

9/10/2025

The Marshall County Commission met in a regular session on Wednesday, September 10, 2025, at 10:00 a.m. in the Marshall County Commission Chambers. Mike Knop, County Engineer, led the invocation, and Commissioner Rick Watson led the Pledge of Allegiance.

PRESENT:

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

CONSENT AGENDA

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson, to approve the consent agenda as presented by Chairman Young. The consent agenda includes the minutes from the August 27, 2025, meeting and the claims docket for the period from August 26, 2025, to September 8, 2025, totaling \$3,861,314.02.

A PUBLIC HEARING FOR HIGH POINT GROCERY, LOCATED AT 4239 HIGHPOINT ROAD, ALBERTVILLE, AL, FOR COUNTY ALCOHOL LICENSES FOR RETAIL BEER (OFF-PREMISES ONLY) LICENSE TYPE 50 AND RETAIL TABLE WINE (OFF-PREMISES ONLY) LICENSE TYPE 70 WAS CONDUCTED WITH NO COMMENTS.

APPROVE RESOLUTION FOR HIGH POINT GROCERY, LOCATED AT 4239 HIGHPOINT ROAD, ALBERTVILLE, AL, FOR COUNTY ALCOHOL LICENSES FOR RETAIL BEER (OFF-PREMISE) LICENSE TYPE 50 AND RETAIL WINE (OFF-PREMISE) LICENSE TYPE 70

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voted affirmatively to approve the resolution for High Point Grocery, located at 4239 High Point Road, Albertville, AL, for a County Alcohol License for Retail Beer (off-premise) License Type 50 and Retail Wine (off-premise) License Type 70.

STATE OF ALABAMA

MARSHALL COUNTY

APPROVING ISSUANCE OF ALCOHOLIC BEVERAGE LICENSE

WHEREAS, Anuja Investment, Inc., DBA High Point Grocery, located at 4239 Highpoint Road, Albertville, AL, has applied for the following Alcoholic Beverage Licenses: Retail Beer/Retail Wine (Off-premise only).

WHEREAS, the County Alcohol License Review Committee has reviewed the application and 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 the 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 10th day of September 2025.

ANNOUNCE WHITE GOODS PICKUP AND DUMPSTER ON SEPTEMBER 15, 2025, FOR DISTRICT 2.

REVENUE COMMISSION – APPROVE INCREASING THE REVENUE COMMISSION OPERATING FUND BUDGET BY \$255,000 FOR BUILDING RENOVATIONS PER THE AMENDED LEASE AGREEMENT, OPTION TO BE PAID OUT OF THE PRIOR YEAR'S UNSPENT REVENUE.

A motion was made by Commissioner Watson, duly seconded by Commissioner Shumate, and all members voted affirmatively to approve increasing the Revenue Commission Operating Fund Budget by \$255,000 for building renovations per the amended lease agreement option to be paid out of the prior year's unspent revenue.

REVENUE COMMISSION – APPROVE REIMBURSING OPERATING FUND SALARY EXPENSES FROM GENERAL FUND FUND BALANCE FOR FY 2025 ESTIMATED COST \$300,000.

A motion was made by Commissioner Watson, duly seconded by Commissioner Sims, and all members voted affirmatively to approve reimbursing the operating fund's salary expenses from the General Fund's fund balance for the FY 2025 estimated cost of \$300,000. This is in reference to the interpleader approved in the August 13, 2025, meeting.

ENGINEERING – APPROVE SETTING A 15 MPH SPEED LIMIT ON LACKEY ROAD LOCATED IN DISTRICT 2.

A motion was made by Commissioner Watson, duly seconded by Commissioner Shumate, and all members voted affirmatively to approve setting a 15 MPH speed limit on Lackey Road located in District 2 per the County Engineer's recommendation.

ENGINEERING – APPROVE FY2025-2026 COMPETITIVE ANNUAL BIDS AND PUBLIC WORKS BIDS AS RECOMMENDED BY COUNTY ENGINEER.

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson, and all members voted affirmatively to approve the FY2025-2026 Competitive Annual Bids and Public Works Bids as recommended by the County Engineer.

