

CHAMBERS COUNTY COMMISSION MEETING.....JULY 7, 2014

The Chambers County Commission met on Monday, July 7, 2014 at 4:00 P.M. CST with the following members in attendance: Chairman Henry Osborne, Commissioners Charlie Williams, Joe Blanks, David Eastridge and Debbie Wood. Engineer Harvill, County Manager Dendy and Attorney McCoy were also present. Commissioner James Brown was absent due to illness.

Chairman Osborne called the meeting to order. Commissioner Williams led the pledge of allegiance and Commissioner Wood gave the invocation. County Clerk Chambers conducted a roll call. The results of the roll call were as follow: District 1 – Present, District 2 – Absent, District 3 – Present, District 4 – Present, District 5 – Present, District 6 – Present

PROCLAMATION: DAY OF PRAYER FOR CHAMBERS COUNTY

Commissioner Blanks read a proclamation for day of prayer for Chambers County (see page 306). This proclamation was presented to Ms. Diane Perry. Ms. Perry expressed her appreciation to the commission for their continued support.

MINUTES AND WARRANTS PAYABLE

Commissioner Eastridge motioned to adopt the June 16, 2014 minutes and warrants payable. Commissioner Blanks seconded this motion. It was **approved** by the “**I**” vote.

RESOLVED: “To adopt the June 16, 2014 minutes and warrants payable.”

AGENDA APPROVAL

Commissioner Wood motioned to approve the agenda as presented for the July 7, 2014 meeting. Commissioner Williams seconded this motion. It was **approved** by the “**I**” vote.

RESOLVED: “To approve the agenda for the July 7, 2014 meeting.”

SHERIFF DEPARTMENT BID RESULTS

Chief Deputy Richard Carter approached the commission with the vehicle bid results for the Sheriff's Office (see pages 307-308). Chief Deputy Carter informed that there was only one bid received from King Ford/Chevrolet. Chief Deputy Carter then presented quotes based on a three year lease and also a four year lease. Attorney McCoy informed that the county could not do a four year lease. Commissioner Eastridge motioned to accept the bid based on the three year lease. Commissioner Blanks seconded this motion. It was **approved** by the “**I**” vote.

RESOLVED: “To authorize the Sheriff's Office to purchase five Chevrolet Tahoes and one Ford pickup on a three year lease for \$5,571.41/month.”

**APPLICATION: LOUNGE RETAIL LIQUOR-CLASS 1
 APPLICANT: MCGUIRK CAPITAL LLC
 TRADE NAME: BAREFOOT LARRYS**

Chief Deputy Richard Carter presented an application for a lounge retail liquor – class 1 license for McGuirk Capital LLC, the applicant, with trade name of Barefoot Larrys, located at 4064 County Road 237, Roanoke, AL 36274 (see pages 309-314). Chief Deputy Carter advised that there was no reason found to deny this application. Commissioner Williams motioned to approve this application subject to approval of the site by the State Fire Marshall. Commissioner Eastridge seconded this motion. It was **approved** by the “I” vote.

RESOLVED: “To approve an application for a lounge retail liquor – class 1 license for McGuirk Capital LLC, the applicant, with trade name of Barefoot Larrys, located at 4064 County Road 237, Roanoke, AL 36274.”

GRANT: CHAMBERS COUNTY DRUG TASK FORCE

Project Director Robert Chambers requested a resolution to apply for a grant with ADECA for the Chambers County Drug Task Force and authorize the Chairman to execute this grant upon approval. Commissioner Blanks motioned to adopt this resolution as requested. Commissioner Williams seconded this motion. It was **approved** by the “I” vote.

RESOLVED: “To authorize Project Director Robert Chambers to apply for a grant with ADECA for the Chambers County Drug Task Force and authorize the Chairman to execute this grant upon approval.”

**RESOLUTION NO. 7-07-14
 SHAWMUT HOLDINGS PROPERTY REMOVAL FROM INDUSTRIAL PARK STATUS**

Attorney McCoy presented resolution no. 7-07-14 to the commission for consideration (see pages 315-317). Attorney McCoy informed that there was a public hearing held prior to the meeting and there was no one in attendance to speak in opposition or in support of having this property removal from industrial park status. Commissioner Wood motioned to adopt this resolution as presented. Commissioner Blanks seconded this motion. Chairman Osborne requested a roll call vote. County Clerk Chambers conducted a roll call vote with the results as follow:

D1 – YES, D2 – ABSENT, D3 – YES, D4 – YES, D5 – YES, D6 - YES

RESOLVED: “To adopt resolution no. 7-07-14 as attached hereto on pages 315-317.”

FIREARMS IN POLLING PLACES

Attorney McCoy informed the commission that he had received an opinion from the Attorney General’s office in regard to firearms in polling places (see pages 318-324).

