

Monday, October 4, 2021

Wetumpka City Hall

6:00 p.m.

Work Session:

Reports of:

Boards and Committees

Agenda Items

Citizen Comments: (Ordinance 2016-8)

JR Skelton spoke against the arts and entertainment district. Haley Greene spoke on behalf of Ryan and Danyalle Friday in favor of the arts and entertainment district. Others who spoke in favor of the district were Dustin Lawrence, Patrick Manning and Jim McGehee.

Council Meeting

Monday, October 4, 2021

Wetumpka City Hall

6:14 p.m.

The Council of the City of Wetumpka held a work session prior to the 6:00 p.m. council meeting held on Monday, October 4, 2021. The meeting was called to order by Mayor Jerry Willis at 6:14 p.m. Tex Grier led the invocation and the Pledge of Allegiance was led by Councilmember Justiss.

Upon a Roll Call the following were present: Mayor Jerry Willis and Councilmembers Kevin Robbins, Cheryl Tucker, Lynnes Justiss, Steve Gantt and Joe Brown. Also present were City Clerk Tiffany Robinson and staff members.

Councilmember Justiss offered a motion to approve the minutes of the Council Meeting held on September 20, 2021 as presented. The motion was seconded by Councilmember Gantt with the Council voting unanimously in favor of the motion.

Under old business, City Attorney Justin Edwards read Ordinance 2021-5, an ordinance to establish and arts and entertainment district, for the second time. Councilmember Justiss offered a motion to approve Ordinance 2021-5. Councilmember Robbins seconded the motion. After discussion the following roll call vote was taken;

Councilmember Robbins	yes
Councilmember Tucker	yes
Councilmember Justiss	yes
Councilmember Gantt	yes
Councilmember Brown	no
Mayor Willis	yes

Ordinance 2021-5 passes 5-1

ORDINANCE 2021-5
ARTS AND ENTERTAINMENT DISTRICT ORDINANCE

WHEREAS, the Wetumpka City Council has determined that the creation of an Arts and Entertainment District would increase economic activity within the city and benefit both local businesses and the citizens; and

WHEREAS, Alabama Code 28-3A-17.1(b) authorizes a municipality with an incorporated arts council, main street program, or downtown development entity to establish not more than two entertainment districts within its corporate limits, each of which must have not fewer than four licenses holding a retail liquor license in that area, and that each district may not exceed one-half mile by one-half mile in area, but may be irregularly shaped; and

WHEREAS, the City of Wetumpka has a main street program and a Wetumpka Downtown Redevelopment Authority; and

WHEREAS, the Council has caused an Arts and Entertainment District Area to be defined herein which lies within the City Limits of Wetumpka and is not more than one-half mile by one-half mile in area and encompasses not fewer than the four licensees holding a retail liquor license; and

NOW THEREFORE LET IT BE IT ORDAINED by the Council of the City of Wetumpka, Alabama, as follows:

Section 1. Creation of an Arts and Entertainment District

Pursuant to the authority granted in section 28-3A-17.1 of the Code of Alabama 1975, the council hereby creates an Arts and Entertainment District, where outside consumption of alcoholic beverages shall be permitted and regulated; the boundaries of the Art and Entertainment District Area are described as follows:

Beginning at the intersection of the south right of way of Logan Street and the Coosa River, said point being on the north boundary line of Original Lot 251 East Wetumpka, Alabama, as the said map thereof is located on the wall of the Map Room in the Office of the Revenue Commissioner of Elmore County, Alabama; thence southward along the meanderings of the Coosa River to its intersection with the west right of way of Wharf Street being on the east line of Original Lot 222 East Wetumpka, Alabama; thence southward along said west right of way to its intersection with the southeast corner of said Original Lot 222; thence east across said right of way for Wharf Street and along the south boundary lines of Original Lots 200 and 199, in East Wetumpka, Alabama, to the west boundary of the County Property located on Original Lot 214 in East Wetumpka; thence north along said west boundary of Original Lot 214 to its intersection with the south right of way of Commerce Street; thence east along the south right of way of Commerce Street to the west line of Original Lot 242 in East Wetumpka, thence north along the west line of Original Lot 242 in East Wetumpka to the southwest corner of Original Lot 245 in East Wetumpka; thence north along the west line of Original Lot 245 for 78 feet to a point; thence north and east on a diagonal line 114 feet to a point on the north line of said Lot 245; thence east along the north boundary line of said Lot 245 to its intersection with the east prescriptive right of way line of the alley running northeast from East Bridge Street to Spring Street; thence northeast along said east right of way line of said alley to its intersection with the east right of way line of Spring Street; thence north along said east right of way of Spring Street to a ½” rebar, GMC CAP #CA00156; thence S 87°40’21” E 35.20 feet to a 1/2” rebar, GMC CAP #CA00156; thence N 09°12’58” E, 87.43 feet to the south right of way line of Online

Street; thence northeast to the southernmost point of Triangular Sublot 1 of Original Block 254 of East Wetumpka; thence north along the west line of said Original Block 254 to its intersection with the south right of way line of Logan Street; thence west along said south right of way line of Logan Street back to the point of beginning.

