

INDIAN SPRINGS VILLAGE  
TOWN COUNCIL SPECIAL MEETING  
October 14, 2022

The Indian Springs Village Town Council met Tuesday, October 14, 2022. Mayor Brenda Bell-Guercio called the meeting to order at 5:30 p.m. All councilmembers were in attendance except Councilmember Harley.

The special meeting was called to consider a Resolution establishing a temporary moratorium on certain new businesses within the Town of Indian Springs Village, Alabama, including tobacco shops, head shops, smoke shops, vape shops, and stores specializing in selling CBD oil products, except CBD oil used for doctor-prescribed medical purposes.

It was brought up that:

- Vapes can expose your lungs to harmful cancer-causing chemicals, such as formaldehyde, acrolein and toxic metal particles such as chromium, nickel and lead.
- The flavors and stabilizers in e-cigarettes can cause unknown inflammation to delicate lung tissue.
- Nicotine can affect concentration and brain development and use in young adults can lead to other illicit substance use.
- Nicotine can be harmful to parts of the brain that control mood, learning, attention, and impulse control. Injury to stem cells decreases the brain's ability to repair and may accelerate aging process and make brain more susceptible to neurodegenerative diseases.

Mayor Bell-Guercio presented resolution no. 10-14-2022-002 for consideration by the Council.

Councilmember Elliott made a motion to move for unanimous consent for immediate consideration of Ordinance No. #10-14-2022-002. Councilmember Whatley seconded and the roll call vote was as follows.

Yea- Bell-Guercio  
Yea- Robins  
Yea- Elliott  
Yea- McClurkin  
Yea- Whatley

Robins made a motion to move for adoption of Ordinance No. # 10-14-2022-002 as follows. Elliott seconded and the roll call vote was as follows:

Yea- Bell-Guercio  
Yea- Robins  
Yea- Elliott  
Yea- McClurkin  
Yea- Whatley

**RESOLUTION NO. 10-14-2022-002**

**RESOLUTION NO. 10-14-2022-002 A RESOLUTION ESTABLISHING A  
TEMPORARY MORATORIUM ON CERTAIN NEW BUSINESSES WITHIN THE  
TOWN OF INDIAN SPRINGS VILLAGE, ALABAMA.**

WHEREAS, the youth are our future; issues affecting their health, safety, and well-being are paramount, and therefore, must be addressed;

WHEREAS, the Center for Disease Control and Prevention ("CDC") reported that tobacco product use by youth populations was on the rise despite historical efforts to mitigate the activity;

WHEREAS, according to the CDC, use of any tobacco product has grown significantly in recent years, and as a result, more than 1 in 4 high school students admitted to using a tobacco product in the past 30 days and CDC data revealed that use of a tobacco product by middle school aged children increased as well during the same period in question;

WHEREAS, nearly all tobacco products contain nicotine; youth nicotine intake is especially injurious because the chemical compound inflicts damage upon the developing brain, impacting learning, memory, and attention;

WHEREAS, despite widespread knowledge of the adverse effects caused by any tobacco use by youth populations, our current local zoning guidelines permit the operation of tobacco shops within proximity to elementary, middle, and high schools, presenting a health and safety risk to present, as well as future, young residents of the Town of Indian Springs Village, Alabama (the "Town") whose well-being must be better safeguarded;

WHEREAS, additionally, Prevention Science, the official journal of the Society for Prevention Research, examined the relationship between youth smoking and nearness of tobacco outlets to youth homes and determined that greater density of tobacco outlets within a 0.75 and 1 mile buffer of youth homes were associated with higher smoking frequency among youth populations; nonetheless, our current local zoning guidelines permit the operation of tobacco shops adjacent to residential neighborhoods;

WHEREAS, according to the Partnership to End Addiction, teens and young adults are using CBD as a homeopathic remedy for pain, depression and anxiety symptoms, acne and insomnia, and for boosting productivity, but there are significant differences between CBD that is studied in labs for medical conditions like epilepsy and CBD products that are sold to consumers for well-being;

WHEREAS, with CBD there is a lack of well-controlled trials and little understanding of the long-term effects, the trials are focused on the action and benefits of the purified CBD compound, not an extract of CBD, which is typically found in commercial products, and CBD products are for the most part unregulated, so users have to rely on the quality assurances of the companies that manufacture and sell them;

WHEREAS, many CBD products contain other dangerous chemicals or synthetic CBD oil;

WHEREAS, the World Health Organization declared CBD non-addictive, writing, "In humans, CBD exhibits no effects indicative of any abuse or dependence potential," but they do not recommend consumption because, CBD producers are largely unregulated, making it difficult to

know what is in products and the level of CBD concentration;  
WHEREAS, as we resolve to envision an improved Town, let us do so in a manner conducive to healthier outcomes for all;

NOW, THEREFORE, BE IT RESOLVED by the Council of Indian Springs Village, Alabama, while in special session on Friday, October 14, 2022, at 5:30 p.m. as follows:

1. A 120-day temporary moratorium is hereby established immediately through February 11, 2023, on the issuance of permits and licenses of all types and kinds (including, but not limited to building, business, zoning, and/or signage) related to the following businesses and activities, and Town officials are directed to immediately stop accepting applications for the same:

- a. tobacco shops, head shops, smoke shops, and vape shops, including any retail business that sells tobacco products, cigarettes, cigars or similar products, vaporizers, liquids that are inhaled through a vaporizer, or any product containing nicotine; and
- b. stores specializing in selling CBD oil products, except CBD oil used for doctor prescribed medical purposes.

2. The Town Council hereby requests that, during the pendency of the moratorium, the Town's Mayor and Planning Commission study the health, safety, welfare, and secondary effects of the businesses and activities identified herein on schools, school aged children, and adjacent residential neighborhoods, while also proposing zoning amendments or other necessary regulations that reflect said effects.

3. The sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph and/or section of this Resolution shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other section, paragraph, sentence, clause and/or phrase, since the same would have been enacted by the Town Council of the Town of Indian Springs Village, Alabama without the incorporation of such section, paragraph, sentence, clause and/or phrase.

ADOPTED: This the 14<sup>th</sup> day of October, 2022.

Herb Robbins  
Council Chairman Pro Tem

ADOPTED: This the 14<sup>th</sup> day of October, 2022.

Brenda Bell-Guercio, Mayor

ATTESTED: This the 14<sup>th</sup> day of October, 2022.

Vickie Lewis  
Town Clerk

CERTIFICATION OF TOWN CLERK

STATE OF ALABAMA  
SHELBY COUNTY

I, Vickie Lewis, Town Clerk of the Town of Indian Springs Village, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted by the Town Council of the Town of Indian Springs Village, Alabama, on the 14<sup>th</sup> day of October, 2022, while in special session, and the same appears of record in the minute book of said date of said Town.

The above and foregoing Resolution was published on the 14<sup>th</sup> day of October, 2022, by posting copies thereof in the following public places within the Town:

1. Indian Springs Village Town Hall;
2. Shelby County Fire Station No. 1;
3. Shelby County Fire Station No. 2; and
4. Indian Springs Village Website.

Witness my hand and seal of office this 14<sup>th</sup> day of October, 2022.

Vickie Lewis, Town Clerk

The vote to accept the resolution as presented was unanimous.

Mayor Bell-Guercio adjourned the meeting at 5:40 pm.