RULES, WAYS AND MEANS COMMITTEE MEETING

County Manager Dendy informed that the Rules, Ways and Means Committee will meet on Monday, July 21, 2014 at 2:00 in the commission conference room for budget discussions with the department heads.

I have read the minutes and reviewed the warrants payable. I do hereby **APPROVE** the minutes and warrants payable.

Chairman Henry Osborne _____

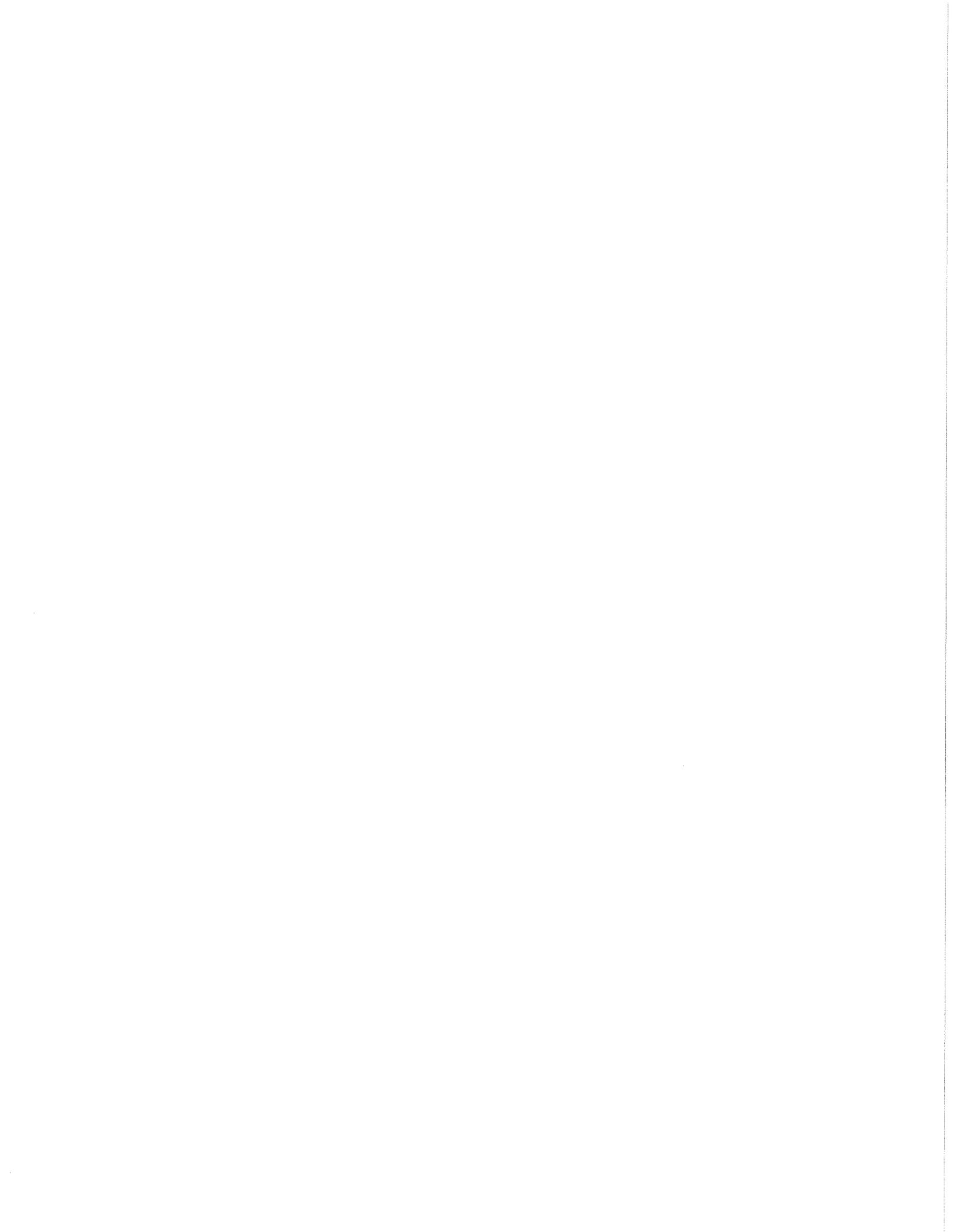
Commissioner Charlie Williams _____

Commissioner James Brown _____

Commissioner Joe Blanks _____

Commissioner David Eastridge _____

Commissioner Debbie Wood _____



PROCLAMATION



STATE OF ALABAMA
CHAMBERS COUNTY

DAY OF PRAYER FOR CHAMBERS COUNTY

"A BRIGHTER FUTURE IS AHEAD FOR CHAMBERS COUNTY"

WHEREAS, we as duly elected and appointed leaders of Chambers County recognize our civil responsibilities to those whom we serve; and

