

**MINUTES OF THE VAN BUREN COUNTY COMMISSION  
VAN BUREN COUNTY, TENNESSEE**

The Van Buren County Commission met in a Regular Meeting Tuesday February 18, 2020 at 6:00 p.m. at the Van Buren County Administrative Facility & Justice Center. The following action was taken as recorded in Minute Book, "R".

**Call to Order**

Sheriff Eddie Carter called the Meeting to Order.

**Roll Call**

Member present: David Chandler, Joey Grissom, Terry Hickey, Bill Mosley, Mickey Robinson, Henry Seamons, Brian Simmons, Robert Van Winkle and Michael Woodlee. William Maxwell was absent.

Also present: County Attorney Howard Upchurch, County Mayor Greg Wilson and County Clerk Lisa Rigsby.

**Approval of Minutes from the January 21, 2020 Meeting**

Mickey Robinson made a motion, second by Bill Mosley to approve the Minutes from the January 21, 2020 Meeting. All agreed by voice vote. Motion passed.

**Approval of Quarterly Reports for 2<sup>nd</sup> Quarter**

David Chandler made a motion, second by Michael Woodlee to approve all Quarterly Reports.

Upon roll call: David Chandler, Joey Grissom, Terry Hickey, Bill Mosley, Mickey Robinson, Henry Seamons, Brian Simmons, Robert Van Winkle, and Michael Woodlee voted yes. No changes to any yes votes. Motion passed.

**Presentation by Tennessee Coalition of Drug Overdose Prevention**

Regional Overdose Prevention Specialist Suzanne Angel addressed the Full Commission concerning the TN: Save A Life Program. This is a program to increase public awareness and educate people dealing with the opioid Crisis. Also there is training available to distribute Naloxone which is a nasal spray to use in case of an opioid overdose. This program is available to everyone and Ms. Angel left brochures and her cards with information for anyone to reach out for help.

**Melanie Conover Animal Shelter Proposal**

None

## **2<sup>nd</sup> Amendment Resolution for Van Buren County**

County Attorney Howard Upchurch spoke to the Full Commission and all who were in attendance at the County Commission meeting on his thoughts about declaring Van Buren County a gun sanctuary County. There were two Resolutions that were presented to the Full Commission for approval on this matter. **Letter from the County Attorney for the record:**

Law office of Howard Upchurch  
3173 Main Street  
P.O. Box 381  
Pikeville, Tennessee 37367-0381  
423-447-2903

**February 6, 2020**

Honorable Greg Wilson  
Van Buren County Mayor  
P.O. Box 217  
Spencer, Tennessee 38585

### **Re: Gun Sanctuary Resolution**

Dear Greg:

As you requested in a recent email, I carefully reviewed the proposed Resolution declaring Van Buren County a gun sanctuary County. Similar Resolutions have been presented to County Legislative Bodies throughout Tennessee. These sanctuary Resolutions began in the State of Virginia and were rapidly adopted by Virginia Counties, cities and towns as the new Democratic majorities in the Virginia State Legislature prepared to pass sweeping gun control measures. It is my opinion (and the opinion of every County and municipal Attorney who reviewed similar Resolutions) that this Resolution as presented is unconstitutional and far beyond the statutory powers vested in County Legislative Bodies by Stature and general law. The responsibility for enacting and enforcing gun laws lies exclusively with the legislative branch – Congress or the Tennessee General Assembly. This Resolution, if enacted, would create a crisis for Van Buren County deputies and Sheriff Carter, all of whom have taken an oath to enforce the laws of the State of Tennessee. This Resolution would be in direct conflict with their oaths and their duties and responsibilities as law enforcement officers. This Resolution has no real legal enforceable meaning. While the county Legislative Body could conceivably adopt a Resolution for Van Buren County to become a sanctuary County, that does not mean Van Buren County can legally be a sanctuary County. There is no legal definition for “sanctuary”. An attempt to adopt this Resolution as written, may also violate the oaths of office for the County Commissioners.

A County Commissioner once told me many years ago that the County Attorney does not set Policy for the County – that policy or policies are established solely by the County Legislative Body. With that in mind, this Resolution would unfortunately establish a policy for Van Buren County which could lead to the assertion of substantial claims (especially those committed by individuals who are not authorized to possess firearms). If it is in fact the policy of Van Buren County to recognize second amendment rights, I would suggest that a Resolution similar to the enclosed Resolution should be considered and adopted by the County Legislative Body. I will, however, amend the Resolution as you and other Commissioners may suggest.

In the event I can provide additional information relative to the matters addressed herein, please contact my office at your convenience.

