

5/14/2025

The Marshall County Commission met in a regular session on Wednesday, May 14, 2025, at 10:00 a.m. in the Marshall County Commission Chambers. Clint Maze, County Attorney, led the invocation, and Commissioner Rick Watson led the Pledge of Allegiance.

PRESENT:

Joey Baker, Interim Chairman/District 4 Commissioner
Ashleigh Bubbett, County Administrator
Ronny Shumate, District 1 Commissioner
James R. Watson, District 2 Commissioner
Lee Sims, District 3 Commissioner
Mike Knop, County Engineer
Kristal Jones, Administrative Assistant
Tanya Giroir, Commission Clerk
Clint Maze, County Attorney

ABSENT:

James Hutcheson, Chairman
Chairman James Hutcheson passed away on May 3, 2025. Vice-Chairman Joey Baker has assumed the role of interim chairman until Governor Kay Ivey appoints a successor.

CONSENT AGENDA

A motion was made by Commissioner Shumate, duly seconded by Commissioner Sims. A roll call was performed with Commissioner Shumate voting Yes, Commissioner Watson voting No, and Commissioner Sims voting Yes. The consent agenda was approved 2 to 1, presented as read by Interim Chairman Joey Baker. The consent agenda includes the minutes from the April 23, 2025, meeting and the claims docket for April 22, 2025, to May 12, 2025, for \$5,850,571.01.

APPROVE RESOLUTION TO ISSUE THE PAVILION AT SNUG HARBOR MARINA LOCATED AT 123 SNUG HARBOR ROAD, GRANT, AL FOR COUNTY ALCOHOL LICENSES FOR RESTAURANT RETAIL LIQUOR LICENSE TYPE 20 AND SPECIAL RETAIL (YEAR-ROUND) LICENSE TYPE 160.

A motion was made by Commissioner Sims, duly seconded by Commissioner Shumate, and all members voting affirmatively and so carried to waive the reading of the resolutions for County Alcohol Licenses.

A motion was made by Commissioner Shumate, duly seconded by Commissioner Sims, and all members voting affirmatively and so carried to approve the resolution to The Pavilion at Snug Harbor Marina located at 124 Snug Harbor Road, Grant, AL, for county alcohol licenses for Restaurant Retail Liquor License Type 20 and Special Retail (Year-Round) License Type 160.

APPROVING ISSUANCE OF ALCOHOLIC BEVERAGE LICENSE

WHEREAS, The Pavilion at Snug Harbor Marina, located at 124 Snug Harbor Road, Grant AL has applied for the following Alcoholic Beverage Licenses: Restaurant, Retail Liquor, and Special Retail (Year-Round)

WHEREAS, the County Alcohol License Review Committee has reviewed that application and recommended that the Committee has recommended that this license be granted.

Now, therefore, be it resolved by the Marshall County Commission that it grants its consent to and approval of issuance of such license, on contingency that the establishment passes all ABC Board requirements and all requirements issued through the Commission as adopted by the resolution regulating the sale of alcohol beverages within the unincorporated areas of Marshall County, Alabama.

Adopted this the 14th day of May 2025.

APPROVE RESOLUTION TO ISSUE THE PAVILION AT SNUG HARBOR MARINA LOCATED AT 50 SNUG HARBOR ROAD, GRANT, AL, FOR COUNTY ALCOHOL LICENSES FOR RETAIL BEER (OFF-PREMISE) LICENSE TYPE 50 AND RETAIL TABLE WINE (OFF-PREMISE) LICENSE TYPE 70.

A motion was made by Commissioner Watson, duly seconded by Commissioner Sims, to approve the resolution to issue The Pavilion at Snug Harbor Marina located at 50 Snug Harbor Road, Grant, AL, for

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County Alcohol Licenses for Retail Beer (Off-premise) License type 50 and Retail Table Wine (Off-premise) License type 70.

APPROVING ISSUANCE OF ALCOHOLIC BEVERAGE LICENSE

WHEREAS, The Pavilion at Snug Harbor Marina, located at 50 Snug Harbor Road; Grant, AL has applied for the following Alcoholic Beverage Licenses: Retail Beer (off-premise only) and Retail Wine (off-premise only).

WHEREAS, the County Alcohol License Review Committee has reviewed that application and recommended that the Committee has recommended that this license be granted.

Now, therefore, be it resolved by the Marshall County Commission that it grants its consent to and approval of issuance of such license, on contingency that the establishment passes all ABC Board requirements and all requirements issued through the Commission as adopted by the resolution regulating the sale of alcohol beverages within the unincorporated areas of Marshall County, Alabama.

Adopted this the 14th day of May 2025.

APPROVE RESOLUTION TO ISSUE SCANT CITY FOOD MART LOCATED AT 8220 AL HIGHWAY 69, SUITE 100, ARAB, AL, COUNTY ALCOHOL LICENSES FOR RETAIL BEER (OFF-PREMISE) LICENSE TYPE 50.

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson, to approve the resolution to issue Scant City Food Mart located at 8220 AL Highway 69, Suite 100, Arab, AL, County Alcohol Licenses for Retail Beer (Off-premise) License type 50.

APPROVING ISSUANCE OF ALCOHOLIC BEVERAGE LICENSE

WHEREAS, Scant City Food Mart located at 8220 AL Highway 69, Suite 100, Arab, AL has applied for the following Alcoholic Beverage Licenses: Retail Beer (off-premise only).

WHEREAS, the County Alcohol License Review Committee has reviewed that application and recommended that the Committee has recommended that this license be granted.