BID NO.	ITEM	VENDOR
13-25	Traffic Striping (2022 Specs)	J.C. Cheeks Contractors, Inc. Lacey Springs, AL
14-25	Coarse Aggregate (F.O.B. Plant)	C.A. Langford Company – Guntersville, AL Grayson Carter & Son Inc. – Athens, AL Vulcan Materials Company -Guntersville, AL (Awarded to All Vendors Based on Hauling Distance and Availability)
15-25	Riprap (F.O.B. Plant)	C.A. Langford Company – Guntersville, AL Grayson Carter & Son Inc. – Athens, AL Vulcan Materials Company -Guntersville, AL (Awarded to All Vendors Based on Hauling Distance and Availability)
16-25	Guardrail & End Anchors	Alabama Guardrail Inc. – Cleveland, AL
17-25	Cleaning Products	No Bids Received; Purchase Under State Bid or Purchasing Cooperative
18-25	Jail Inmate Supplies	Bob Barker Company, Inc. – Farqua Varnia, NC Charm-Tex – Brooklyn, NY (Awarded to All Bidders Based Upon Availability of Items Bid)
19-25	Office Supplies	Bid Received from Staples Contract & Commercial LLC Rejected; Office Supplies are Currently Either Being Purchased Off State Bid or Using a Purchasing Cooperative
20-25	New OEM Tires	Wilks Tire & Battery – Albertville, AL
21-25	Gasoline & Diesel Fuel	Dutch Oil Company – Huntsville, AL
22-25	Hot Bituminous Pavement (Complete In-Place) Countywide	Rogers Group Inc. – Huntsville, AL Vulcan Materials Asphalt & Construction – Glencoe, AL (Awarded to Two Vendors Based on Hauling Distance, Availability and Scheduling)

23-25	Hot Bituminous Pavement (F.O.B. Plant)	Reject All Bids Based Upon Hauling Distance of Lowest Bidder
24-25	Cold Mix - Delivered	Advanced Asphalt Products – Jasper, AL
25-25	Polyethylene Pipe –HDPE & Polypropylene Pipe - HP	Core & Main LP – Madison, AL
44-25	Corrugated Metal Pipe	Contech Engineered Solutions – Englewood, TN (Bid Extended Another Year)

ENGINEERING – APPROVE AMENDING THE FY2025 REBUILD ALABAMA COUNTY TRANSPORTATION PLAN.

A motion was made by Commissioner Baker, duly seconded by Commissioner Sims, and all members voted affirmatively to approve amending the FY2025 Rebuild Alabama County Transportation Plan.

This plan is being amended due to no federal funding being awarded for the previously identified Bridge Project for District 4 for Hustleville Road Structure 74 BIN 7821. Various roads located in District 4 that will replace the Hustleville Road Structure 74 BIN 7821 Project are Antioch Church Road, Cochran Road, Davis Road, Hambey Road, Martling Road (Bridge Approaches), Powell Road, Rives Road, and Thomason Road.

APPROVE THE MODIFICATION TO THE AMENDED RESOLUTION OF THE MARSHALL COUNTY COMMISSION REGULATING THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE UNINCORPORATED AREAS OF MARSHALL COUNTY.

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson, and all members voted affirmatively to approve the modification to the Amended Resolution of the Marshall County Commission Regulating the Sale of Alcoholic Beverages within the unincorporated areas of Marshall County.

STATE OF ALABAMA
MARSHALL COUNTY

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 (mead) 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 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 fifteen thousand (15,000) 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 and facilities and Commissioner buildings, library, school buildings and auditoriums, and 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.

11. Brewpub – a commercial business that is a restaurant that also brews and sells their own beer products. The in-house produced food sales are normally greater than the brewed beer sales.

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) a restaurant with only On-Premises Consumption
- b) a manufacturer (microbrewery or winery) for Off-Premises Consumption of their own produced alcoholic beverage in cans, bottles, ½ gallon glass growlers, or commercial kegs, and On-Premises Consumption of their own brewed products
- c) a brewpub for On-Premises Consumption of their own brewed products along with food service. Off-Premises Consumption sales of their own brewed products in cans, bottles, or ½ gallon glass growlers is allowed. Food and merchandise (hats, T-shirts, signs, etc.) must be more than 51% of the total business sales.
- d) a retail package, convenience (including gas stations), grocery store, or general merchandise store of any combination of beer, wine, and liquor for Off-Premises Consumption
- e) all other licenses identified and approved by the Marshall County Commission including but not limited to special retail and special events retail license for On-Premises Consumption including beer and wine festivals and tastings

Bars, lounges, night clubs, or other businesses where the primary purpose of the business is for On-Premises Consumption of alcoholic beverages shall not be permitted or approved.