Sincerely,  
Howard L. Upchurch

**RESOLUTION NUMBER 417**  
**VAN BUREN COUNTY BOARD OF COUNTY COMMISSIONERS**  
**A RESOLUTION DECLARING VAN BUREN COUNTY, TENNESSEE TO A SECOND AMENDMENT**  
**COUNTY**

**WHEREAS**, the vast majority of the Citizens of Van Buren County Tennessee and the members of the County Legislative Body of Van Buren County, Tennessee support the Second Amendment of the United State Constitution and this Amendment’s prohibition of the infringement of the right of the people to keep and bear arms as well as Article I, Section 26 of the Constitution of the State of Tennessee providing for the right of citizens to keep and bear arms for their common defense; and

**WHEREAS**, the Constitution of the United States is the supreme law of our nation; and

**WHEREAS**, the Constitution of the State of Tennessee is the supreme law of our State; and

**WHEREAS**, because the Board of County Commissioners of Van Buren County, Tennessee supports the United States Constitution and the Tennessee Constitution and the rights contained in the Second Amendment and Article I, Section 26 of these Constitutions, the Board of County Commissioners desired to declare their support of these rights through this Resolution.

**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Van Buren County, Tennessee that Van Buren County shall be and is hereby declared a Second Amendment County and a County that recognizes the inalienable rights of its Citizens to possess and bear arms including for the right of defense as provided in the Second Amendment of the United State Constitution and Article I, Section 26 of the Tennessee Constitution.

**Presented and passed on this 18<sup>th</sup> day of February, 2020.**

---

Greg Wilson, County Mayor

---

Lisa Rigsby, County Clerk

After much discuss on this matter, Commissioner Bill Mosley stated, “Passing this Resolution says it is simply a show of support for the Second Amendment and has no legal standing.” “All this does is send a message to the State that this County Supports the Second Amendment, that’s basically all it does, we don’t have any regulatory authority over the State.” “If approved Van Buren County would join an estimated 16 other Counties in Tennessee.” Bill Mosley made a motion, second by David Chandler to approve the Resolution the County Attorney brought forward.

Upon roll call: David Chandler, Joey Grissom, Terry Hickey, Bill Mosley, Mickey Robinson, Henry Seamons, Brian Simmons, Robert Van Winkle and Michael Woodlee voted yes. No changes to any yes vote. Motion passed.

### **Appointment of Parks, Recreation, and Tourism Board**

Mayor Greg Wilson submitted the following names to the Full Commission wanting approval for the Parks, Recreation and Tourism Board. Some are existing members and some are new.

<b>1<sup>st</sup> District</b>	<b>Kendra Kirby Sharon Shockley</b>
<b>2<sup>nd</sup> District</b>	<b>Wendy Forsythe ?</b>
<b>3<sup>rd</sup> District</b>	<b>Junior Dodson Roger Neely</b>
<b>4<sup>th</sup> District</b>	<b>Crystal Young Jacob Young</b>
<b>5<sup>th</sup> District</b>	<b>Katina Simmons Phyllis Sullivan</b>

Mickey Robinson made a motion, second by Robert Van Winkle to approve this Board.

Upon roll call: David Chandler, Joey Grissom, Terry Hickey, Bill Mosley, Mickey Robinson, Henry Seamons, Brian Simmons, Robert Van Winkle and Michael Woodlee voted yes. No changes to any yes vote. Motion passed.

### **Approval of Notary for Patricia A. Russell**

Mickey Robinson made a motion, second by David Chandler to approve the Notary for Patricia A. Russell. All agreed by voice vote. Motion passed.

### **Approval of Notary for Dovie M. Williams**

No action was taken.

### **Old Business**

Last month it was discussed of taking steps for Van Buren County to elect their own General Sessions Judge from Van Buren County in the 2022 Election. After much discussion on this matter it was tabled until February's Full Commission meeting. Chairman Joey Grissom made a motion, second by Henry Seamons to bring this off the table for action. All approved by voice vote. Motion passed.

**RESOLUTION NUMBER 418**  
**VAN BUREN COUNTY BOARD OF COUNTY COMMISSIONERS**  
**RESOLUTION CREATING SEPARATE GENERAL SESSIONS COURT FOR VAN BUREN COUNTY,**  
**TENNESSEE AND DISSOLVING THE COMBINED GREATER WHITE COUNTY AND VAN BUREN**  
**COUNTY GENERAL SESSIONS COURT**  
**RESOLUTION AMENDING CHAPTER 505 PUBLIC ACTS OF THE 1972 GENERAL ASSEMBLY AND**  
**PRIOR UNCODIFIED PUBLIC ACTS OR PRIVATE ACTS**

**WHEREAS**, pursuant to T.C.A § 16-15-101, the General Assembly for the State of Tennessee created and established a General Sessions Court in every County situated in the State of Tennessee to exercise the Jurisdictions provided by law within the Geographical boundaries of each County; and

**WHEREAS**, pursuant to Chapter 505 of the Public Acts of the 1972 General Assembly of the State of Tennessee and prior Uncodified Public Acts or Private Acts, the greater General Sessions Court of White County and Van Buren County was created whereby one qualified individual residing in and elected from those combined Counties would serve as Judge of the General Sessions Court of Van Buren County and Judge of the General sessions Court of White County and exercise the general jurisdictions of General Sessions Court established by T.C.A. § 16-15-501, Juvenile Jurisdiction as Juvenile Court Judge and concurrent Jurisdiction with the Circuit and Chancery Courts over domestic relations cases and probate cases; and