Now, therefore, be it resolved by the Marshall County Commission that it grants its consent to and approval of issuance of such license, on contingency that the establishment passes all ABC Board requirements and all requirements issued through the Commission as adopted by the resolution regulating the sale of alcohol beverages within the unincorporated areas of Marshall County, Alabama.

Adopted this the 14th day of May 2025.

APPROVE RESOLUTION TO SCANT CITY FOOD MART LOCATED AT 8220 AL HIGHWAY 69, SUITE 200, ARAB, AL, COUNTY ALCOHOL LICENSES FOR LOUNGE-RETAIL LIQUOR – CLASS II (PACKAGE) LICENSE TYPE 11 AND RETAIL TABLE WINE (OFF-PREMISE ONLY) LICENSE TYPE 70.

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson, and all members voted affirmatively to approve the resolution to Scant City Food Mart located at 8220 AL Highway 69, Suite 200, Arab, AL, County Alcohol Licenses for Lounge-Retail Liquor – Class II (Package) License type 11 and Retail Table Wine (Off-premise only) License type 70.

APPROVING ISSUANCE OF ALCOHOLIC BEVERAGE LICENSE

WHEREAS, Scant City Food Mart located at 8220 AL Highway 69; Suite 200; Arab, AL has applied for the following Alcoholic Beverage Licenses: Lounge Retail Liquor (Class II – Package Store) and Retail Wine (off-premise only).

WHEREAS, the County Alcohol License Review Committee has reviewed that application and recommended that the Committee has recommended that this license be granted.

Now, therefore, be it resolved by the Marshall County Commission that it grants its consent to and approval of issuance of such license, on contingency that the establishment passes all ABC Board requirements and all requirements issued through the Commission as adopted by the resolution regulating the sale of alcohol beverages within the unincorporated areas of Marshall County, Alabama.

Adopted this the 14th day of May 2025.

DISCUSS MOVING FORWARD AND SET AND ANNOUNCE PUBLIC HEARING DATE TO MAY 28TH FOR ALCOHOL LICENSE APPLICATIONS FOR KELLER'S TACKLE AND GROCERY LOCATED ON

HWY 431 IN NEW HOPE FOR RETAIL BEER (OFF-PREMISE ONLY), RETAIL WINE (OFF-PREMISE ONLY), AND LOUNGE-RETAIL LIQUOR – CLASS II (PACKAGE).

A motion was made by Commissioner Sims, duly seconded by Commissioner Watson, and all members voted affirmatively to move forward to set and announce a Public Hearing Date for May 28, 2025 at 9 AM in the Commission Chambers for an Alcohol License application for Keller's Tackle and Grocery located on Highway 431 in New Hope for Retail Beer (Off-premise only), Retail Wine (Off-premise only), and Lounge-Retail Liquor – Class II (Package).

APPROVE WHOLESALE BEER/WHOLESALE WINE, ALCOHOL LICENSE TYPE 110 TO ADAMS BEVERAGE LLC LOCATED AT 200 JD SMITH DRIVE, ATTALLA, AL.

A motion was made by Commissioner Watson, duly seconded by Commissioner Sims, all members voting affirmatively and so carried to approve the Wholesale Beer/Wholesale Wine Alcohol License type 110 to Adam's Beverage LLC located at 200 JD Smith Drive, Attalla, AL.

APPROVE AMENDING RESOLUTION REGULATING THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE UNINCORPORATED AREAS OF MARSHALL COUNTY TO INCLUDE VERBIAGE TO REQUIRE A PASSED FIRE SAFETY INSPECTION BEFORE COUNTY LICENSES ARE ISSUED.

A motion was made by Commissioner Sims, duly seconded by Commissioner Shumate, and all members voting affirmatively and so carried to waive the reading of the resolutions for amendments to the Sale and Licensing Fees.

A motion was made by Commissioner Sims, duly seconded by Commissioner Watson, all members voting affirmatively and so carried to approve amending the Resolution Regulating the Sale of Alcoholic Beverages within the unincorporated areas of Marshall County to include verbiage to require a passed fire safety inspection before County Licenses are issued.

AMENDED RESOLUTION OF THE MARSHALL COUNTY COMMISSION REGULATING THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE UNINCORPORATED AREAS OF MARSHALL COUNTY, ALABAMA

WHEREAS, the Marshall County Commission adopted the initial resolution regulating the sale of alcoholic beverages on October 23, 2024; and

WHEREAS, the citizens of Marshall County, Alabama voted on November 5, 2024, to authorize the sale and dispensing of alcoholic beverages within the unincorporated areas of Marshall County; and

WHEREAS, this second amendment and restatement is intended to replace and supersede the October 23, 2024 resolution and any versions thereafter until this date; and

WHEREAS, the Marshall County Commission desires that the sale of alcoholic beverages be regulated, and desires to establish certain administrative procedures for the regulation and licensing of vendors and/or retailers of alcoholic beverages, in the unincorporated areas of Marshall County, Alabama.

WHEREAS, the definitions used in this resolution shall be as follows:

1. Alcoholic Beverages – beer, malt beverages, Meade, wine, liquor, distilled or fermented liquids, intoxicating liquids, mixed drinks (such as cocktails), congealed substances (such as Jello shots) containing any of the aforementioned liquids.

2. Beer – fermented liquids with an alcohol level not more than 20 percent made primarily from grain or honey but may contain a small percentage of fruit or flavorings.

3. Liquor – distilled liquids with a proof level of 40 or greater made primarily from grain or other carbohydrate foods such as potatoes, etc. but may contain a small percentage of fruit or flavorings.

