bryan, Building Official Brent Beshires and Utility Director Darryl Green.

Mayor King called the meeting to order at the appointed time. Alderman Michael Phelps gave the invocation and Alderman Johny Farris led the Pledge to the Flag. The following proceedings were entered here-to-wit:

The minutes of the October regular meeting were presented for approval. There being no corrections to the minutes, motion was made by Ald. Smith, duly 2<sup>nd</sup> by Ald. Butler to approve the minutes as prepared. Motion carried.

The accumulated accounts were presented for informational purposes. Ald. Smith questioned the credit card payment on Mayor King's account for "Dog Park Signs. Mayor King explained that the purchase of the signs was a fund raising activity for the dog park. The yard signs state "Drive Like Your Kids Live Here" and "Drive Like Your Pets Live Here". Of the expense, \$500 was paid by the police department, \$500 by the CC Sheriff's Dept. and the remainder was paid from the city promotional line item. The signs will be sold to citizens as part of a promotion. All funds would be used for the dog park. There being no other questions, the meeting continued.

Mayor King asked if anyone in the audience wished to address the board.

Later on the agenda was action to hire a new police chief to replace retiring Chief Tommy Davis. Officers Joe Puente, Kyle Carter and Tim Crowe all addressed the board asking they hire Police Investigator Gary Davidson as the new Police Chief with each expressing their reasons for their recommendation. All the police department officers were present and had signed a letter supporting Gary Davidson with the exception of Assistant Chief Leon Johnson who was also a candidate for the position. Chester Co. Sheriff Blair Weaver addressed the board stating that he would respect the decision made by the board and would work with whomever was selected as Chief but he did support the appointment of Gary Davidson. The departments work closely

together daily and he felt Gary Davidson was the correct choice for Chief. Bro. Ronnie Gary also spoke in support of Inv. Gary Davidson being promoted to Chief. He did state that Gary Davidson was his nephew. Mr. Geary stated he had served as the volunteer Chaplin for the Police and Sheriff Departments for many years. He felt the Chief's position should be filled with a "local" person that knows and loves this community. A large group of friends and family of Gary Davidson were present at the meeting.

There being no other delegations to speak to the board, the meeting continued.

Mayor King stated the first item on the agenda was to consider action on the vacancy of Chief of Police but before considering action, Mayor King wished to explain the process the board took during the application process. He stated that the current Police Chief Tommy Davis has been on leave due to an ongoing medical condition and has been unable to work for over a year. Even though both the city and Chief Davis had hoped he could return, he finally realized that he could not and agreed to relinquish his position upon the board hiring his replacement. Mayor King advised that the city undertook this application process the same as it had done when filling all the department head vacancies for many years. The position was advertised both locally and state wide. As with advertising in today's world, this advertisement was also picked up by internet sites that spread the ad worldwide. The city received approximately 30 qualified, complete application packets. Of the 30, the board pulled out eight (8) for the first round of interviews. Of the eight only six were still interested. Each interview lasted approximately one hour. After the first interviews, the board selected three finalists that were to return for a second interview. One of the finalists had personal issues that kept him from continuing with the process. The other two finalists were interviewed again for over an hour. The board members discussed the finalists and the strengths of each. Mayor King asked the board members if they were ready to make a decision on this matter. He further stated that he was proud of the way the city board handled this process and that he can work with either of the finalists that is selected.

Ald. Farris stated that he had taken this process seriously and studied the qualifications, experiences and training/education of each of the candidates. He weighed who would be the best person to adequately supervise the staff of the police department. He expressed his concern that a person from within the department may have problems supervising employees that he had been working with for so many years. He realized that this decision is not only a tremendous decision for the department and the city but also for the citizens of Henderson. He stated that he was going to try and select the best person to serve the City of Henderson.

Ald. Butler agreed with Ald. Farris stating she had given this matter a great deal of sober thought. She felt this may be one of the biggest decisions they will make while on the city council. She had prayed that she will make the best decision for the city.

Ald. Smith stated that he had taken part in hiring several department heads during his tenure on the board but this was one of the hardest due to the fact that they had two well qualified finalists for the position.

Ald. Barber stated he echoed what his fellow aldermen had said. He stated that he couldn't think of any decision in his past two years on the board where he had sat up at night trying to decide what the best for the city was. The two finalists were both good men with pros and cons. He had weighed these in making his final decision on this matter.

Ald. Phelps spoke that this is going to be one of the hardest decisions that they will make as a board. He stated that they are elected to represent the city as a whole and planned on doing so in this decision. He appreciated the support of the department for Inv. Davidson. The decision made by the board was in looking forward to the future of the department and the city. He stated that the

department is run well and has been operating well even without a chief. This is a tough decision but he hopes the decision made will be the best for the city's future.

Ald. Maness appreciated the people in the audience showing their support and respect for Gary Davidson. He stated that after running two successful businesses, he had always tried to stay with the ones he was close and familiar to. He had found that this seems to have always worked for him in business. His selection and decision would be based on this.

