



MINUTES OF THE CITY COUNCIL REGULAR MEETING
CITY OF NEW PORT RICHEY

NEW PORT RICHEY CITY HALL COUNCIL CHAMBERS

5919 MAIN STREET, NEW PORT RICHEY, FLORIDA

February 21, 2017

7:00 PM

ORDER OF
BUSINESS

1. Call to Order – Roll Call

The meeting was called to order by Mayor Rob Marlowe at 7:00 pm. Those in attendance were, Deputy Mayor Bill Phillips, Councilwoman Judy DeBella Thomas, Councilman Jeff Starkey and Councilman Chopper Davis.

Also in attendance were City Manager Debbie Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Chief of Police Kim Bogart, Finance Director Crystal Feast, Development Director Lisa Fierce, Fire Chief Chris Fitch, Economic Development Director Mario Iezzone, Public Works Director Robert Rivera, Assistant Library Director Ann Scott, Parks and Recreation Director Elaine Smith, Technology Solutions Director Bryan Weed and Assistant to the City Manager Martin Murphy.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of January 12, 2017 Work Session and February 7, 2017 Regular Meeting Minutes

Motion was made to approve the minutes as presented.

Motion made by Jeff Starkey and seconded by Bill Phillips. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

5. Presentation of Healthy Weight Community Champion Award by the Pasco County Health Department

Michael Napier and Deanna Krautner from the Pasco County Health Department presented the City with the Healthy Weight Community Champion Award. City Council, along with Parks and Recreation Director Elaine Smith, accepted the award on behalf of the City.

6. Proclamation - Thomas Dukeman, Eagle Scout

Mayor Marlowe read the proclamation by title only.

7 Vox Pop for Items Not Listed on the Agenda or Listed on Consent Agenda

Mayor Marlowe opened the floor for public comment. No one came forward for public comment, therefore Mayor Marlowe closed Vox Pop.

8 Consent Agenda

Motion was made to accept the Consent Agenda.

Motion made by Bill Phillips and seconded by Judy DeBella Thomas. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

a Purchases/Payments for City Council Approval

9 Public Reading of Ordinances

a Second Reading, Ordinance No. 2017-2104: Six-Month Cannabis Moratorium

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns stated that this ordinance was brought back to Council with a change in the moratorium to be six months. She stated the state has until July 2nd to implement the regulations. She suggested Council propose an eight month moratorium. Councilwoman DeBella Thomas stated that there was care and concern when the adult entertainment ordinance was crafted and that the same care should be used for this ordinance.

Upon opening the floor to public comment, Kerry Shattles came forward and stated that there are good reasons for the city to pursue the tax revenue that would be generated by cannabis cultivated. The tax revenue could also help the homeless families throughout Pasco.

Rachel Nichols came forward to speak and stated cannabis can also promote health and healthy weights. If the moratorium was enacted today it would be in effect long after the July 2nd date.

Doug Bench came forward to state that Council could use his history in order to change their minds. He is a retired municipal judge and sent a lot of people to jail for marijuana crimes. In April 2015 he went to the doctor and was diagnosed with COPD and was given less than two years to live. His wife researched and found that cannabis oil can cure COPD. In February 2017 he was diagnosed as clear of COPD. He stated that education is a major factor.

Denise Houston came forward and stated that the six month moratorium would be sufficient. She stated that she has been getting petitions signed since 2008. She stated it was time for Council to step up and be a voice. She passed out information to Council regarding cannabis. She stated that this is a zoning issue.

Paul Black came forward and stated that he was in support of the eight month moratorium.

With no one coming forward, Mayor Marlowe returned the floor to Council.

Councilwoman DeBella Thomas stated she wanted to clarify that no one is trying to deny anything. She stated that education on the issue needs to be done. If the legislature comes back in July then the city needs to walk through the issues between now and then. The moratorium does not halt any conversations it allows for the time to learn all of the things that will be required to be in place.

Mayor Marlowe stated he looked to see if the legislature had filed any bills yet. He stated that October 3rd is when things will go in effect. He stated that there would be public workshops between now and then. He stated he felt the eight month moratorium was adequate but would support the six month.

Councilman Davis stated that six months would be the end of August for this to be brought back. He stated he would support six month moratorium.