WHEREAS, we feel the obligation we have to dutifully fulfill our offices and carry out the function as the Chambers County Commissioners; and

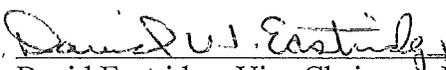
WHEREAS, we humbly acknowledge our dependence upon God for wisdom, courage and power, and upon the spiritual and moral support of all people of Chambers County and in so doing, we urge the support of all people in praying for their leaders, thus enabling them to direct and serve to the best of their abilities; and

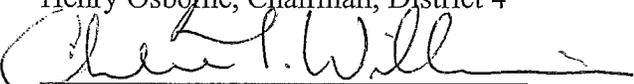
"If my people, which are called by my name, shall humble themselves and pray and seek my face, and turn from their wicked ways; then will I hear from heaven and will forgive their sin and will heal their land". 2 Chronicles 7:14

NOW, THEREFORE, be it proclaimed by the Chambers County Commission that August 1, 2014, shall be recognized as A Day of Prayer for Chambers County and as we know, "A **Brighter Future is ahead for Chambers County**", and we urge all citizens to join together in praying for our leaders, our Nations, and our State as a whole, so that in the spirit of trust, cooperation, and goodwill, we all may beseech God for the strength and wisdom to make Chambers County a better place in which to live.

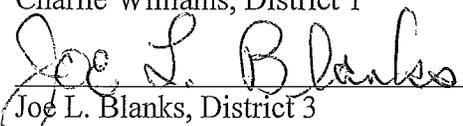
Signed and sealed this 7th day of July 2014.

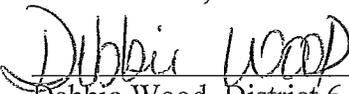

Henry Osborne, Chairman, District 4


David Eastridge, Vice Chairman, District 5


Charlie Williams, District 1

James Brown, District 2


Joe L. Blanks, District 3


Debbie Wood, District 6

SID LOCKHART SHERIFF

RICHARD S. CARTER
Chief Deputy

(334) 864-4333
(706) 586-8414
(334) 864-4309 FAX
SHERIFF'S OFFICE



CLAY STEWART
Detention Administrator

(334) 864-4334
(706) 586-8403
(334) 864-4307 FAX
DETENTION FACILITY

Chambers County

July 7, 2014
Chambers County Commission Members
John Dendy

Commissioners,

Attached is a copy of the only bid submitted for the purchasing of new Sheriff's Office vehicles. I am submitting this letter with the bid so that I might be able to better explain our proposal.

We would like to purchase 5 Chevrolet Tahoes and 1 Ford pickup. We recently acquired an additional K-9 and will be moving one of the Tahoes assigned to administration to Patrol and will replace it with the pickup due to the hauling and towing capabilities.

As you can see, the monthly payment on a 3 year lease is \$916.73 per Tahoe, which is an increase of only \$47.56 from the Tahoe, purchased 2 years ago. On a 3 year lease the total payment on 6 units will be \$5,571.41 per month, \$66,856.92 per year. A 4 year lease would total \$4246.46 per month, \$50957.52 per year.

We are currently making a lease payment of \$3814.05 per month for 5 units, \$45,768.60 per year. These units will be paid off in September 2015. Currently, the annual budget is set at \$100,000 for vehicles. In this year's budget there will be three more payments of \$3814.05 made on the existing lease and we will be left with \$28,791.17 in un-spent funds from that line item. If we used the remaining balance to pay down on the proposed lease, we should be able to keep the yearly expenditure to within a couple of thousand from this year's budget, essentially almost paying off 1 new unit. This new yearly total would be approximately \$101,625.00.

In the event you wish to go to a 4 year lease, our total expenditure would be \$96,726.12 per year, not including using the remaining balance of this year's budget.

I hope I did not make this proposal very confusing, but in my opinion either option should be financially acceptable.

I value the Commission's consideration and appreciate what each of you does.

Sincerely,

Richard S. Carter
Chief Deputy

Chambers County S.O. 255 LaFayette Street, Suite C • LaFayette, Alabama 36862

SID LOCKHART SHERIFF

RICHARD S. CARTER
Chief Deputy

(334) 864-4333
(706) 586-8414
(334) 864-4309 FAX
SHERIFF'S OFFICE



CLAY STEWART
Detention Administrator

(334) 864-4334
(706) 586-8403
(334) 864-4307 FAX
DETENTION FACILITY

Chambers County

June 6, 2013

To Whom It May Concern:

The Chambers County Sheriff's Office is seeking bids for 5 (Five) 2014 full size rear wheel drive police package sport utility vehicle, and 1 (one) full size 4 door 4x4 pickup.

Bid Form and Bid Specification Sheets are attached to this cover letter.

Vehicles must be available for delivery within 60-90 days of bid acceptance.

Bids must be submitted no later than Tuesday June 17, 2014, at 12:00 p.m. c.s.t.