4. Wine – fermented liquids with an alcohol level not more than 20 percent made primarily from fruits.

5. Building – a roofed and walled structure built or set in place for permanent use, not a tent or other temporary structure.

6. Microbrewery – a commercial enterprise at a single location producing not more than fifty thousand (50,000) barrels per year and no less than fifty (50) barrels per year of beer as defined above.

7. Winery – a commercial enterprise manufacturing wine at a single location

8. Public place – any place or gathering location which the public generally attends or is admitted to, either by invitation, common consent, by right, or by the payment of an admission or other charge, and, without limiting the generality of the foregoing, shall include public parks, all County Courthouse facilities and Commissioner buildings, library, school buildings and auditoriums, any store or place where amusement and any high school athletic contest is normally conducted. This excludes premises which have been duly licensed for a Special Event by the County per this resolution.

9. Restaurant – a commercial business whose primary income is from cooking and serving food and non-alcoholic beverages from a kitchen to customers and patrons in a dining area within the building. This does not include the simple heating, cooking, or microwaving of pre-processed food such as pizza or hotdogs. It does not include serving ready-to-eat foods. It does not include restaurants whose primary food service is to-go. Restaurants must have a minimum of 50% of their sales from food.

10. Grocery Store – a commercial business whose primary income is from the sale of raw meat and produce, canned, boxed, and sealed bag edible or ready to cook foods, household paper and cleaning products. This does not include a gas station, bait shop, or other primarily non-food business that sells a few grocery type items.

NOW THEREFORE be it resolved that the Marshall County Commission, for the purposes, among others, of promoting the health and general welfare of the community, by establishing reasonable standards for the regulation and control of the licensing and sales of alcoholic beverages, and of protecting and preserving certain areas, through reasonable consideration, among others, to the character of the areas and their peculiar suitability for particular uses, to the congestion in the roads and streets, to a general view of promoting desirable living conditions and sustaining stability of neighborhoods and property values, and to the prevention of undesirable persons from engaging in or having any interest in the sale of alcoholic beverages, the Marshall County Commission, adopts the following:

1. This chapter shall be construed as an exercise by the County of the police power of the State delegated to the County in the regulation of traffic in alcoholic beverages within the unincorporated areas of Marshall County as provided by the Code of Alabama.

2. It is the judgement of the Marshall County Commission, as the representatives of the citizens of Marshall County, that alcoholic beverage sales within the unincorporated areas of Marshall County should be limited to the retail sales of alcoholic beverages in connection with the operation of a restaurant, manufacturer (microbrewery or winery), brewpub for off-premises consumption, and for special events retail license for on-premises consumption including beer and wine festivals and tastings.

3. It is the judgement of the Marshall County Commission, as the representatives of the citizens of Marshall County, that alcoholic beverage sales within the unincorporated areas of Marshall County should not be licensed to be sold in any adult entertainment venues.

4. In the furtherance of these finding, there is hereby created for the purpose of assisting and advising the County Commission in the proposing, subject to the limitations herein of appropriate regulations for the issuance of licenses, the regulation of businesses engaged in the sale of alcoholic beverages, for the review of applications for County alcohol licenses, and inquiry and recommendation concerning complaints or disciplinary action of a County alcohol licensee, a committee to be known and designated as the County Alcohol Review Committee (the Committee).

a. The Committee shall be comprised of seven (7) members, to be composed as follows: Five (5) members appointed by the Marshall County Commission. The Marshall County Commission shall endeavor to appoint a board member from each of the four districts in the county. However, all appointments are made at large. The appointed term of these members shall initially be: one member for an initial one (1) year term, two members for an initial two (2) year term, and two members for an initial three (3) year term. Thereafter, each appointment shall be for a three (3) year term. Additionally, the Sheriff their designee and the County Administrator, or their designee, shall serve during their respective term in office.

b. The County Administrator, or designated representative, shall act as liaison to the County Commission on behalf of the committee.

c. The committee shall hold meetings as are necessary to consider requests

by applicants for alcohol licenses, address matters of public concern, draft updates or changes to this Resolution and the licensing process and to present to the Commission, or make inquiry into the compliance of a current County alcohol licensee.

d. The review committee shall operate under bylaws created and approved by the County Commission.

e. The review committee shall recommend the annual cost of the different types of alcohol licenses. Additionally, the review committee shall recommend a Liquor Tax to be imposed on On-Premises sales per whole bottle sales and mixed drink sales. The committee shall recommend additional safeguards, such as surety bonds, to ensure approved license holders pay their required taxes and fees.

5. No action of the County Alcohol Review Committee shall be considered an official act of Marshall County, Alabama unless it is ratified by the Marshall County Commission.

6. Subject to exceptions contained in this section, no facility or property shall be authorized for on-premises sale or off-premises sale of alcoholic beverages where the building in which the premises are located is less than 200 feet from any building in which there is a church, or a public or private elementary, intermediate, middle, or junior high, high school, or child development facility. The aforesaid distance restrictions shall not apply in the following enumerated cases:

a. Where the church, school, or child development facility was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of 3 months or more

b. Where the County licensed premises is a grocery store as defined by the Commission at the time of issuance of their alcoholic beverage license.

c. Where the church or child development facility is in a shopping center.

d. Where the church, school, or child development facility is permitted and opens after a potential licensee has filed his application for a license with the County.