**WHEREAS**, the compensation payable to the Judge elected to serve as Judge of both the General Sessions Court of Van Buren County and the General Sessions Court of White County, which compensation is established by statutorily defined classifications through the combined populations of these Counties pursuant in T.C.A. § 16-15-501, along with judicial secretary expenses, travel or conference and education expenses and related expenses, are apportioned between and paid by the County Governments of White County and Van Buren County; and

**WHEREAS**, the Board of County Commissioners for Van Buren County, Tennessee desired to establish a separate General Sessions Court for Van Buren County, Tennessee and dissolve the combined Greater General Sessions Court of White County and Van Buren County, whereby a qualified individual who is a resident of Van Buren County, Tennessee will henceforth be elected by the registered voters of Van Buren County, Tennessee and serve as General Sessions Judge for Van Buren County, Tennessee and Van Buren County, Tennessee only for eight (8) year terms as provided for by T.C.A. § 16-15-501 and, in addition thereto, Juvenile Jurisdiction as Juvenile Court Judge and concurrent domestic relations and probate Jurisdiction; and

**WHEREAS**, the Board of County Commissioners for Van Buren County, Tennessee hereby requests that the General assembly of the State of Tennessee repeal modify or amend Chapter 505 of the Public acts of the 1972 General assembly of the State of Tennessee and any prior uncodified Public Acts or Private Acts establishing the Greater General Sessions Court of White County and Van Buren County, and enact legislation creating and establishing a separate General Sessions Court to exercise General Jurisdictions, Juvenile Jurisdiction and the concurrent Jurisdictions identified herein.

**NOW THEREFORE, BE IT RESOLVED** that the Board of County Commissioners for Van Buren County, Tennessee hereby requests that the General Assembly of the State of Tennessee real, modify or amend Chapter 505 of the Public Acts of the 1972 General Assembly of the State of Tennessee and all previous Uncodified Public Acts or Private Acts applicable to the creation of the Greater General Sessions Court of White County and Van Buren County and to enact Legislation creating a separate General Sessions Court for Van Buren County, Tennessee and Van

Buren County, Tennessee only whereby a qualified individual who is a resident of Van Buren County, Tennessee will be elected by the voters of Van Buren County, Tennessee and serve as General Sessions Judge for Van Buren County, Tennessee and Van Buren County, Tennessee only for terms of eight (8) years beginning with the September 1, 2022 eight (8) year term, to exercise the General Jurisdictions of General Sessions Courts as provided by T.C.A. § 16-15-501, Juvenile Jurisdiction as Juvenile Court Judge, and concurrent domestic relations and probate Jurisdiction.

**BE IT FURTHER RESOLVED** that the Board of County Commissioners for Van Buren County, Tennessee hereby requests that the General Assembly of the State of Tennessee take immediate action on this request so as to enable qualified individuals interested in serving in this judicial position to submit nominating petitions and other qualifying documents identified by statute for the August 2022 General Election of County Officials, including such petitions which shall then be available or required to be completed and filed in the year 2022.

**PRESENTED AND PASSED** on this 18<sup>th</sup> day of February, 2020.

---

County Mayor Greg Wilson

---

County Clerk Lisa Rigsby

Mickey Robinson made a motion, second by Michael Woodlee to approve the Resolution with the General Sessions Judge that's presented.

Upon roll call: David Chandler, Joey Grissom, Terry Hickey, Bill Mosley, Mickey Robinson, Henry Seamons, Brian Simmons, Robert Van Winkle and Michael Woodlee voted yes. No changes to any yes vote. Motion passed.

**New Business**

**Budget Amendments in the Sheriff's Department**

Sheriff Eddie Carter was present needing approval for two budget amendments. Sheriff Carter is purchasing two new police vehicles. He already has budgeted in the General Fund 101-54110-718 \$31,000.00 and there is \$11,000.00 from the Insurance totaling \$42,000.00. Sheriff Carter would like to add the \$11,000.00 to line item 101-54110-718 totaling \$42,000.00 to purchase a new vehicle. David Chandler made a motion, second by Michael Woodlee to approve this Budget Amendment of \$11,000.00 subject to examination of Committee A's approval.

Upon roll call: David Chandler, Joey Grissom, Terry Hickey, Bill Mosley, Mickey Robinson, Henry Seamons, Brian Simmons, Robert Van Winkle and Michael Woodlee voted yes. No changes to any yes vote. Motion passed.

**Budget Amendment (Drug Fund)**

The Sheriff's Department has around \$90,000.00 in the Drug Fund. Sheriff Carter would like to move \$42,000.00 from the Drug Fund to purchase one of the new vehicles. Terry Hickey made a motion, second by Henry Seamons to approve to move \$42,000.00 from Drug Fund but send this to Committee A (budget Committee) for creation of a line item.

Upon roll call: David Chandler, Joey Grissom, Terry Hickey, Bill Mosley, Mickey Robinson, Henry Seamons, Brian Simmons, Robert Van Winkle and Michael Woodlee voted yes. No changes to any yes vote. Motion passed.

**Adjournment**

Mickey Robinson made a motion, second by David Chandler to adjourn. All agreed by voice vote. Motion passed. Meeting adjourned at 6:43 p.m.

---

Chairman Joey Grissom

---

County Clerk Lisa Rigsby