City Attorney Driscoll reminded Council that the ordinance hearings would need to take place plus the item would need to go to LDRB. This is the reason he suggested the year moratorium.

Deputy Mayor Phillips reiterated Councilwoman DeBella Thomas' comments that Council is not against it but it needs to be carefully placed within the city. He stated he believed the ordinance could be done within a six month moratorium. He said it needs to be made available in the city and that tax revenue would be pursued. At the end of the day he wants to make sure that the people who need it will get it properly. He stated he would support six months.

Councilman Starkey stated that he would support a six month moratorium.

Deputy Mayor stated he would like LDRB members to attend the work sessions.

Motion was made to approve the ordinance upon its second and final reading.

Motion made by Jeff Starkey and seconded by Chopper Davis. The Motion Passed. 4-1. Ayes: Davis, Marlowe, Phillips, Starkey Nays: DeBella Thomas

b Second Reading, Ordinance No. 2017-2107: Firefighters Pensions & Retirement

City Attorney Driscoll read the proposed ordinance by title only. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council.

Deputy Mayor Phillips stated there were a lot of changes and asked for clarification that the changes in the ordinance were more of a housekeeping and clarification issue. He stated he is very concerned and has stated on numerous occasions that he is concerned with pension funds. City Manager Manns replied that the proposed changes were regarding definitions and were in respect to the legislature and IRS tax code.

Motion was made to approve the ordinance upon its second and final reading.

Motion made by Chopper Davis and seconded by Judy DeBella Thomas. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

c First Reading, Ordinance No. 2017-2108: Amending Section 14-23 of the City Noise Ordinance

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that in November of 2016 a noise ordinance was enacted due to resident concerns of noise levels from entertainment in the downtown area. The ordinance being presented proposes some changes to make it easier to work with. She then introduced Chief Bogart who made a presentation to Council.

Chief Bogart stated since the ordinance went into effect there have been over eighty complaints that have been received. He stated that the original ordinance calls for decibel readings to be taken from the property line. He stated that what is being proposed is still the current use of decimeter but for low level sounds to use human hearing so that if an officer can hear the noise within a hundred feet a citation could be issued. This would also apply to motor vehicles as well.

Upon opening the floor to public comment, Gary Brewer came forward and stated he appreciated the ordinance. With no one else coming forward therefore Mayor Marlowe returned the floor to Council.

Councilman Davis asked before a citation is written would there be a team decision and Chief responded no that it is up to the individual officer. Chief stated readings would be made at one hundred feet or better.

Motion was made to approve the ordinance upon its first reading.

Motion made by Jeff Starkey and seconded by Judy DeBella Thomas. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

10 Business Items

a VA Land Assembly Agreement

City Manager Manns introduced the item to Council. She stated staff has been working with Mr. Mark Hefferin with E2L Holdings in regards to the redevelopment of the old Community Hospital site in regards to the proposed VA project. She then introduced Mr. Iezzoni who made a presentation to Council. He stated that the Community Hospital site is being reviewed by the VA as a viable site. Staff has been working with the developer, E2L, on the sight analysis for over a year. Mr. Iezzoni then discussed eleven points which would be highlighted in the agreement. The site would be for 17 acres and a 114,000 square foot facility would be built.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council.

Councilwoman DeBella Thomas asked for clarification of the roads on the map that was shown. She asked about what demolition had already occurred. Mr. Iezzoni stated the the behavioral health building would remain.

City Manager Manns stated that the city would be able to present more information after the SFO is released.

Deputy Mayor Phillips stated he had some points he wanted to discuss. Without reviewing the agreement it was a leap of faith to move forward. He thanked Mr. Iezzoni and Ms. Manns for the work they have done on the project so far. He stated that he wanted to see the 800-1,000 jobs that will be created stay in the city.

Mr. Hefferin came forward to address Council. He stated he has been a general contractor for over thirty years. He has worked on large VA projects in Charlotte and in Pennsylvania. He stated Congressman Bilirakis was instrumental in getting the VA to review the city site.

Councilwoman DeBella Thomas asked Mr. Hefferin to clarify his role in the process. Mr. Hefferin stated he only committed to the city to look at the site.

Councilman Starkey thanked Mr. Rivera, Ms. Manns and Mr. Iezzoni for all of the hard work so far. He stated he was excited for the project and he was confident.