7. The reference point for distance measurements will be from the closest exterior wall of the closest building in the church, school, or child development facility complex wherein an essential function or activity of the church, school, or child development facility is carried on. The reference point for a potential County licensed premises shall be the closest point on the exterior wall of the building occupied by the licensee if the building is occupied solely by the licensee. Otherwise, such reference point shall be the closest point of the building the licensee will occupy within the building in question.

a. If an outdoor area adjacent to and directly connected/accessed from the licensee building is to be used by the licensee for the consumption of alcoholic beverages, such as a patio, it will be noted, with dimensions, on the license application and will be considered then the exterior wall of the building for measurement purposes.

b. The method of measurement is a straight line from the aforementioned defined points on licensed establishments to the aforementioned defined points on a church, school, or child development facility. The applicant shall identify all such distances within their license application.

c. The Marshall County Code Enforcement Officer or any other authorized official designated by the Commission shall verify such distances as appropriate.

8. It shall be unlawful for any licensed alcoholic beverage business as described in this resolution, whether operated as a sole proprietorship, partnership, limited liability entity, or corporation to:

a. sell, serve, dispense or give away, or attempt to sell, serve or give away, any alcoholic beverages, in the unincorporated area of Marshall County, Alabama, without first being issued a license by the Alabama ABC Board and the Marshall County Commission.

b. sell, serve or give away any alcoholic beverages while upon any street, alley, sidewalk, public easement, right-of-way, or parking lot designated for use by the general public or in any public building or upon any public property, or while in any other public place in the County.

c. allow, condone, or assist in the consumption of alcoholic beverage in their licensed premises not purchased from the same licensed premises at the time of

consumption.

d. prevent private use on private premises, provided that in no event are illegal sales allowed

e. sell, or offer for sale, any alcoholic beverage for on or off premise consumption to any person visibly intoxicated, or to any insane person, to any minor, to any habitual drunkard or to person of known intemperate habits.

f. allow or attempt to allow any alcoholic beverage to be sold, served, furnished, given, or provided to any minor, or to be consumed by any minor, at any licensed premise.

g. purchase any alcoholic beverages, or to attempt to purchase any of said beverages from any distributor, vender, salesperson, or other source not approved, licensed, authorized by the Alabama Beverage Control Board.

h. consume any alcoholic beverages, or to attempt to purchase any of said beverages while on duty employed in or at the alcoholic beverage licensed premise. This does not preclude the purchase of sealed alcoholic beverage products from their employer and take it off premise for personal consumption if authorized by the license assigned to the premise

i. hire, employ or allow any person less than 21 years of age to serve or dispense alcoholic beverages of any kind with the following exceptions:

1) This prohibition does not apply when the only license held by the licensee is an off-premises alcoholic beverage, microbrewery, or winery license or combination thereof, and provided there is an adult employee of the business is in attendance at all times.

2) Persons who are 19 years of age or older and working as a cashier, waiter, waitress, or server may serve, sell, or give away alcoholic beverages as provided in the preceding sentence shall be a licensee of the Board who has been annually certified as a responsible vendor under the Alabama Responsible Vendor Act as provided in chapter 10 (commencing with section 28-10-1) of title 28, Code of Alabama, 1975, as amended.

j. falsely represent that such person is not a minor or is not under 21 years of age, by means of which false representation such person buys, receives or otherwise obtains, or attempts to buy, receive or otherwise obtain any alcoholic beverage.

k. falsely represent that a minor person is not a minor or is not 21 years of age, by means of which false representation such person aids or abets or attempts to aid or abet, such minor person to buy, receive or otherwise obtain any alcoholic beverage.

l. sell, offer for sale, or to serve or dispense for offer or reward, or to offer to serve or dispense for reward any alcoholic beverage for off-premises consumption between the hours of 12:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday or Saturday of any week, or between the hours of 12:00 a.m. and 9:59 a.m. on Sunday.

1) These limiting hours or dates may be modified on a temporary basis for specific Special Events or holidays as decided by the Commission.

m. sell, offer for sale or to serve or dispense for offer or reward, or to offer to serve or dispense for reward any alcoholic beverage, for on-premises consumption or to allow the consumption of any alcoholic beverages on the licensed premises between the hours of 2:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday or Saturday of any week, or between the hours of 2:00 a.m. to 9:59 a.m. on Sunday

1) These limiting hours or dates may be modified on a temporary basis for specific Special Events or holidays as decided by the Commission.

n. permit, allow, conduct or condone any of the following:

i. Topless or bottomless waitresses, waiters, dancers, servers, performers, cashier, or other employees to have any lewd or indecent conduct.

ii. Public sex acts, or simulated sex acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.

- iii. Public acts, or simulated acts, of caressing or fondling of self or others of a sexual nature.
- iv. Acts involving the displaying of the anus, vulva, or genitals.
- v. Any "wet t-shirt" contest or other lewd showing or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areola (darkened area surrounding the nipple), or the depiction of covered male or female genitals in a lewd or indecent manner by any waiter, waitress, employee, dancer, entertainer, employee, model, or customer
- o. permit any patron, customer, or employee to touch, caress or fondle the breasts, buttocks, anus, genitals, or any part of the body or clothing of a performer or entertainer.
- p. permit the showing of films, still pictures, electronic reproductions, or other visual reproductions depicting
 - i. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
 - ii. Any person being touched caressed or fondled on the breasts, buttocks, anus, or genitals.
 - iii. Scenes wherein a person displays the vulva or the anus or the genitals.
 - iv. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed, to portray, any of the prohibited activities described above in this section.
- q. allow any employee including but not limited to, waiter, waitress, dancer, entertainer, performer, or model employed upon the licensed premises to sit at tables with the customers or members or guests while so employed and during the time that said establishment is open for business.
- r. allow any person at the time employed or engaged on the licensed premises as an entertainer or performer, to also serve as a waiter or waitress while so employed.