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, or 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, in person or electronically, 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 Committee shall operate under bylaws created and approved by the County Commission.

e. The Committee shall recommend the annual cost of the different types of alcohol licenses. Additionally, the Committee shall recommend a Liquor Tax to be imposed on On-Premises Consumption and Off-Premises Consumption sales per whole bottle and mixed drink. 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.

a. Subject to exceptions contained in this section, no facility or property shall be authorized for sales for On-Premises Consumption or Off-Premises Consumption of alcoholic beverages where the entrance to the building in which the premises are located is less than 200 feet from the entrance of 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 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. the County licensed premises is a grocery store as defined by the Commission at the time of issuance of their alcoholic beverage license.

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

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

e. another building or substantial structure is between and obscures the entrance of the proposed licensed building including all signage and indications of an alcoholic beverage selling business and the entrance to the church, school, or child development center and prevents the line-of-sight view or direct line-of-sight measurement

of the 200 feet minimum distance.

f. Where a 2-lane divided or 4-lane or greater highway is between a proposed licensed building and the church, school, or child development center.

7. The reference point for distance measurements will be from the closest entrance 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 public entrance to the licensed business, .

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 as if it were the entrance point of the building for measurement purposes.

b. The method of measurement is a straight line from the aforementioned defined points of the licensed establishment 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) Individuals 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:
 - i. On-Premises Consumption between the hours of 12:00 a.m.(midnight) and 7:00 a.m. any day of the week. Off-Premises Consumption has no hourly restrictions any day of the week.
 - iii. These limiting hours or dates may be modified on a permanent or temporary basis for specific Special Events or holidays as decided by the Commission.
 - m. 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, , model, or customer
 - n. 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.
 - o. 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.

p. 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 (on the clock) and during the time that said establishment is open for business.

q. 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 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 an alcohol license is sought and the number of establishments presently holding alcohol licenses whose place or places of business are within 500 feet of the property for which a alcohol 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 ABC 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 ABC 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:
 - i. 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, County Commission, or ABC Board.
 - ii. such time as the State ABC Board has reviewed and issued their alcohol license to the applicant
- b. A copy of such life safety 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 30 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 10th day of September 2025.

EMA – APPROVE ADOPTING RESOLUTION AUTHORIZING PARTICIPATION IN THE ALABAMA INTER-LOCAL MUTUAL AID AGREEMENT.

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voted affirmatively to approve adopting the Resolution Authorizing Participation in the Alabama Inter-Local Mutual Aid Agreement.

**RESOLUTION AUTHORIZING PARTICIPATION IN THE
ALABAMA INTER-LOCAL MUTUAL AID AGREEMENT**

WHEREAS, Act of Alabama 2025-206 amended the Code of Alabama 1975, §§31-9-9 and §31-9-11 to expand the scope wherein local jurisdictions may provide reciprocal aid and assistance to other public or private agencies in the State of Alabama pursuant to a mutual aid agreement; and

WHEREAS, Act of Alabama 2025-206 grants the authority to the governing body of each local jurisdiction to develop mutual aid agreements with other public and private agencies within this state for mutual aid and assistance to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, and it further provides that employees of political subdivisions have the same powers and immunities when they act outside of the political subdivision pursuant to a mutual aid agreement; and

WHEREAS, each Entity desiring to participate in the Alabama Inter-Local Mutual Aid Agreement is required to adopt a resolution, signifying its desire to participate and its agreement to the terms and conditions of participation;

NOW, THEREFORE, BE IT RESOLVED, that the Marshall County Commission enters into the Alabama InterLocal Mutual Aid Agreement with all other participating Entities and agrees to all terms and conditions set out therein.

BE IT FURTHER RESOLVED that the Marshall County designates EMA Director as its representative and administrator, and as such, grants them the authority to carry out all duties as outlined in the Alabama Inter-Local Mutual Aid Agreement.

BE IT FURTHER RESOLVED that the Chairman of the Marshall County Commission is hereby granted authority to execute all documents required for participation in the Alabama Inter-Local Mutual Aid Agreement.