Councilman Davis stated it was nice to finally meet Mr. Hefferin after hearing about him over the last several months.

Motion was made to approve the item as presented.

Motion made by Bill Phillips and seconded by Judy DeBella Thomas. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

b Consideration of Purchase for Two Wastewater Treatment Plant Return Pumps

City Manager Manns introduced Mr. Rivera who presented the item to Council. He stated the equipment will be used in the wastewater treatment plant. The existing pumps were installed in 1988. No additional adapt kits will be needed for installation. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Judy DeBella Thomas and seconded by Chopper Davis. The Motion Passed. 5-0.
Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

c Consideration of Purchase for an Additional LED Video Display Board for Sims Park

City Manager Manns introduced the item to Council. She stated just over a year ago Council approved the purchase of one LED video board for Sims Park. At that time, Council deferred the purchase of an additional board for a year. Since the installation the video board has enhanced the events that have taken place in the park. She stated that Thomas Signs has been willing to honor the original contract pricing that was quoted last year.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council.

Councilman Starkey stated that over a year ago he made a heartfelt speech as to why the signs were important for Sims Park. He stated his expectations have been met with the current sign. He was happy to get one board and is looking forward to getting the second sign.

Deputy Mayor Phillips stated he felt it would balance everything out. He also asked about the sight lines. Mr. Rivera responded that the roots were pruned and the trees were relocated a month ago so they are no longer in the sight lines.

Councilman Davis stated the only things he has seen on the signs are activities that are going on in the park and you have to be in the park to see the advertisements. Mr. Weed replied that the sign is used an enhancement tool and informational guide and cannot be used in any capacity for advertising.

Mayor Marlowe stated he agreed with Councilman Starkey that this should have been done last year.

Deputy Mayor asked if there was any way to reinvestigate to make the sign mobile. Kyle Tobul with Thomas Signs came forward and responded that the cost of the mobile unit would be an additional \$50k in addition to the cost of the screen itself.

Councilwoman DeBella Thomas stated that if you are in the park and an event is going on if the sign was larger you could see better. She stated she did not know if having the board actually enhances the events. To have live feed there are additional needs. She did not know if having a second screen would be the way to go.

Motion was made to approve the item as presented.

Motion made by Jeff Starkey and seconded by Bill Phillips. The Motion Passed. 3-2. Ayes: Marlowe, Phillips, Starkey Nays: Davis, DeBella Thomas

d Quarterly Financial Report

City Manager Manns introduced Ms. Feast who presented the item to Council. She stated the purpose of this item was to provide an overview of the financial condition of the city for the first quarter of FY17. She stated the report included balances along with comparisons of budget to actuals, investments and interest earned. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Judy DeBella Thomas and seconded by Chopper Davis. The Motion Passed. 5-0.
Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

e Board Re-Appointment: Barbara Sullo, Environmental Committee

City Manager Manns introduced the item to Council. She stated the purpose of this item was to re-appoint Barbara Sullo to the Environmental Committee. City Manager Manns stated that Ms. Sullo

has been a valued member of the committee for many years. If approved, Ms. Sullo's term would expire on February 21, 2019. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Chopper Davis and seconded by Jeff Starkey. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

f Board Re-Appointments: John Grey and Daniel Maysilles, Land Development Review Board

City Manager Manns introduced the item to Council. She stated the purpose of this item was to re-appoint John Grey and Daniel Maysilles to the Land Development Review Board. City Manager Manns stated that both gentlemen been valued members of the board for many years. If approved, their terms would expire on February 21, 2020. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Chopper Davis and seconded by Judy DeBella Thomas. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

g Three Minute Report: Public Works Department

11 Communications

Mayor Marlowe attended the Tampa Bay Water meeting on Monday and was happy to report that the Mosaic sinkhole contamination has not spread. He stated April is water conservation month and requested proclamation.

Councilwoman DeBella Thomas stated she attended the TBARTA seminar last week and the issue was timely because the initiative coming out of the SLC is to work together to advocate transportation issues. On Friday she attended a seminar in Pasadena and the city should look into hosting a seminar. She stated she asked for a copy of the power point from the seminar and would pass it along to be distributed to her fellow Council members when she received it. She stated she was very pleased at the groundbreaking for Main Street Landings on Friday.