9. In order to be issued a license for the sale of alcoholic beverages within the unincorporated areas of Marshall County, Alabama, all businesses, whether operated as a sole proprietorship, partnership, limited liability entity, or corporation, shall make application to the County Administrator or designee, on a form to be approved by the Marshall County Commission. Applications must be accompanied with a \$100 or \$150 non-refundable filing fee depending on advertising requirements. to cover the costs of processing and investigating each application. The \$100 filing/application fee is for applications not requiring a Public Hearing and \$150 filing/application fee is for applications requiring a Public Hearing. Applications may be for multiple licenses at a single location and still require only a single application fee.

10. The County Administrator or duly authorized representative shall not accept any application for any such license not accompanied by said payment to the County. The County shall retain the \$100 or \$150 filing fee to cover the expenses of processing and investigating said application, whether or not the application results in approval or denial.

11. Upon receipt of an application and fee, the County Administrator shall notify the Committee of the application and set a time for them to meet and investigate the merits of the application. When the investigation is completed, the applicant will be notified if the Committee recommends for or against granting an alcoholic license and the date and time when the Commission will consider the application for issuance of the requested alcoholic beverage license.

12. Before the Marshall County Commission issues a license, the County Administrator shall cause notice to be published in one of the three newspapers of general circulation within the County nearest to the area where the building is located, stating that the application will be considered at a specified, duly called Public Hearing of the County Commission.

- a. The publication of said notice must be published as aforesaid at least four days in advance of the specified meeting of the County Commission, and further stating the time and place that same is to be considered and that at such time and place all interested persons may appear at said meeting and be heard for or against the application..

b. Furthermore, the County Administrator shall post notice at the Marshall County Courthouse in Guntersville, Alabama, and include the information on its website and social media sites which shall be sufficient notice as required herein.

c. The County Administrator shall cause to be notified, by United States Mail, to the mailing address and the physical address (to the extent that the parcel has been assigned a 911 physical address) on file with the Marshall County Revenue Commissioner, to all residents, real property owners of record, and businesses adjacent to each property line, as determined by the Marshall County Revenue Commissioner Tax Map. The notice shall be considered provided upon the notice being placed in the United States Mail, property addressed, and postage prepaid, not less than six (6) days prior to the public hearing.

d. Special Events, including Festivals and Wholesalers, and Delivery services licenses are specifically exempt from the requirements of this section.

13. Prior to voting whether to issue the license, the County Commission must receive a written recommendation, after adequate investigation and inquiry, from the County Alcohol License Review Committee. Any recommendation factor must be grounded in the protection of the health, safety, and public welfare of the community. Thereafter, the County Commission shall then determine whether or not to issue a license to the applicant.

14. In rendering a decision on each application for a license under this chapter, the County Commission shall consider, among others, the following factors:

a. The effects upon residents, real property owners and businesses within 500 feet of the property for which a license is sought.

b. The character and reputation of the applicant, each partner, member, owner, officer, member of board of directors for companies and corporations owned within the State of Alabama and manager as appropriate.

c. The criminal court records of the applicant, each partner member, owner, officer, and member of the board of directors, and manager as appropriate.

d. The location of the premises for which a liquor license whose place is sought and the number of establishments presently holding liquor licenses whose place or places of business are within 500 feet of the property for which a liquor license is sought.

e. The compliance by applicant, each partner, member, owner, officer, member of the board of directors and manager as appropriate with the laws of the state and ordinances and resolutions of the County.

15. Subsequent to the County Commission approval, the County Administrator, or designated representative, is hereby authorized to indicate, and communicate in writing, the County's approval for the issuance of a license for the applicant to the State Alcoholic Beverage Control Board. The method for the communication of this approval by the County shall be determined based on the most current mechanism indicated as acceptable by the State Alcoholic Beverage Control Board field office supervisor responsible for the county.

a. In addition, a license may be approved by the County Commission but not be issued until such time as an acceptable life safety inspection is completed on the applicant's business location. Said inspection may be performed by an individual or agency designated by the Alcohol Review Committee or County Commission. A copy of such inspection will be included in the applicant's package and a copy may be provided to the applicant upon request.

16. Each business or person licensed by County Commission, shall not engage in alcoholic beverage business within the unincorporated areas of the County, prior to paying to the County, for the privilege of so engaging in business, an annual privilege business license fee and further license fees as established and as shall be established by subsequent resolution of the Marshall County Commission.

a. The cost of each type of alcoholic beverage license shall be recommended by the Committee and approved by the Commission as listed in the Alcoholic Beverage License Fee Schedule provided to each applicant by the Commission. Licenses are valid for one (1) year with an expiration date of September 30. Renewal applications will be accepted no earlier than August 1 for an annual license effective date of October 1.

b. Approved license fees will be prorated one-half of the full license fee for licenses issued on April 1 or later prior to the September expiration date. No annual

license will be issued for any period unless it expires on September 30.

c. No Application Fee will be prorated.

17. The Alabama Responsible Vendor Action, Section 28-10-1 through 28-10-8, Code of Alabama (1975), are hereby adopted by reference, and made a part of this chapter, as if fully set forth herein.

a. Each business requesting to sell alcoholic beverages within the unincorporated areas of the County must obtain business certification through the state responsible vendor program within 60 days of license approval by the board.

b. Upon a business becoming de-certified from the state responsible vendor program, the County privilege license shall be suspended or revoked for a time no more than one year.

