

Marshall County Fiscal Court  
August 13, 2015  
Special Called Meeting – ABC Ordinance (#2015-04)

The Marshall County Fiscal Court met in a special called session on Thursday, August 13, 2015 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Johnny Bowlin, & Dr. Rick Cocke; County Attorney Jeff Edwards & Assistant County Attorney Jason Darnall were present. Chyrrill Miller, County Judge/Executive presided.

Judge Miller called the meeting to order.

Jason Darnall updated the Court on the changes he has made since copies were distributed.

- Page 2 – Special Temporary License in the amount of \$166.66 has been added.
- Page 3 – under section 10.017 – malt beverage by the drink – special events, if enacted, hardship has been added, which would allow the sales of not only malt beverages, but also mixed drinks. Jeff Edwards added that there is a whole series to meet that criteria to be considered for this license.
- Page 4 – the addition of Item D adding liquor to special events.
- Page 5 – there is a possible date change – Mr. Darnall received the formula yesterday. Judge Miller asked Sheriff Byars when he would have the amounts. Sheriff Byars replied that he has about six others, but will try to get as much information as he can.
- Page 6 – No changes.
- Page 7 - ABC Administrator – Com. Cocke asked what was going to be done about it. Judge Miller replied that she would act as the Administrator as long as she is in office.
- Pages 11, 12 & 13 – No changes.
- Page 14 – Appeals – if Donnie Woods (Purchase Area ABC Enforcement Officer) found a problem, the appeal would go to Frankfort.
- Pages 15 & 16 – All required by Kentucky Revised Statutes.
- Page 17 – Routine – Com. Gold asked Sheriff Byars if 30 days on audio/video is standard. Sheriff Byars replied that it will be OK. Kathy Wood with Moors Resort & Marina said they have equipment, but in order to increase the amount of time to 30 minutes, it would be expensive. Jason Darnall will check with Steve Humphress, with KY ABC.
- Page 18 – Dormancy – Ms. Wood asked said that they're restaurant closes from November to March and asked if that would be cause for them to lose their license. Jim Provine asked if the term "seasonal business" could be added to the document. Mr. Darnall said that would be another question for Mr. Humphress.
- Discussion was held about by the drink sales – whether or not the hours could be changed to those of retail/package stores (6:00 a.m. to midnight). Discussion was also held about New Year's Eve and the end of sales being midnight. Com. Cocke suggested that Calvert City Attorney Greg Northcutt be contacted because Calvert City has been moist for some time.

- Judge Miller brought up Sunday sales and added that she did not see any reason to stop progress by having by the drink sales on Sunday. She polled the Commissioners and Bowlin & Cocke had no problem with it. Com. Gold said it bothers him some but he doesn't want to stop businesses from coming into the county. He added that he doesn't think it will tear down the moral fiber of the community. Judge Miller said from her understanding, neighboring counties are considering Sunday sales. She continued by saying that three of the four voting court members are in favor of Sunday sales. After checking KRS, Jason Darnall informed that Sunday sales aren't allowed to begin until 1:00 and no package sales per KRS. Jim Provine said that Louisville has Sunday sales beginning at 10:00. The rules for urban/metro counties are different than county governments. Discussion was held about the sale of malt beverages on Sundays. That will be added to the list of questions for Mr. Humphress. Com. Gold said that allowing Sunday sales might be the difference of having another election in three years.
- Back to page 17 – Audio/video – all the state statutes require is “adequate” records for “ample time”.
- Election Day sales – local governments have control as of January 15, 2015 – so unless the county prohibits it, it is considered to be a regular business day.
- Page 20 – Section L – Happy hour not to be after 6:00 p.m.
- Sissy Wommack said that by putting the “no closer than 1,000’ distance for package stores to be located within for churches, schools or daycares” – that will be cutting owners feet out from under them. She asked that it be removed. Following discussion, it was determined that it be changed to 500’ wall to wall and not by property lines. Jason Darnall said there is no advertising outside of package stores – equivalent to Trigg County’s Ordinance.
- Discussion was held about patio areas – Mr. Darnall will remove the square footage from that section.

The next work session will be held at 9:30 a.m. on Monday, August 24<sup>th</sup>.

A motion was made by Com. Cocke and seconded by Com. Bowlin to adjourn. All voted aye. Motion carried.

Respectfully submitted by:

Melonie Chambers  
Fiscal Court Clerk