BE IT FURTHER RESOLVED that a copy of this resolution and the executed Alabama Inter-Local Mutual Aid Agreement be immediately forwarded to the Alabama Association of Emergency Managers and the State of Alabama Emergency Management Agency.

IN WITNESS WHEREOF, the Marshall County Commission has caused this Resolution to be executed in its name and on its behalf on this 10th day of August, 2025.

EMA – APPROVE SENDING LETTERS TO OUR FEDERAL DELEGATION IN SUPPORT OF THE FEMA ACT (H.R. 4669).

9/10/2025

A motion was made by Commissioner Sims, duly seconded by Commissioner Shumate, and all members voted affirmatively to approve sending letters to our Federal Delegation in support of the FEMA Act (H.R. 4669).

APPROVE RESOLUTION ENCOURAGING THE ALABAMA LEGISLATURE TO OPPOSE ANY LEGISLATIVE CHANGES THAT WOULD DISRUPT THE SSUT PROGRAM'S OPERATIONS OR CALL THE PROGRAM'S CONSTITUTIONALITY INTO QUESTION.

A motion was made by Commissioner Watson, duly seconded by Commissioner Baker, and all members voted affirmatively to approve the Resolution encouraging the Alabama Legislature to oppose any legislative changes that would disrupt the SSUT Program's Operations or Call the Program's Constitutionality into question.

ENCOURAGING THE ALABAMA LEGISLATURE TO OPPOSE ANY
LEGISLATIVE CHANGES THAT WOULD DISRUPT THE SSUT PROGRAM'S OPERATIONS
OR CALL THE PROGRAM'S CONSTITUTIONALITY INTO QUESTION

WHEREAS, the Alabama Simplified Seller Use Tax (SSUT) Remittance Act, codified at Section 40-23-191 et seq., Code of Alabama 1975, was enacted in 2015, establishing a process by which the State of Alabama collects use taxes from eligible sellers on behalf of Alabama consumers; and

WHEREAS, in *South Dakota v. Wayfair*, 585 U.S. 162 (2018), the United States Supreme Court held that the State may collect taxes from sellers that have a "substantial nexus" in the State, even where there is no physical presence, provided that the tax does not impose an undue burden on interstate commerce; and

WHEREAS, the SSUT program is designed to fall within the United States Supreme Court's guidelines and has been a model for other states across the country; and

WHEREAS, the SSUT program is now under attack by a small group of mayors who have been publicly criticizing the same program that, since its enactment, has provided more than \$4.2 billion in essential revenue to the Alabama General Fund, the Alabama Education Trust Fund, Alabama's 67 county governments, and Alabama's municipal governments; and

WHEREAS, individual counties and municipalities have no constitutionally valid authority to compel online retailers to collect use taxes from Alabama consumers; and

WHEREAS, challenges to and attacks upon the SSUT program place essential revenue at risk for all levels of government and, therefore, are a threat to our State's continued growth.

NOW, THEREFORE, BE IT RESOLVED BY THE MARSHALL COUNTY COMMISSION that the County Commission fully supports the current SSUT program as an efficient, constitutional, and operationally effective process for collecting use taxes due on behalf of Alabama consumers who utilize eligible sellers for the delivery of taxable products into Alabama.

BE IT FURTHER RESOLVED BY THE MARSHALL COUNTY COMMISSION that the revenue generated by the SSUT program will continue to support essential governmental services in the county.

BE IT FURTHER RESOLVED BY THE MARSHALL COUNTY COMMISSION that the County Commission fully supports the use of population data to allocate the county portion of the revenue among our State's 67 county governments as is currently provided by law.

BE IT FURTHER RESOLVED BY THE MARSHALL COUNTY COMMISSION that the County Commission strongly opposes any legislative efforts to alter the SSUT program in a way that would disrupt its operations or call into question its constitutionality.

IN WITNESS WHEREOF, the County Commission has caused this resolution to be executed in its name and on its behalf by its Chair, on this 10th day of September, 2025.

APPROVE TO MOVE FORWARD WITH THE ALCOHOL LICENSE APPLICATION AND SET A PUBLIC HEARING TO BE HELD SEPTEMBER 24, 2025, FOR HYATT GROCERY, LOCATED AT 4143 NIXON CHAPEL RD, HORTON, AL, RETAIL BEER (OFF-PREMISES ONLY) AND RETAIL WINE (OFF-PREMISES ONLY).