18. If any section, subsection, sentence, clause, phrase, or portion of this resolution is, for any reason, held invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution. The Marshall County Commission hereby declares that it has adopted this resolution, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

19. The Marshall County Commission reserves the right to amend, modify, or repeal any provision of this resolution at any duly called meeting of the Commission. Such amendments shall be made in accordance with the procedures and requirements set forth by applicable law governing the operations of the Marshall County Commission. Any amendment or modification shall take effect immediately upon its adoption by the Commission, unless otherwise specified in the amendment itself.

Adopted this the _____ day of _____, 2025.

APPROVE AMENDING RESOLUTION ALCOHOL LICENSING FEES TO BE WITHIN COMPLIANCE OF CODE OF ALABAMA, SECTIONS 28-7-13 AND 28-3-194.

Commissioner Watson made a motion, duly seconded by Commissioner Shumate, to approve amending the Resolution for Alcohol Licensing Fees to comply with the Code of Alabama, Sections 28-7-13 and 28-3-194.

RESOLUTION OF THE MARSHALL COUNTY COMMISSION ASSESSING LICENSING FEES AND LEVYING SALES AND/OR USE TAXES ON THE SALE OF ALCOHOLIC BEVERAGES IN THE UNINCORPORATED AREAS OF MARSHALL COUNTY, ALABAMA

A resolution levying license fees and sales and use taxes for all county purposes for Marshall County, Alabama, relating to the sale of alcoholic beverages within the unincorporated areas of Marshall County, Alabama.

WHEREAS, the citizens of Marshall County, Alabama, voted on November 5, 2024, to authorize the sale and dispensing of alcoholic beverages within the unincorporated areas of Marshall County; and WHEREAS, the Alabama Act Number 2024-254 authorizes the Marshall County Commission to set license fees for the issuance of business licenses for the sale of alcoholic beverages, and to levy sales and use taxes on the sale of alcoholic beverages in the unincorporated areas of Marshall County, Alabama; and

WHEREAS, the Marshall County Commission desires to levy license fees and sales taxes issued and renewed annually for vendors and/or retailers of alcoholic beverages in the unincorporated areas of Marshall County, Alabama.

WHEREAS, the Marshall County Commission resolves as follows:

SECTION 1: Pursuant to Ala. Code §528-3A-21 (1978), the Marshall County Commission assesses the following license application fees and annual business license fees as follows:

| Type | License Description | Fee | License |
|------|---|-------|---------|
| 11 | LOUNGE RETAIL LIQUOR - CLASS 11 - PACKAGE | \$150 | \$2,500 |
| 20 | RESTAURANT RETAIL LIQUOR | \$150 | \$1,500 |
| 31 | CLUB LIQUOR- CLASS 1 | \$150 | \$1,000 |

| | | | |
|-----|---|-------|---------|
| 32 | CLUB LIQUOR - CLASS 11 | \$150 | \$2,500 |
| 40 | RETAIL BEER- ON OR OFF PREMISES | \$150 | \$75 |
| 50 | RETAIL BEER OFF PREMISES ONLY | \$150 | \$50 |
| 60 | RETAIL TABLE WINE ON OR OFF PREMISES | \$150 | \$100 |
| 70 | RETAIL TABLE WINE OFF PREMISES ONLY | \$150 | \$75 |
| 80 | LIQUOR WHOLESALE | \$100 | \$250 |
| 90 | WHOLESALE BEER ONLY | \$100 | \$275 |
| 100 | WHOLESALE TABLE WINE ONLY - 16.5% OR LESS | \$100 | \$275 |
| 110 | WHOLESALE TABLE WINE & BEER COMBINED | \$100 | \$375 |
| 120 | WAREHOUSE LICENSE | \$150 | \$200 |
| 130 | ADDITIONAL WAREHOUSE-WINE, BEER OR BOTH | \$150 | 150 day |
| 140 | SPECIAL EVENTS RETAIL | \$100 | \$150 |
| 150 | SPECIAL RETAIL LICENSE - 30 DAYS OR LESS | \$150 | \$150 |
| 160 | SPECIAL RETAIL - MORE THAN 30 DAYS | \$150 | \$1,500 |
| 170 | RETAIL COMMON CARRIER | \$150 | \$1,000 |
| 200 | MANUFACTURER WINE | \$100 | \$ 250 |
| 210 | IMPORTER WINE | \$100 | \$ 250 |
| 220 | BREWPUB | \$100 | \$1,500 |
| 240 | NON PROFIT - TAX EXEMPT | \$150 | \$0 |
| 250 | WINE FESTIVAL LICENSE | \$150 | \$500 |
| 260 | WINE FESTIVAL PARTICIPANT LICENSE | \$100 | \$500 |
| 300 | HOSPITALITY MANAGEMENT PROGRAM LICENSE | \$150 | \$1,000 |
| 310 | FOOD OR BEVERAGE TRUCK LICENSE | \$100 | \$1,000 |
| 500 | DIRECT WINE SHIPPER | \$100 | \$500 |
| 530 | DELIVERY SERVICE LICENSE | \$100 | \$500 |
| 800 | IN-STATE WINERY OFF-SITE TASTING PERMIT | \$150 | \$150 |

SECTION 2: Pursuant to Alabama Act Number 2024-254, the Marshall County Commission hereby levies, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a sales and/or use tax upon every person, firm or corporation engaged or continuing within the County, in the business of selling at retail or wholesale any liquor sold in the bottle, an amount equal to seven percent (7%) of the gross proceeds of sales thereof, and eight percent (8%) levied upon the sale of liquor severed on premises.