If you have any questions, you may call Chief Deputy Richard S. Carter at 334-864-4333 or e-mail at chief.deputy@chamberscountyal.gov.

Respectfully Submitted,

Richard S. Carter
Chief Deputy

2015 SUV
 Each Sale Price 31,385¹⁰
 36 MOS 3,29 APR 916⁷³
 48 MOS 3,29 APR 698⁷²

2014 F-150 4DR 4X4
 Lariat
 Sale Price 33,816⁹⁰

36 MOS 3,29 APR 987⁷⁶
 48 MOS 3,29 APR 759⁸⁴



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
 ALCOHOL LICENSE APPLICATION
Confirmation Number: 20140522104419033



Type License: 010 - LOUNGE RETAIL LIQUOR - CLASS I **State:** **County:**
Type License: **State:** **County:**
Trade Name: BAREFOOT LARRYS **Filing Fee:**
Applicant: MCGUIRK CAPITAL LLC **Transfer Fee:** \$50.00
Location Address: 4064 COUNTY ROAD 237 ROANOKE, AL 36274
Mailing Address: 363 COUNTY ROAD 701 ROANOKE, AL 36274
County: CHAMBERS **Tobacco sales:** YES **Tobacco Vending Machines:** 0
NO **Type Ownership:** LLC
Book, Page, or Document info: BOOK 321 PAGE 297
Date Incorporated: 12/04/2013 **State incorporated:** AL **County Incorporated:** CHAMBERS
Date of Authority: 12/04/2013 **Alabama State Sales Tax ID:** R008776187

Name: **Title:** **Date and Place of Birth:** **Residence Address:**

LAURENCE ALOYSIUS MCGUIRK 6266061 - AL AL, CHAMBERS	VICE PRESIDENT Incorporated:12/04/2013	08/07/1957 GARFIELD OKLAHOMA USA	363 COUNTY ROAD 701 ROANOKE, AL 36274 Authority:12/04/2013
MARY DOROTHY MCGUIRK 3820096 - ME AL, CHAMBERS	PRESIDENT Incorporated:12/04/2013	12/26/1928 CUMBERLAND MAINE USA	20 FAIRFIELD AVENUE WESTBROOK, ME 04092 Authority:12/04/2013
KEVIN ALEXANDER MCGUIRK B66161286 - VA AL, CHAMBERS	SECRETARY Incorporated:12/04/2013	06/12/1968 CUMBERLAND MAINE USA	7704 HAYNES POINT WAY ALEXANDRIA, VA 22315 Authority:12/04/2013

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
 Does ABC have any actions pending against the current licensee? NO
 Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? YES
 Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
 Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
 Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO
 Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO
 Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: LAURENCE A MCGUIRK **Home Phone:** 256-914-9642
Business Phone: 334-863-5970 **Cell Phone:** 256-914-9642
Fax: **E-mail:** MCGUIRKLARRY@HOTMAIL.COM

PREVIOUS LICENSE INFORMATION: **Previous License Number(s)**
Trade Name: HAPPYLAND LOUNGE **License 1:** 010 000736509
Applicant: BERNARD BEAIRD **License 2:**



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
 ALCOHOL LICENSE APPLICATION



Confirmation Number: 20140522104419033

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **PAUL BEAIRD 334-885-0711**
 What is lessors primary business? **REAL ESTATE**
 Is lessor involved in any way with the alcoholic beverage business? **NO**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **NO**
 Is the business used to habitually and principally provide food to the public? **NO**
 Does the establishment have restroom facilities? **YES**
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
 Building Dimensions Square Footage: **3034** Display Square Footage:
 Building seating capacity: **50** Does Licensed premises include a patio area? **YES**
 License Structure: **ONE STORY** License covers: **ENTIRE STRUCTURE**
 Number of licenses in the vicinity: **0** Nearest: **6**
 Nearest school: **10 miles** Nearest church: **3 miles** Nearest residence: **0.5 blocks**
 Location is within: **COUNTY** Police protection: **COUNTY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:
LAURENCE A MCGUIRK	DUI 07/03/2010	RANDOLPH COUNTY SHERIFFS OFFICE	PAID FINE
LAURENCE A MCGUIRK	PHARAPHERNALIA POSSESSION	RANDOLPH COUNTY	PAID FINE
LARUENCE A MCGUIRK	DUI 01/00/2003	HEARD COUNTY GEORGIA	PAID FINE



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20140522104419033

Initial each

Signature page

[Handwritten initials]

In reference to law violations, I attest to the truthfulness of the responses given within the application.
In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

[Handwritten initials]

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

[Handwritten initials]

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

[Handwritten initials]

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

[Handwritten initials]

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

[Handwritten initials]

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

[Handwritten initials]

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

[Handwritten initials]

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): *Lawrence A. M. Sipe*

Signature of Applicant: *[Handwritten signature]*

Notary Name (print): *Denise Moore*

Notary Signature: *[Handwritten signature]*

Commission expires: *11/17/2017*

Application Taken: *5/27/2014* App. Inv. Completed: Forwarded to District Office:
Submitted to Local Government: *5/27/2014* Received from Local Government:
Received in District Office: Reviewed by Supervisor: Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
 ALCOHOL LICENSE APPLICATION
Confirmation Number: 20140522104419033



Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

Has anyone, including the manager or applicant, had a Federal/State permit or license suspended, revoked, or denied?: LAURENCE MCGUIRK HAS DRIVERS LICENSE SUSPENDED FOR DUI.