Both finalists, HPD Investigator Gary Davidson and Mr. Wilton Cleveland were present at the meeting.

There being no other discussion, Mayor King asked if the board was ready to decide on this matter. After a few moments, Ald. Farris made the motion to hire Wilton Cleveland as Chief of Police. Motion was duly 2<sup>nd</sup> by Ald. Phelps. Upon a roll call vote the following was cast:

Ayes: Mark A. Barber, Johnny R. Farris and Michael Phelps.

Noes: Donna R. Butler, Buel Maness and Keith Smith.

As prescribed by the Charter, in the case of a tie vote, Mayor King has the option to break the tie.

Mayor King stated that he was tempted to not vote and make the board go back for further discussion until they can make a final selection on this matter. He went further to state he feels his responsibility is to the citizens of the City of Henderson, not Chester County. He stated that he went into this looking at the applicants from his experience and career as a law enforcement officer not as a mayor. He stated the city has a great police department but he sees areas which need improvements, especially in technology. He stated Mr. Cleveland has had experience using this technology first hand. He reviewed other aspects of Mr. Cleveland including, US Navy, starts as a patrolman at Memphis PD, goes to college while working, promoted to Sergeant over a shift, promoted to Lieutenant over 27 men serving an area with a population being equal to the seventh largest city in the state, Lieutenant in Investigations, then over child sex abuse cases. He also operates under a specific budget and writes grants. He is familiar with all technology used by the department and is even familiar with writing computer programming code. Mayor King stated the main thing that stuck with him about Mr. Cleveland was that he wanted to come in and listen, learn and bring this department up to make the officers the best they could be.

After his comments, Mayor King cast an "Aye" vote to hire Wilton Cleveland as Chief of Police. Motion carried. Mayor King apologized for getting upset during his comments.

The next item was to consider bids received on the STP Ramp Lighting Project at the intersection of US Hwy 45 South (SR 5) and SR100. Recorder Garland explained that the project consisted of adding two 400 watt lights and poles on each of the ramps. This was designed to eliminate dark areas where you enter and exit SR 100. The funds for the project come from the city's allocation of Surface Transportation Funds and would require no local match. The city received three bids on this project as follows:

- 1) Wade Electric Company Inc. ----- \$ 74,563.00
- 2) Davis H. Elliot Const Company Inc. ----- \$ 85,000.00
- 3) Desoto County Electric, Inc. ----- \$100,121.94

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Mr. Barry Alexander of Neel-Schaffer, Inc., the engineer hired for the project prepared a bid tab and a letter of recommendation accepting the low bid from Wade Electric contingent upon TDOT approval of the bids.

After due consideration, motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Maness to accept the low bid of Wade Electric in the amount of \$74,563.00 contingent upon approval by TDOT. Motion carried.

The next item was to consider bids received on the installation of gas lines on a per unit price. UD Darryl Green asked that this item be tabled until a later date due to some issues that needed to be worked out with the bidders. He would bring the matter back at a later meeting for consideration.

Mayor King advised the board that they failed to set a salary for the new Police Chief. The salary scale had been discussed in great detail during the meetings that lead up to the selection of the finalists. The final figures discussed were: Starting - \$58,000, Three Year Step - \$60,500 and Five Year Step - \$63,000. As with all city salary scales, new employees are placed into the scale at the time of hiring based on qualifications. Motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Smith to (1) approve the new pay scale outlined above, (2) place Chief Cleveland at the middle step of \$60,500 when hired and (3) Chief Cleveland will receive top pay in two years. Motion carried.

UD Darryl Green advised the board that he had received three quotes on a trench box. The low quote was \$4,776.54 from Kundel Industries for a 6'x8' lightweight aluminum trench box. Of the cost \$2,000 of these funds will be reimbursed from the TML Pool Safety Partners Grant Program. Motion was made by Ald. Barber, duly 2<sup>nd</sup> by Ald. Butler to purchase this trench box. Motion carried.

Mayor King advised that Anthony Buttrum has moved out of town and will be sorely missed due to the fact he was a great volunteer for the community. He served on the City Park Advisory Board and therefore there is a vacancy on said board. Mayor King recommended the appointment of James Arnold to the board. Mr. Arnold is member of the youth soccer board so he would be an asset with knowledge of their operations and needs. Motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Butler to approve the appointment of Mr. Arnold to the City Park Advisory Board. Motion carried.

Mayor King advised he wished to start a new policy that many law enforcement agencies have in place by awarding a retiring officer their duty weapon. He proposed the approval of such policy as outlined in the following resolution:

**RESOLUTION # 2016-008**

**A RESOLUTION THAT AWARDS ANY FULL TIME OFFICER OF THE POLICE DEPARTMENT THAT RETIRES OR LEAVES EMPLOYMENT IN GOOD STANDING WITH TWENTY-FIVE OR MORE YEARS SERVICE, HIS/HER SERVICE WEAPON.**

WHEREAS, the Board of Mayor and Aldermen wish to recognize and reward full time officers of the Henderson Police Department who retire or leave employment in good standing after Twenty-Five (25) years or more of service to the City of Henderson, and

WHEREAS, the Board of Mayor and Aldermen reviewed possible ways in which to do this, and

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WHEREAS, many Cities and Counties reward retiring full time officers with their duty weapon, and

WHEREAS, the Board of Mayor and Aldermen feel this is an appropriate token reward for their service to the community.