SECTION 3: That if any section, subdivision, or sentence of this ordinance shall for any reason be held invalid or to be unconstitutional, such finding shall not affect the validity of the remaining portion of this ordinance.

SECTION 4: That this ordinance shall be in full force and effect after its adoption, as provided by law.

Adopted this the _____ of May, 2025.

MCPALS – ANNOUNCE WHITE GOODS PICK UP AND DUMPSTER SCHEDULED FOR MAY 19, 2025. FOR ALL DISTRICTS; DISTRICTS 1 & 2 FREE, DISTRICTS 3 & 4 PAY.

DISTRICT 1 – APPROVE RESOLUTION CHANGING THE POLLING LOCATION AT CHEROKEE RIDGE, 4000 CHEROKEE RIDGE DRIVE, UNION GROVE, TO MT. OLIVE BAPTIST CHURCH, 15030 U.S. HIGHWAY 231, UNION GROVE, AL

5/14/2025

A motion was made by Commissioner Shumate, duly seconded by Commissioner Sims, and all members voted affirmatively to approve the resolution changing the polling location at Cherokee Ridge, 4000 Cherokee Ridge Drive, Union Grove, to Mt. Olive Baptist Church, 15030 U.S. Highway 431, Union Grove, AL.

RESOLUTION OF THE MARSHALL COUNTY COMMISSION DESIGNATING VOTING PLACE FOR
PRECINCTS

121.001; 121.002; 121.003; and 121.004

WHEREAS, the Marshall County Commission currently maintains a Voting Place at Cherokee Ridge Clubhouse; and

WHEREAS, the Marshall County Commission has determined that the Mt. Olive Baptist Church is a better suited for serving as a polling place for the conducting of public elections, for a number of reasons; and

WHEREAS, after consultation with the Marshall County Probate Judge, the Marshall County Board of Registrar and the District One Commissioner, the Marshall County Commission has determined that the most suitable location to relocate the Voting Place for Precincts 121.001, 121.002, 121.003 and 121.004 is the Mt. Olive Baptist Church; and

WHEREAS, the Marshall County Commission is charged with the responsibility of designating the places for holding elections within the assigned precincts pursuant to Section 17-6-4, Code of Alabama (1975).

NOW THEREFORE be it resolved that the Marshall County Commission has designated Mt. Olive Baptist Church located at 15030 U.S. Highway, Union Grove, Alabama 35175 as the Voting Place for Precincts 121.001, 121.002, 121.003 and 121.004.

Adopted this the _____ day of May 2025.

ENGINEERING – APPROVE THE RE-DIVISION OF LOT 56 IN BUCK ISLAND SUBDIVISION INTO LOTS
56A AND 56B LOCATED IN DISTRICT 2.

A motion was made by Commissioner Watson, duly seconded by Commissioner Sims, and all members voted affirmatively to approve the re-division of Lot 56 in Buck Island Subdivision into Lots 56A and 56B located in District 2.

ENGINEERING – APPROVE SETTING THE SPEED LIMIT TO 15 MPH ON PICK DR, OLD RD, AND
BARCLAY DR IN DISTRICT 2.

A motion was made by Commissioner Watson, duly seconded by Commissioner Sims, and all members voted affirmatively to approve setting the speed limit to 15 MPH on Pick Dr, Old Rd, and Barclay Dr. in District 2.

ENGINEERING – APPROVE TO GO OUT FOR BID FOR PROJECT NO. MCP 48-104-24 REGARDING
THE BRIDGE REPLACEMENT ON THOMAS LANE (NKA DUNCAN FARM ROAD) OVER PARKELL
CREEK FOR DISTRICT 2.

A motion was made by Commissioner Watson, duly seconded by Commissioner Sims, and all members voted affirmatively to approve to go out for Bid for Project No. MCP 48-104-24 regarding the bridge replacement on Thomas Lane (NKA Duncan Farm Road) over Parkell Creek for District 2.

ENGINEERING – APPROVE SETTING THE SPEED LIMIT ON DIXIE DALE RD TO 25 MPH LOCATED
IN DISTRICT 3.

A motion was made by Commissioner Sims, duly seconded by Commissioner Watson, and all members voted affirmatively to approve setting the speed limit to 25 MPH on Dixie Dale Road.

ENGINEERING – APPROVE KUYKENDALL MANOR A SUBDIVISION LOCATED IN DISTRICT 4.

A motion was made by Commissioner Sims, duly seconded by Commissioner Shumate, and all members voted affirmatively to approve Kuykendall Manor a Subdivision located in District 4.

APPROVE BOARD APPOINTMENT FOR DEPARTMENT OF HUMAN RESOURCES BOARD (DHR) FOR
A SIX-YEAR TERM; CURRENT BOARD MEMBER'S TERM EXPIRES JUNE 24, 2025.

5/14/2025

A motion was made by Commissioner Watson, duly seconded by Commissioner Shumate, and all members voted affirmatively to approve Brandon Evans for the board appointment for the Department of Human Resources Board (DHR) for a six-year term to end May 31, 2031. The current board member's term expires June 24, 2025.

RED CROSS – APPROVE A ONE-YEAR EXTENSION AGREEMENT FOR USE OF COUNTY OFFICE SPACE.

A motion was made by Commissioner Watson, duly seconded by Commissioner Sims, and all members voted affirmatively to approve a one-year extension agreement for use of County Office Space.

APPROVE REQUIRING MARTIN AND COBEY TO HAVE MAJORITY VOTE APPROVAL BY THE COMMISSION FOR ANY ONE TRANSACTION COSTING \$20,000 OR MORE OUT OF THE JAIL ADDITION CONTRACT'S CONTINGENCY FUND.