Section 2. Definitions.

As used in this article, unless the context clearly indicates otherwise the following terms shall mean:

(1) Alcoholic beverages shall mean any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half (½) of one (1) percent or more of alcohol by volume, and shall include liquor, beer and wine, both fortified and table wine.

(2) Public place shall mean and include any place or gathering which the public generally attends or is admitted to, either by invitation, common consent, or right, or by the payment of an admission or other charge, and, without limiting the generality of the foregoing, shall include any store or place where merchandise of any kind is offered for sale, any theater or place of amusement, any athletic contest, city hall, library, school buildings, and auditoriums; provided, that such term shall not mean or include premises which have been duly licensed by the city for sale thereon of alcoholic beverages.

Section 3. Regulations

(1) One (1) drink on-street limit: Any establishment, within the boundaries of the Arts and Entertainment District, licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a plastic container only, and no other type of container including aluminum can, glass, metal, or paper shall be permitted, for removal from the premises; provided, however, that no establishment shall dispense to any person more than one (1) such alcoholic beverage at a time for removal from the premises, and no person shall remove at one (1) time more than one (1) such alcoholic beverage from the licensed premises.

(2) Beverages outside premises: Patrons, guests or members of licensed premises may exit the licensed premises with one (1) alcoholic beverage and consume, with certain restrictions, such alcoholic beverage anywhere within the confines of the Art and Entertainment District, but may not enter or re-enter a licensed premises or any public building with an alcoholic beverage acquired elsewhere.

(3) All applicable laws in effect: A licensee who is within the Arts and Entertainment District shall comply with all laws, rules and regulations which govern its license type.

(4) Size limited to sixteen (16) ounces: No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed sixteen (16) fluid ounces in size. No person shall be in possession of any above prescribed alcoholic beverage container which exceeds sixteen (16) fluid ounces in size on the streets and sidewalks, in parks, or in other public places within the defined Arts and Entertainment District Area.

(5) Drinking from can, bottle, or glass is prohibited: It shall be unlawful for any person within the confines of the Arts and Entertainment District to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private; other than as duly licensed by the State of Alabama and the City of Wetumpka.

(6) Open container laws applicable: Open container laws of the State of Alabama and the City of Wetumpka still govern to the extent that the respective provisions are not strictly modified by

either Section 28-3A-17.1 of the Code of Alabama 1975, Section 28-3A-20.1 of the Code of Alabama 1975 or the provisions of this article.

(7) Authorized Hours (4:00 p.m. to 9:00 p.m.): The above regulations notwithstanding no person shall be in possession of an alcoholic beverage in an above prescribed container dispensed by a duly licensed establishment within the Arts and Entertainment District boundaries on any day or time except Monday through Sunday within the hours of 4:00 p.m. and 9:00 p.m, said times being the only authorized hours for the possession of alcohol as prescribed by this ordinance. However, the City Council may change such authorized days and hours for special events and circumstances by Resolution.

Section 4. Any former Ordinance conflicting with the provisions of this Ordinance is hereby repealed.

Section 5. The provisions of this Ordinance are severable. Should any section, sub-section, schedule, or provision of this Ordinance for any reason be declared void or invalid, such action shall have no effect on the remaining provisions of this Ordinance.

Section 6. This Ordinance shall become effective upon approval and publication as required by law.

ADOPTED AND APPROVED on this the 4th day of October, 2021.

Signed: _____
Jerry Willis, Mayor

ATTEST:

Tiffany Robinson, City Clerk

Under new business, Councilmember Tucker made a motion to enter into a franchise agreement with Spectrum Southeast, LLC. Councilmember Brown seconded the motion with the Council voting unanimously in favor of the motion.

Councilmember Gantt made a motion to award the pest control bid to the lowest bidder, Zap Pest Control. Councilmember Justiss seconded the motion with the Council voting unanimously in favor of the motion.

Permission for the Police Department to purchase surveillance camera (pole camera) was on the agenda for the first time and will return at the next meeting.

Upon a motion by Councilmember Gantt, the meeting was adjourned at 6:36 p.m.

Approved by Council on the _____ day of _____, 2021.

Signed: _____
Jerry Willis, Mayor

ATTEST:

Signed: _____
Tiffany Robinson, City Clerk