Councilman Starkey brought up the Go Fund Me page created by Regan Weiss which has raised over \$6k in one day for bridge lighting. Mr. Rivera stated he was aware of the project. City Manager Manns stated the city would work with the county on the project.

Councilman Davis asked if staff had reached out to the four entities that he requested for the Pavement Management Plan committee. Mr. Rivera stated he has talked with several of them and have reviewed their suggestions. He asked that continual outreach be made to the big commercial businesses in the city.

City Manager Manns invited the public to the Main Street Landings groundbreaking ceremony on Friday.

12 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:47 pm.

(signed) _____
Judy Meyers, City Clerk

Approved: _____ (date)

Initialed: _____

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Let's Talk About It

Let's Talk About Spot Zoning

(<http://www.mymedicineconsulting.com/lets-talk-about-spot-zoning>)

1/5/2017

1 Comment (<http://www.mymedicineconsulting.com/letstalk/lets-talk-about-spot-zoning#comments>)

Authors

This blog will be authored exclusively by Irvin Rosenfeld & Hiedi Handford of My Medicine Consulting.

Archives

January 2017

(/letstalk/archives/01-2017)

December 2016

What Constitutes Spot Zoning

The "classic" definition of spot zoning is "the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners."¹

Occasionally, planning boards or commissions are faced with a petitioner's request to re-zone property only to be challenged with an objector's claim that doing so would constitute illegal spot zoning. The plan commission often has a quandary; approve the development and risk making an improper, if not illegal decision, or deny the development which would have financially improved the community. To better assist with this difficult decision, it is beneficial for the commission to understand exactly what "spot zoning" is.

Spot zoning is, in fact, often thought of as the very antithesis of plan zoning. 2 (<http://plannersweb.com/2013/11/understanding-spot-zoning-2/#note-10779-2>) When considering spot zoning, courts will generally determine whether the zoning relates to the compatibility of the zoning of surrounding uses. Other factors may include; the characteristics of the land, the size of the parcel, and the degree of the "public benefit." Perhaps the most important criteria in determining spot zoning is the extent to which the disputed zoning is consistent with the municipality's comprehensive plan.

Counties and municipalities both adopt comprehensive plans for the purposes of stating their long term planning objectives, and addressing the needs of the community in one comprehensive document that can be referred to in making many zoning decisions over

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time.

Comprehensive plans also typically map out the types (and locations) of future land use patterns which the municipality (or county) would like see -- again, these provide guidance for changes in the zoning ordinance and zoning district maps.

The key point: rezonings should be consistent with the policies and land use designations set out in the comprehensive plan.

Importantly, each claim of spot zoning must be considered based upon its own factual scenario. Indeed, some courts engage in a cost/benefit analysis to determine whether the challenged zoning is spot zoning.

Although courts often find spot zoning where the challenged zone is surrounded by other incompatible zones, spot zoning is less likely to occur when the rezoning has "slopped over" by the extension of the perimeter of an existing zone to include the rezoned area.

Additionally, improper spot zoning is less likely when the disputed area is characterized by mixed uses or transitional areas. In other words, spot zoning is more frequently found in residential than in commercial neighborhoods. When holding that spot zoning is invalid, some courts will couch their ruling in in terms of substantive due process -- in other words, that the rezoning was not "reasonably related" to a legitimate state interest. Other courts will frame a ruling upon

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equal protection principles. Regardless, when courts declare such rezoning invalid they must base their declaration on: (1) the lack of connection of the rezoning to a legitimate power or purpose; (2) the lack of the rezoning's conformity to the comprehensive plan; or (3) the rezoning's representing an unreasonable inequality in the treatment of similarly situated lands.

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Countering Spot Zoning

Spot zoning, however, may be countered when the challenged zoning is found to be consistent with a municipality's recent zoning trends in the area, not just with the present surrounding uses. To illustrate the importance that each factual scenario must be closely addressed, rather than merely labeled, it should be noted that one Illinois court found that the rezoning of small parcels inconsistent with the zoning of surrounding areas is not necessarily unlawful. The size of a parcel is just one factor to be considered in determining spot zoning.

A claim of spot zoning may also lack merit, for instance, when the zoning or planning regulations consider the boundaries of the property in dispute to contain a line of demarcation between zoning districts which would appropriately separate one zoning district from another. Most importantly though, if the zoning is enacted in accordance with a comprehensive plan, it is typically not "spot zoning."