NOW BE IT THEREFORE RESOLVED by the Board of Mayor and Aldermen that all full-time officers of the Henderson Police Department that retire or leave employment in good standing with Twenty-Five (25) years or more service with the City of Henderson Police Department shall be awarded his/her service weapon and holster as a token of appreciation for his/her service to the City.

BE IT FURTHER RESOLVED that this policy shall become effective for any and all officers retiring or leaving employment on or after the date of adoption.

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After due discussion, motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Maness to adopt Resolution 2016-008 as presented above. Upon a roll call vote the following was cast:

Ayes: Mark A. Barber, Donna R. Butler, Johny R. Farris, Buel Maness,  
Michael Phelps and Keith Smith.

Noes: None.

Therefore Mayor King declared Resolution 2016-008 duly adopted and the new policy implemented. The first officer to receive this honor will be retiring Police Chief Tommy Davis.

Mayor King advised the board that the referendum on Packaged Liquor sales has passed based on preliminary returns and the city has been inundated with calls requesting information on application for licenses. The city had not expected the matter to pass therefore no research had been previously completed. Recorder Garland explained that the morning after the election he contacted MTAS for guidance and found that the city only has a small amount of control pertaining to Package Liquor Stores. Permits are all issued by the Tennessee Alcoholic Beverage Commission (ABC). A lot of information can be obtained from the ABC website including all the application forms. One of those forms does have to be approved by the city that the location, building and person meet the local regulations. Some of the things the city can control are location by zoning, distance from churches or schools, etc, the number of stores and some limited building requirements. The city was planning on a committee meeting to help understand and explain these items and get feedback to prepare the necessary documents to amend the City Municipal Code and the City Zoning Ordinance to allow for Liquor Stores. This process will take two to three months to complete.

UD Green advised the board that FHU had a major sewer issue and did have to dig up S. Cason Ave which was very recently repaved. They had no other option but the city would make sure that FHU properly repairs the street with hot mix asphalt and rolled into place for a smooth patch.

UD Green advised the board that the large trencher (DW 5110) had transmission problems and the machine was in need of replacement instead of putting more funds into this old worn out machine. He advised that Lexington Utility Department has a large DW RT75 with only 54 hours on it for sale. The machine is several years old but has not been used. It has been stored inside and regularly maintained. The price is estimated \$30,000 range. After due discussion, motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Maness to authorize Mayor King

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and UD Green to purchase this used trencher from Lexington if they feel it is in the city's best interest. Motion carried.

Fire Chief Glenn Bryan advised the board that Fire Captain Doug Acred had been hired as the Fire Chief of the City of Lexington. He will begin with Lexington approximately January 1<sup>st</sup>.

City Attorney Jerry Spore advised the board that the Industrial Development Board was meeting on November 21<sup>st</sup> to finalize the bond issue for Southwest Human Resource Agency to pay off the city loan for their Administration Building as well and finance their Food Service Facility on West Main. They hope to close everything by the end of the month.

Recorder Garland advised the board that the city had numerous projects going including: STP on Ramp Lighting, STP on Paving E. Main Street, CDBG Housing on N. Franklin Ave, Tourism Grant on Directional Signage and DRA Proctor Road Water Grant. All these projects take a lot of employee time to complete.

Ald. Butler asked about the Roof project on the 60 Record Drive building. Recorder Garland advised that he and Mr. Beshires had been trying to get contractors go provide some quotes in order to determine what is the proper course of action, either a membrane roof or a complete new metal roof.

Ald. Butler inquired about the chickens on the corner of White and O'Neal. Assistant Chief Johnson stated a citation had been issued and the person was to appear in court on November 16<sup>th</sup>. The other resident on Mason Ave. had relocated their chickens out of the city.

Ald. Phelps stated that he knows the decision on the Chief of Police was a tough decision but he feels the city made the right decision and he appreciated all the hard work the board put into this matter.

Ald. Farris also stated he felt the right decision was made and that hiring someone from outside will help our police department move into the future. He hoped the officers will work with him in making our town better. He welcomed Chief Cleveland aboard.

Ald. Barber recognized that some members of the Youth Leadership Program were in attendance and appreciated their willingness to participate in our community. He also expressed his appreciation to Chief Tommy Davis for his many years of service to the community.

Ald. Smith stated he fully supported Chief Cleveland in his new position.

Ald. Butler stated she supported him and will let him do his job.

Ald. Maness also stated he would fully support Chief Cleveland.

There being no other business, motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Barber to adjourn. Motion carried.

Signed: Robert W. King

APPROVED: \_\_\_\_\_  
MAYOR

ATTEST: Signed: Jim E. Garland

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CITY RECORDER