

Marshall County Fiscal Court  
September 25, 2015 - 9:30 a.m.  
Special Meeting – ABC Ordinance 2015-04 – 2<sup>nd</sup> Reading

The Marshall County Fiscal Court met in a special called session on Friday, September 25, 2015 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Johnny Bowlin, & Dr. Rick Cocke; & Assistant County Attorney Jason Darnall were present. Chyrrill Miller, County Judge/Executive presided.

Judge Miller called the meeting to order and informed that after the ordinance was read by the Court on the recent changes, Wendy Baxter, Assistant ABC Administrator would update the Court on the timeline for applications.

Jason Darnall read a summary of the ordinance and updated the Court on the changes he has made since the last draft of the ordinance was distributed.

- Page 1 thru 7 – no changes.
- Page 8 – 10.024 – Advertisement – Jason cautioned anyone applying for a license to not advertise yet, they must complete an application first. He stated October 4<sup>th</sup> is the first day the County is officially wet and October 5<sup>th</sup> would be the first day they can accept applications. Commissioner Cocke stated if you advertise before then it would be a waste of your time and money. Jason informed there is specific language that you must have in your advertisement, it's in the statute and it is included in the ordinance.
- Page 10 – no changes.
- Page 11 – 10.027 – Other Conditions – item A. was changed. It now reads: The County ABC Administrator shall not grant any alcoholic beverage license or approve a renewal of a license until the applicant and his place of business shall have been approved by the Marshall County Building Inspector and any and all other inspections as may required by the Kentucky Building Code or the state fire code, as may reasonably be accomplished under the circumstances. Jason added this last sentence to give the building inspector some discretion.
- Page 12 thru 25 – no changes.
- Page 26 – 10.044 – Mandatory Responsible Beverage Service Training – item A. was changed. It now reads: All persons employed in the selling and serving of alcoholic beverages by the drink shall participate in and complete a County approved responsible beverage service training program. For a responsible beverage service training program to be approved by the County, it must effectively train its participants in the identification of false age documents and recognition of characteristics of intoxication. The County will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this chapter. Also on page 26 – 10.045 – Signs and Advertising – the phrase “unless expressly permitted by state statute or regulation.” was added at the beginning.
- Page 27 thru 29 – no changes.

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Judge/Executive Chryill Miller asked if the Commissioners had any questions regarding the ordinance. Commissioner Bob Gold asked about the state statute on signage on page 26, 10.045. Jason explained that it was a regulation and not a statute. It says a malt beverage distributor can allow a malt beverage retailer to display signs.

Judge/Executive Chryill Miller asked if there were any other questions. No other discussion was brought up. A motion was made by Com. Cocke and second by Com. Bowlin to approve ordinance 2015-04. Com. Cocke and Commissioner Bowlin voted aye, Com. Gold said for the reasons he already stated opposing Sunday sales voted nay. Judge Miller stated she was not required to vote but she did approve of the ordinance. Motion carried.

Wendy Baxter, Assistant ABC Administrator, informed the court applications were nearly complete and she hoped to get them out Monday, September 28, 2015. She said she was in the process of putting together a website, marshallabc.com for county, state and city forms. She said the website should be live by Monday or Tuesday next week. Wendy told possible applicants not to advertise yet, the application must be submitted before you can advertise.

Jason stated Benton, Hardin, Calvert, and the county were going to use identical forms.

Wendy also stated that a criminal background check was required for all applicants and that would be done at the county level. Sheriff Kevin Byars stated that he would like to use his system to perform the criminal background checks citing his system provided more in depth information. Judge Miller stated that was fine with her if Sheriff Byars wanted to take that on. The Sheriff stated he did not have the manpower to take on the job.

A motion was made by Com. Gold and second by Com. Bowlin to adjourn. All voted aye, motion carried.

Respectfully submitted by:

Desiree' Hermsillo  
Administrative Assistant