*excerpted from [:PlannersWeb.com](http://plannersweb.com)
[\(<http://plannersweb.com/2013/11/understanding-spot-zoning-2/#note-10779-4>\)*](http://plannersweb.com/2013/11/understanding-spot-zoning-2/#note-10779-4)

Zoning Laws

cont.

- **Rezoning:** A revision in zoning law, usually changing an entire zone or area from one type to another
- **Spot zoning:** Similar to rezoning, but typically has small or individual land parcels as its subject rather than an entire zone or area

There's a brief lesson in Zoning and Spot Zoning above - and you may be there wondering

"Why all the Hullabaloo?"

This was a HUGE issue in Colorado and Michigan back in 2011-2013, and many issues still continue today in multitudes of states. We as an industry in Florida must be PROACTIVE within our communities and work diligently to avoid these situations. Making legal errors in these areas is vastly expensive and time consuming, and many times the cost of all of that lands on the patients through upped product costs, delay or services if not entire loss, and complete upset and unrest within the community.

Let's talk about Boulder Colorado - March - 2012

District Attorney Stan Garnett addresses Attorney General John Walsh regarding the zoning of Medical Marijuana Dispensaries.

See letters below

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(<http://www.westword.com/news/marijuana-da-stan-garnett-defends-telling-feds-to-back-off-boulder-mmcs-5883876>)Below, we close with a Public Policy

Brief presented by Michigan State University Extension.

It's a jungle out there folks! Please remember - we're here for you. Be sure to subscribe to our Newsletter **[HERE](#)**

(<http://www.mymedicineconsulting.com/subscribe.html>)If you found this article useful, please share on your social media and e-mail.

Thank you

Hiedi & Irv

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U.S. DEPARTMENT OF JUSTICE

John F. Walsh

*United States Attorney
District of Colorado*

1225 Seventeenth Street, Suite 700
Seventeenth Street Plaza (FAX)
Denver, Colorado 80202

303-454-0100
303-454-0400

March 20, 2012

Stanley Garnett, District Attorney
20th Judicial District
Boulder County Justice Center
1777 6th Street P.O. Box 471
Boulder, CO 80306

Dear Mr. Garnett:

I have received your letter of March 13, 2012 regarding this office's enforcement of federal law prohibiting the sale and distribution of marijuana. Although I welcome the opportunity for continued dialogue on this complex issue, I respectfully disagree with the position your letter outlines.

Federal law unambiguously prohibits all sale and distribution of marijuana. In light of "medical marijuana" laws passed in several states, however, the Department of Justice has given U.S. Attorneys around the country guidance as to the appropriate use of federal law enforcement resources with respect to prosecution of persons using marijuana for medical purposes on the advice of a physician, and their immediate caregivers. In the now well-known *Ogden* and *Cole* memos, the Department leaves enforcement discretion with U.S. Attorney's Offices around the country, counsels that prosecution of persons using marijuana for medical purposes and their immediate caregivers is not ordinarily the best use of federal law enforcement resources, and then reemphasizes that investigation and prosecution of marijuana trafficking remains a priority of the Department, particularly where federal interests require it.

One of those overriding interests – not just for the federal government, but for Colorado government and for local government – is the protection of children and young people from drugs and drug abuse, very much including marijuana abuse. In the second half of 2010 and in 2011, Colorado saw an explosion in the number of marijuana dispensaries, with dozens opening close to schools. This office has reviewed information from many sources, including our public schools, as well as hospitals and medical professionals, that shows an alarming and substantial spike in marijuana abuse by children and young people during that same period.