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
Confirmation Number: 20140522104419033



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

NOTE: A Copy of Operating Agreement Must be Attached To Application

CURRENT LICENSEE:
BERNARD BEAIRD
Address: 4064 COUNTY ROAD 237
ROANOKE, AL 36274
Telephone: 334-863-5907

NEW APPLICANT:
MCGUIRK CAPITAL LLC
Address: 363 COUNTY ROAD 701
ROANOKE, AL 36274
Telephone: 334-863-5970

Current License No: 010 000736509

LICENSED PREMISES ADDRESS: 4064 COUNTY ROAD 237 ROANOKE, AL 36274

THE AFORENAMED HEREBY SERVE NOTICE TO THE ABC BOARD OF THE ATTACHED CONTRACTUAL AGREEMENT GOVERNING THE CONTINUATION OF SALES OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

The Parties to this agreement hereby acknowledge and affirm that the New (Applicant) Licensee will, at all times, act as the AGENT for the Current (Named) Licensee, and the Current Licensee shall act as PRINCIPAL for the purposes of the attached Agreement. The Principal shall be bound by all acts and/or omissions of the Agent in the operation of the licensed premises.

The Current Licensee is now and shall remain liable for any violations of ABC Rules and Regulations or other Alabama Law for the duration of the attached Agreement; and, further, that the Current Licensee has the right and authority, under Alabama Law, to surrender the ABC License to the ABC Board at any time.

The parties acknowledge that the operation of the licensed premises shall remain subject to inspection by ABC Enforcement, and must comply with all State and Local regulations and Laws, and that the local ABC Enforcement District Office must be immediately notified of any change in the attached Agreement.

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 23 day of May, 2014.

CURRENT LICENSEE (NAMED ON LICENSE)

NEW LICENSEE (APPLICANT)

Print Name:
Title: Bernard Beaird

Print Name: James H. McQuirk
Title: President

WITNESS: (By ABC Enforcement) [Signature]

Receipt Confirmation Page

Receipt Confirmation Number: **20140522104419033**
 Application Payment Confirmation Number: **9851144**

Payment Summary	
Payment Item	Fee
Transfer Fee for License 010	\$50.00
Total Amount to be Charged	\$50.00

Application Type

Application Type: TRANSFER

Applicant Information

License Type 1: 010 - LOUNGE RETAIL LIQUOR - CLASS I
 License Type 2:
 License County: CHAMBERS
 Business Type: LLC
 Trade Name: **BAREFOOT LARRYS**
 Applicant Name: **MCGUIRK CAPITAL LLC**
 Location Address: 4064 COUNTY ROAD 237
 ROANOKE, AL 36274
 Mailing Address: 363 COUNTY ROAD 701
 ROANOKE, AL 36274
 Contact Person: LAURENCE A MCGUIRK
 Contact Home Phone: 256-914-9642
 Contact Business Phone: 334-863-5970
 Contact Fax:
 Contact Cell Phone: 256-914-9642
 Contact Email Address:
 Contact Web Address:

RESOLUTION NO. 7-07-14

WHEREAS, Shawmut Holdings, LLC, a Georgia limited liability company, acquired the hereinafter described property by deed from Johnston Textiles, Inc., a Delaware corporation, which deed is duly recorded at Document # 2012-2929 in the Office of the Judge of Probate of Chambers County, Alabama; and,

WHEREAS, said property is currently located in an existing industrial park which was previously established for this property by the County Commission of Chambers County, Alabama; and,

WHEREAS, under the provisions of Section 11-23-7 of the Code of Alabama, 1975, once granted, industrial park status property can be removed therefrom by the granting authority if the industry located therein requests removal therefrom; and,

WHEREAS, Shawmut Holdings, LLC, a Georgia limited liability company, has made application to the Chambers County Commission seeking to have the property removed from industrial park status. A public hearing was held before this Commission on July 7, 2014, after publication of notice thereof, and no opposition was provided to the request. The Commission is of the opinion that the request is due to be granted. It is therefore,

RESOLVED that the request of Shawmut Holdings, LLC to remove property from industrial park status is hereby granted and from this date forward, the following described property is removed from industrial park status:

Parcel 27:

Tax Parcel # 12-17-01-01-1-003-026.000 in the office of the Revenue Commissioner of Chambers County, Alabama described as follows:

A parcel of land lying and being in the Northeast Quarter of Section 1, Township 21 North, Range 28 East, Chambers County, Alabama and being all of Lots 8 and 9 and

part of Lot 7 of Block 10 of the Village Property Map, Shawmut Mill Division of the West Point Manufacturing Company as recorded in Plat Book 3 at Pages 20-31 in the Office of the Judge of Probate of Chambers County, Alabama containing 1.338 acres, more or less, and being described as:

Begin at the Northeast Corner of said Lot 8 of Block 10; thence Southerly along the curving West right-of-way margin of 23rd Drive for 169.50 feet (said curve having a radius of 303.26 feet, a chord bearing of South 17 degrees 48 minutes 59 seconds West and a chord length of 166.80 feet) to the Southeast corner of Lot 8; thence South 88 degrees 34 minutes 12 seconds West along the North right-of-way margin of 33rd Street for 168.35 feet to the Southwest Corner of Lot 8; thence North 03 degrees 48 minutes 27 seconds West for 150.45 feet to a point on the Southerly boundary of Lot 9; thence North 67 degrees 32 minutes 16 seconds West for 97.72 feet to the Southwest Corner of Lot 9; thence North 37 degrees 56 minutes 04 seconds East for 171.81 feet to the Northwest Corner of Lot 9; thence South 51 degrees 38 minutes 00 seconds East along the Southerly right-of-way margin of 31st Street for 273.80 feet to the Point of Beginning.

Parking Lot Easement: A parcel of land lying and being in the Northeast Quarter of Section 1, Township 21 North, Range 28 East, Chambers County, Alabama containing 0.332 acre, more or less, described as:

Commence at the Northeast Corner of Lot 8, Block 10 of the Village Property Map, Shawmut Mill Division of the West Point Manufacturing Company as recorded in Plat Book 3 at Pages 20-31 in the Office of the Judge of Probate of Chambers County, Alabama; thence North 80 degrees 18 minutes 39 seconds East for 79.04 feet to a cotton picker spindle set in the base of a Magnolia tree on the Easterly right-of-way margin of 23rd Drive (a 50-foot right-of-way) as the Point of Beginning; thence South 45 degrees 14 minutes 19 seconds East for 73.05 feet; thence Southerly along a curve concave Easterly for 169.19 feet (said curve having a radius of 179.62 feet, a chord bearing of South 21 degrees 15 minutes 41 seconds West a chord length of 163.44 feet); thence South 88 degrees 37 minutes 03 seconds West a distance of 72.38 feet to the Easterly right-of-way margin of 23rd Drive; thence Northerly along the curving Easterly right-of-way margin concave Easterly for 228.19 feet (said curve having a radius of 252.79 feet, a chord bearing of North 21 degrees 12 minutes 43 seconds East and a chord length of 220.44 feet) to the Point of Beginning.

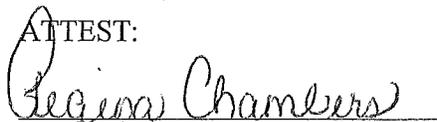
The above-described property referenced as Parcel 27 and the Parking Lot Easement property were conveyed by deed from Johnston Textiles, Inc., a Delaware corporation, to Shawmut Holdings, LLC, a Georgia limited liability company, dated August 23, 2012 and being recorded at Document # 2012-2929 in the Office of the Judge of Probate of Chambers County, Alabama.

FURTHER RESOLVED that this Resolution shall become effective thirty (30) days from its adoption as provided under the provisions of Section 11-23-7 of the Code of Alabama, 1975. The Clerk shall promptly forward a copy of this Resolution to Shawmut Holdings, LLC for recording in the real estate records of Chambers County, Alabama.

Adopted this the 7th day of July, 2014.

CHAMBERS COUNTY COMMISSION

ATTEST:


CLERK


CHAIRMAN



STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

LUTHER STRANGE
ATTORNEY GENERAL

July 7, 2014

501 WASHINGTON AVENUE
P.O. BOX 300152
MONTGOMERY, AL 36130-0152
(334) 242-7300
WWW.AGO.ALABAMA.GOV

Honorable Claud E. McCoy, Jr.
Attorney, Chambers County Commission
Johnson, Caldwell & McCoy
117 North Lanier Avenue, Suite 201
Lanett, Alabama 36863

Polling Places - Firearms - County
Commissions - Elections

The Chambers County Commission does not have the authority to prohibit firearms at all polling places.

The designation of a location as a polling place does not transform the location into a courthouse annex for purposes of section 13A-11-61.2 of the Code of Alabama.

Whether firearms may be prohibited in polling places depends on the nature of the location. Private property owners or their authorized representative may prohibit firearms on private property being utilized as a polling place.