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voted affirmatively to move forward with the alcohol license application and set a public hearing to be held September 24, 2025, at 9:00 AM in the Commission Chambers for Hyatt Grocery, located at 4143 Nixon Chapel Rd, Horton, AL, for Retail Beer (Off-premises Only) and Retail Wine (Off-premises Only).

APPROVE TO MOVE FORWARD WITH THE ALCOHOL LICENSES APPLICATION AND SET A PUBLIC HEARING TO BE HELD SEPTEMBER 24, 2025, FOR HYATT GROCERY, LOCATED AT 4143 NIXON CHAPEL RD, HORTON, AL, LOUNGE RETAIL LIQUOR – CLASS II (PACKAGE).

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voted affirmatively to move forward with the alcohol licenses application and set a Public Hearing to be held September 24, 2025, at 9:00 AM in the Commission Chambers for Hyatt Grocery, located at 4143 Nixon Chapel Rd, Horton, AL, Lounge Retail Liquor – Class II (Package).

APPROVE TO MOVE FORWARD WITH THE ALCOHOL LICENSE APPLICATION AND SET A PUBLIC HEARING TO BE HELD SEPTEMBER 24, 2025, FOR LAKE MARKET & MORE, 574 SOUTH SAUTY RD, LANGSTON, AL, RETAIL BEER (OFF-PREMISES ONLY) AND RETAIL WINE (OFF-PREMISES ONLY).

A motion was made by Commissioner Baker, duly seconded by Commissioner Sims, and all members voted affirmatively to move forward with the alcohol license application and set a public hearing to be held September 24, 2025, at 9:00 AM in the Commission Chambers for Lake Market & More, located at 574 South Sauty Rd, Langston, AL, for Retail Beer (Off-premises Only) and Retail Wine (Off-premises Only).

APPROVE TO MOVE FORWARD WITH THE ALCOHOL LICENSES APPLICATION AND SET A PUBLIC HEARING TO BE HELD SEPTEMBER 24, 2025, FOR LAKE MARKET & MORE, 574 SOUTH SAUTY RD, LANGSTON, AL, LOUNGE RETAIL LIQUOR – CLASS II (PACKAGE).

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voted affirmatively to move forward with the alcohol licenses application and set a Public Hearing to be held September 24, 2025, at 9:00 AM in the Commission Chambers for Lake Market & More, located at 574 South Sauty Rd, Langston, AL, Lounge Retail Liquor – Class II (Package).

APPROVE THE RESOLUTION AMENDING THE SUBRECIPIENT AGREEMENT FOR WATER INFRASTRUCTURE PROJECT USING AMERICAN RESCUE PLAN ACT FUNDS.

A motion was made by Commissioner Watson, duly seconded by Commissioner Sims, and all members voted affirmatively to approve the Resolution amending the Subrecipient Agreement for the Water Infrastructure Project using American Rescue Plan Act funds.

APPROVE TO ACCEPT GRANT IN THE AMOUNT OF \$12,755.00 WITH NO MATCH FOR EMA.

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voted affirmatively to approve accepting a grant in the amount of \$12,755.00 with no match for EMA.

APPROVE LEASE TERMINATION AND GENERAL MUTUAL RELEASE WITH THE MARSHALL COUNTY VOLUNTEER FIREFIGHTERS' ASSOCIATION.

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voted affirmatively to approve the Lease Termination and General Mutual Release with the Marshall County Volunteer Firefighters' Association.

Recorded in the Probate office of Marshall County – Deed Book 7166, Page 101, Ref Deed Book 4615, Page 99.

APPROVE THE SALE, TRADE, OR SCRAP OF FIXED ASSETS.

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voted affirmatively to approve the sale, trade, or scrap of fixed assets.

	<u>FA#</u>	<u>DESCRIPTION</u>	<u>DEPARTMENT</u>	<u>REASON</u>
SCRAP	9682	2005 Chevy Tahoe	Engineer	Item is obsolete, broken or worn out
SELL		Post Base Mailing System	Commission	Item is no longer needed in department

THE COMMISSION CONDUCTED BUDGET HEARINGS.

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

9/10/2025

MEETING ADJOURNED

John Young, Chairman

Ronny Shumate, District 1 Commissioner

James R. Watson, District 2 Commissioner

Lee Sims, District 3 Commissioner

Joey Baker, District 4 Commissioner