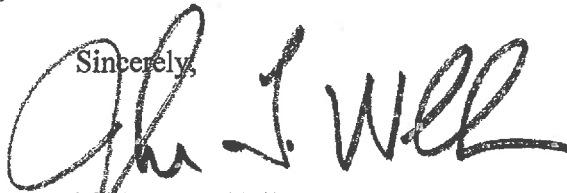
Stanley Garnett, District Attorney
March 20, 2012
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When this disturbing information came to the attention of this office, we concluded that our responsibility – as federal law enforcement officials, and also as Coloradans living in the very Colorado communities impacted by these alarming trends – required a response. As a result, as part of our overall enforcement efforts against marijuana trafficking, this office has undertaken a focused program to enforce federal laws against drug trafficking near our schools. Under that program, we are sending warning letters to every marijuana dispensary we identify that is operating within 1,000 feet of a school. (I should emphasize that this program is only one part of this office's overall enforcement effort, and does not create by implication a safe harbor for marijuana dispensaries or marijuana cultivation in other locations.) Those letters give dispensaries operating within 1,000 feet of a school a 45-day warning period within which to cease operations or face enforcement action, including but not limited to civil asset forfeiture of the properties involved. As a result of the first set of over 20 letters sent in January, all the dispensaries warned closed voluntarily, and no federal forfeiture or other litigation proved necessary.

This office will continue this program until all marijuana dispensaries in Colorado operating within 1,000 feet of a school have been warned and have ceased operations. To be clear, this program is not at the direction of Washington, D.C., but at my direction as U.S. Attorney and as a Coloradan, exercising the discretion that the Department of Justice has left local U.S. Attorneys to take local circumstances into account in determining how best to address the enforcement of federal laws against marijuana trafficking.

I believe that enforcing federal law to protect our children and young people from drug abuse is not only a legitimate use of federal resources, but a core responsibility for me and this office – and I believe that is our duty as Coloradans as well. That view has only been confirmed by the outpouring of thanks and appreciation this office has received from Coloradans in affected communities for our program to close marijuana dispensaries near schools.

The District Attorney's Office for the 20th Judicial District and the United States Attorney's Office have a long history of cooperation on law enforcement matters, and I look forward to continuing that cooperation.

Sincerely,

JOHN F. WALSH
United States Attorney

JFW/je



City Council Corner
YOLANDA ROMAN
 Gulfport City Council Member, Ward 3

FEBRUARY 2017

HOME



Stay updated on what's happening right here in the City of Gulfport, working together to continue making our city a great place to live, work and play!

Amendment 2: Medical Marijuana & Temporary Moratorium / UPDATED FEB. 7

February 11, 2017

At the February 7, 2017 Gulfport City Council meeting, we voted on **Resolution No. 2017-14**, "imposing a moratorium on the establishment of medical marijuana dispensing facilities and treatment centers." The intent of the Resolution is to enable City Staff sufficient time to **"review, study, and comply with all applicable codes, regulations, laws, and policies."** This decision is in line with numerous other municipalities. It is important to note that access to medical marijuana for patients is critically important. Accordingly, the Department of Health and the State Legislature are busy developing the rules to effectively implement Amendment No. 2. The moratoriums are temporary, including Gulfport's.

On a recent call with the Florida League of Cities, which included City Staff, Law Enforcement and other experts, some of the key issues that cities must be aware of and ready to address via zoning and other ordinances include:

- Amendment No. 2 established a 6 month deadline (August 3, 2017) for the DOH to issues regulations; patient ID cards and treatment facility licenses are to issue by November 3, 2017
- Cities must develop "marijuana facilities zoning codes" (classifying all three); some may look to treat marijuana facilities in the same light as facilities serving/dispensing alcohol; fire safety codes must be updated to address medical marijuana use within facilities, public areas and the workplace
- Since treatment facilities are able to administer, dispense and store marijuana, city codes must address odors, security, waste disposal, ventilation, storage, etc.
- Growing facilities will cultivate marijuana (not dispense or administer) and cities must modify "fire safety plans and fire codes" (these facilities require extremely powerful and high electrical needs); they will also be required to request a "certificate of use" from cities, for use in their state applications; growing facilities are highly industrial, with high chemicals use
- Cities must also develop appropriate rules and policies for the work environment; cities can potentially be sued if a card-carrying person is prevented from using marijuana in the workplace; personnel manuals must address how to respond to individuals who may be impaired, as well as the handling of machinery or driving city vehicles
- Cities must address and develop ordinances specifically on proximity to schools and churches
- The Legislature must also develop and work with DOH on rules and regulations; Senator Dudley proposes to expand the number of dispensaries and ensure less red-tape; the Bradley Bill proposes to continue current path and consider more dispensaries as more people sign-up; the Brandes Bill (SB 614) develops a regulatory framework for medical marijuana -- increase the number of treatment centers, issue 4 distinct licenses (grow, process, transport or dispense), limit dispensary license to one for every 25,000 people in a county, give local governments ability to prohibit dispensaries within city limits and no advertising
- Up in the air is the issue of taxing or not taxing medical marijuana -- no answer to date; is it cigarette-like or a prescription; prescriptions laws are federal; currently in Florida...medical marijuana is NOT handled as a prescription; its use is illegal, unless the patient seeks a state decision (waiver) against federal law