Dear Mr. McCoy:

This opinion of the Attorney General is issued in response to your request on behalf of the Chambers County Commission.

QUESTIONS

(1) Can the Chambers County Commission ("Commission"), as the governmental entity establishing the voting situs for state and national elections held in Chambers County, prohibit an

Honorable Claud E. McCoy, Jr.
Page 2

individual from bringing a firearm into a polling place on election day?

(2) Is a polling place, designated by the Commission, an extension of the courthouse such as to bring this situs into the prohibition enumerated in section 13A-11-61.2 of the Code?

(3) Does section 13A-11-61.2 of the Code prohibit an individual from bringing a firearm into a polling place during the course of an election?

FACTS AND ANALYSIS

As set forth in your request, the Commission is charged with the duty to designate polling places in Chambers County. ALA. CODE § 17-6-4 (2006). This Office is aware that the locations designated as polling places include courthouses, schools, churches, and other privately owned buildings. At a recent election, a citizen carried a firearm into a polling place, and you request the guidance of this Office as to what authority, if any, the Commission has to prohibit firearms in polling places.

In 2013, the Alabama Legislature enacted Act 2013-283 wherein the Legislature clearly stated, as follows, its intent:

The purpose of this section is to establish within the Legislature complete control over regulation and policy pertaining to firearms, ammunition, and firearm accessories in order to ensure that such regulation and policy is applied uniformly throughout this state to each person subject to the state's jurisdiction and to ensure protection of the right to keep and bear arms recognized by the Constitutions of the State of Alabama and the United States. This section is to be liberally construed to accomplish its purpose.

2013 Ala. Acts No. 2013-283, § 7(a), now codified in ALA. CODE § 13A-11-61.3(a) (Supp. 2013).

In your request, you specifically inquire as to whether the Commission has the authority to prohibit an individual from bringing a firearm into a polling place. This Office has previously observed that, despite the clear language of

Honorable Claud E. McCoy, Jr.
Page 3

section 7(a) of Act 2013-283, the Legislature was also clear that it recognized that firearms remain prohibited where otherwise prohibited by state and federal law. Opinion to Honorable Alan T. Lee, Superintendent and Ex-Officio Secretary, Baldwin County Board of Education, dated February 28, 2014, A.G. No. 2014-044.

The authority of the Commission to establish voting precincts and polling places appears in sections 17-6-1 through 17-6-4 of the Code. ALA. CODE §§ 17-6-1 to 17-6-4 (2006). This Office finds no authority within those statutes for the Commission to regulate firearms in polling places. Such authority, pursuant to section 7(a) of Act 2013-283, now codified in section 13A-11-61.3 of the Code, rests with the Legislature. ALA. CODE § 13A-11-61.3(a) (Supp. 2013). Accordingly, the answer to your first question is in the negative.

Your second question essentially asks whether the act of designating locations throughout the county as polling places converts each location into a courthouse annex for the day. Nothing within sections 17-6-1 through 17-6-4 of the Code supports such a conclusion. Moreover, the establishment of a courthouse annex outside the county seat requires an act of the Legislature. Opinion to Honorable Bobby Singleton, Member, Alabama State Senate, dated January 10, 2006, A.G. No. 2006-038; opinion to Honorable Robert A. Wills, Attorney, Baldwin County Commission, dated July 7, 1994, A.G. No. 94-00207. Thus, the answer to your second question is also in the negative.

Finally, your third question asks whether section 13A-11-61.2 of the Code prohibits an individual from bringing a firearm into a polling place. That section, in pertinent part, states the following:

(a) In addition to any other place limited or prohibited by state or federal law, *a person, including a person with a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85, may not knowingly possess or carry a firearm in any of the following places without the express permission of a person or entity with authority over the premises:*

(1) Inside the building of a police, sheriff, or highway patrol station.

(2) Inside or on the premises of a prison, jail, halfway house, community corrections facility, or other detention facility for those who

Honorable Claud E. McCoy, Jr.
Page 4

have been charged with or convicted of a criminal or juvenile offense.

(3) Inside or on the premises of a facility which provides inpatient or custodial care of those with psychiatric, mental, or emotional disorders.

(4) Inside a courthouse, courthouse annex, a building in which a District Attorney's office is located, or a building in which a county commission or city council is currently having a regularly scheduled or specially called meeting.

(5) Inside any facility hosting an athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education, unless the person has a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85.

(6) Inside any facility hosting a professional athletic event not related to or involving firearms, unless the person has a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85.

(b) Notwithstanding the provisions of subsection (a), a person, including a person with a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85, may not, without the express permission of a person or entity with authority over the premises, knowingly possess or carry a firearm inside any building or facility to which access of unauthorized persons and prohibited articles is limited during normal hours of operation by the continuous posting of guards and the use of other security features, including, but not limited to, magnetometers, key cards, biometric screening devices, or turnstiles or other physical barriers.