A motion was made by Commissioner Sims, duly seconded by Commissioner Shumate, and all members voted affirmatively to approve requiring Martin and Cobey to have majority vote approval by the Commission for any one transaction costing \$20,000 or more out of the jail addition contract's contingency fund.

EMA – APPROVE UPDATING THE HAZARD MITIGATION PLAN AND PLAN FOR FUNDING OF \$18,000; NOT TO EXCEED \$12,000 FROM GENERAL FUND FUND BALANCE.

A motion was made by Commissioner Sims, duly seconded by Commissioner Shumate, and all members voted affirmatively to approve updating the Hazard Mitigation Plan and plan for funding of \$18,000; not to exceed \$12,000 from the General Fund fund balance.

APPROVE TO PAY MARSHALL COUNTY DRUG UNIT \$4,000 FOR THE SALE OF 2010 FORD EXPEDITION (FIXED ASSET 10786) THAT WAS PURCHASED USING FUNDS FROM METH INITIATIVE GRANT.

A motion was made by Commissioner Watson, duly seconded by Commissioner Shumate, and all members voted affirmatively to approve to pay Marshall County Drug Unit \$4,000 for the sale of a 2010 Ford Expedition (Fixed Asset 10786) that was purchased using funds from the Meth Initiative Grant.

REVENUE COMMISSIONER – APPROVE RESOLUTION FOR TEMPORARY BOARD OF EQUALIZATION (BOE) APPOINTMENT.

A motion was made by Commissioner Sims, duly seconded by Commissioner Watson, and all members voting affirmatively and so carried to waive the reading of the resolution.

A motion was made by Commissioner Sims, duly seconded by Commissioner Watson, all members voting affirmatively and so carried to approve the resolution for temporary Board of Equalization (BOE) appointments.

RESOLUTION OF THE MARSHALL COUNTY COMMISSION DESIGNATING TEMPORARY MEMBERS OF THE
MARSHALL COUNTY BOARD OF EQUALIZATION

WHEREAS, pursuant to Alabama Code § 40-3-4 (1975), the Chairman of the Marshall County Commission is vested with the authority to temporarily appoint members of the Marshall County Board of Equalization, in the event of a vacancy on the Board, for periods not to exceed forty-five (45) days; and

WHEREAS, the position of Chairman for Marshall County Commission is presently vacant; and

WHEREAS, at the request of the Marshall County Revenue Commissioner, there is a need for three temporary appointments to the Marshall County Board of Equalization.

NOW THEREFORE, be it resolved by the Marshall County Commission appoints ROBERT MICHAEL HUNT, ELIZABETH MILLARD, and LARRY STEWART to the Marshall County Board of Equalization for a period of forty-five (45) days as specified by the Marshall County Revenue Commissioner, and for additional forty-five (45) day periods as the Marshall County Revenue Commissioner deems necessary to the complete the 2025 Board of Equalization Hearings.

Adopted this the _____ day of May 2025.

APPROVE LETTERS OF SUPPORT FOR SPECTRUM AND PREMIER BROADBAND FOR ADECA GRANT.

5/14/2025

A roll call was performed with Commissioner Shumate voting Yes, Commissioner Watson voting No, and Commissioner Sims voting Yes.

A motion was made by Commissioner Sims, duly seconded by Commissioner Shumate, to approve letters of support for Spectrum and Premier Broadband for the ADECA Grant. The motion was passed with a 2-1 vote.

CORONER – APPROVE ADDING ADDITIONAL DEPUTY CORONER.

A motion was made by Commissioner Shumate, duly seconded by Commissioner Sims, and all members voted affirmatively to approve adding an additional Deputy Coroner.

CORONER – APPROVE TO PAY AN ADDITIONAL DEPUTY ADMINISTRATIVE HOURLY PAY.

A motion was made by Commissioner Sims, duly seconded by Commissioner Shumate, and all members voted affirmatively to approve paying an additional Deputy Administrative hourly pay.

APPROVE TO ENTER INTO EXECUTIVE SESSION.

A motion was made by Commissioner Shumate, duly seconded by Commissioner Sims, and all members voted affirmatively to enter into an Executive Session for ongoing discussion to purchase property

The County Attorney, Clint Maze, requested that the County Administrator and Revenue Commissioner attend the Executive Session.

At 10:47 AM, Interim Chairman Joey Baker, County Administrator Ashleigh Bubbett, District 1 Commissioner Ronny Shumate, District 2 Commissioner James Watson, District 3 Commissioner Lee Sims, County Attorney Clint Maze, Revenue Commissioner Michael Johnson, and Assessment and Collections Administrator Penni Windsor left the Chambers to enter into executive session.

At 11:01 AM, Interim Chairman Joey Baker, County Administrator Ashleigh Bubbett, District 1 Commissioner Ronny Shumate, District 2 Commissioner James Watson, District 3 Commissioner Lee Sims, County Attorney Clint Maze, Revenue Commissioner Michael Johnson, and Assessment and Collections Administrator Penni Windsor re-entered the Chambers.

A motion was made by Commissioner Sims, duly seconded by Commissioner Watson, and all members voted affirmatively to come out of Executive Session.

There being no further business, a motion was made by Commissioner Sims, duly seconded by Commissioner Shumate, and so carried to adjourn.

MEETING ADJOURNED

ABSENT

James Hutcheson, Chairman

Ronny Shumate, District 1 Commissioner

James R. Watson, District 2 Commissioner

Lee Sims, District 3 Commissioner

Joey Baker, District 4 Commissioner/Interim Chairman