Honorable Claud E. McCoy, Jr.
Page 5

(c) The person or entity with authority over the premises set forth in subsections (a)(1)-(6) and subsection (b) shall place a notice at the public entrances of such premises or buildings alerting those entering that firearms are prohibited.

ALA. CODE § 13A-11-61.2 (Supp. 2013) (emphasis added).

Under the established rules of statutory construction, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *Ex parte Cove Properties, Inc.*, 796 So. 2d 331, 333-34 (Ala. 2000). Nothing in section 13A-11-61.2 of the Code specifically prohibits firearms in polling places.

Polling sites, however, because of their everyday status, may be covered by the provisions of the statute. For instance, courthouses, courthouse annexes, and buildings in which a district attorney's office is located are specifically designated as locations where firearms are prohibited. ALA. CODE § 13A-11-61.2(a)(4) (Supp. 2013). The ordinary business conducted in courthouses and district attorney's offices generally continues on election days. The buildings wherein those activities are conducted were deemed by the Legislature to warrant specific designation as "gun free" buildings, and they do not lose their "gun free" status merely because an election is being conducted at the location.

Additionally, as this Office has recently opined, section 13A-11-61.2 of the Code recognizes that firearms may be prohibited in other locations not expressly covered therein. *Lee* at 2. School boards are required to prohibit all persons, other than authorized law enforcement officers, from possessing deadly weapons and dangerous instruments on school property. *Id.* at 5. A firearm is a deadly weapon. ALA. CODE § 13A-1-2(7) (2006). Accordingly, firearms are prohibited on school property, and the use of a school as a polling place does not alter this prohibition.

In addition to other state and federal statutory firearm prohibitions, firearms may also be prohibited in public buildings if there is compliance with subsections (b) and (c) of section 13A-11-61.2 of the Code. Specifically, firearms may be prohibited in public buildings where: (1) access of unauthorized persons and prohibited articles is limited during normal hours of operation by the continuous posting of guards, (2) the use of an additional security barrier, and (3) the posting of notice that firearms are prohibited. ALA. CODE § 13A-11-61.2(b)-(c) (Supp. 2013). Firearms may be prohibited in public buildings if all of these criteria are satisfied. Thus, if, during a regular business

Honorable Claud E. McCoy, Jr.
Page 6

day, firearms are prohibited in the public building being utilized as a polling place, the prohibition continues to exist during the election.

Churches and other private entities often allow their facilities to be used as polling places. These buildings and facilities are privately owned and constitute private property. Section 13A-11-52 of the Code prohibits a person from carrying a pistol on the property of another unless he or she has a valid concealed weapon permit or the consent of the owner of the premises. ALA. CODE § 13A-11-52 (Supp. 2013). This prohibition applies even when the private property has been put to some public use. *Norton v. State*, 11 Ala. App. 216, 65 So. 689 (1914), cited in *Tulley v. Jacksonville*, CR-11-1880, 2014 WL ___ (mem. op.) (Ala. Crim. App. February 28, 2014) (application for rehearing pending). Thus, a citizen carrying a pistol into a polling place without a valid pistol permit or the consent of the owner would be in violation of section 13A-11-52 of the Code. See *E.T. v. State*, 682 So. 2d 508, 509 (Ala. Crim. App. 1996).

The owners of private property may also choose to forbid firearms on their property, even if the person with the firearm has a permit. This is no less true for property that is being used as a polling place. Although the conduct of the election on private property constitutes a public function in which registered voters may participate, such fact does not convert the private property into public property that may be used however the public sees fit. See *Norton v. State*, 11 Ala. 216 (1914); opinion to Honorable Frank H. Riddick, Madison County Probate Judge, dated July 12, 1999, A.G. No. 99-00243; & ALA. CODE § 13A-7-1(4) (2006).

The owner of private premises or another authorized person may revoke the license or privilege of a person to enter or remain on private property. ALA. CODE § 13A-7-1(4) (2006). Therefore, the owner of private property who allows his or her property to be used as a polling place may personally, or by an authorized representative, prohibit firearms on the premises, even with respect to persons who have a permit.

CONCLUSION

The Chambers County Commission does not have the authority to prohibit firearms at all polling places.

The designation of a location as a polling place does not transform the location into a courthouse annex for purposes of section 13A-11-61.2 of the Code.

Honorable Claud E. McCoy, Jr.
Page 7

Whether firearms may be prohibited in polling places depends on the nature of the location. Private property owners or their authorized representative may prohibit firearms on private property being utilized as a polling place.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Ben Baxley of my staff.

Sincerely,

LUTHER STRANGE
Attorney General
By:



BRENDA F. SMITH
Chief, Opinions Division

LS/BB
1790140/179108