Original Summary Below -- Published January 27, 2017

ORDINANCE NO. 8995-17 -- Constitutional Amendment 2 / Medical Marijuana

During my City Council comments at the **January 3, 2017 Gulfport City Council meeting**, I shared that Amendment 2 ("Use of Marijuana for Debilitating Medical Conditions"), approved by Florida voters on November 8, 2016, took effect on January 3. The Amendment enables the **expansion of dispensaries and distributors, as well as "Medical Marijuana Treatment Centers."** These centers are able to "cultivate, possess, process (e.g., foods, tinctures, aerosols, oils, or ointments), transfer, transport, sell, distribute, dispense, and administer medical marijuana." They may also dispense products containing marijuana, related supplies and educational materials. The issue that has arisen for municipalities is that there is little information and direction on how to handle these new facilities, specifically permitting and zoning.

The Florida Department of Health (DOH) and the State Legislature were given **six months from November 2016 to develop regulations pertaining to the medical marijuana treatment centers** -- state registration requirements, storage, security, record keeping and maximum amount of medical marijuana that can be kept on hand. The Legislature met in December 2016 to begin this process, with additional meetings with the DOH during the first quarter of 2017. It is estimated that regulations may be completed and **available to municipalities by May or June 2017.**

It is important to note that non-medical use marijuana continues to be a Schedule I drug, thus illegal under federal law. Prior to Amendment 2, Florida has had and continues to have the "Compassionate Medical Cannabis Act of 2014," which makes available low level THC marijuana (e.g., Charlotte's Web) for patients with cancer or chronic seizures.

NOTE: We will be discussing this at the February 7, 2017 Gulfport City Council meeting.

Actions Being Taken by Florida Cities and Counties

Since Florida now goes from a handful of marijuana providers to many new distributors, dispensaries and treatment centers statewide, **municipalities find that they need time to get and understand the anticipated state regulations once they issue (May/June 2017).** Municipalities will have to consider, or at least assess their state of readiness, what zoning and permitting ordinances are required for facilities that cultivate, dispense and distribute medical marijuana. It is likely that most will amend their Code of Ordinances on land use. Right now, there is **a robust list of Cities and Counties adopting "temporary moratoriums" on approving dispensaries, treatment centers and distributors within city or county limits.** Below is information on city/county actions throughout Florida.

- The **City of Clearwater** passed an ordinance "imposing a temporary moratorium on the operation of any additional dispensing organizations that dispense low-THC cannabis or medical cannabis or on the operation of medical marijuana treatment centers...for a period of six months." The moratorium, which terminates

State Legislative Appropriations Request: Contacting Senator & Representative -- Private Lateral Lines
 February 15, 2017

Dangerous Animals -- Gulfport & County Ordinances
 February 15, 2017

To Kill A Mockingbird -- A Black History Month Event
 February 14, 2017

Pinellas County Wastewater/Sewer Task Force: Recommendations (Includes Gulfport)
 February 14, 2017

Amendment 2: Medical Marijuana & Temporary Moratorium / UPDATED FEB. 7
 February 11, 2017

Equal Standing to the LGBTQ Community Under Every Facet of Rights
 February 8, 2017

Gulfport 2017 MLK Day of Service and MLK Day Parade
 January 16, 2017

Next Coffee Chat: January 28, 2017
 January 3, 2017

Happy New Year!
 December 31, 2016

** CY 2017 -- City Priorities, My

Priorities **
[December 29, 2016](#)

Sewers/I&I Project
Update (Stay
Informed)
[December 27, 2016](#)

Thank You: Senior
Center Holiday Food
Drive 2016
[December 21, 2016](#)

December 2016 Fun
Photos
[December 20, 2016](#)

Private Lateral Sewer
Lines -- City
Replacement
Program (A Proposal)
[December 3, 2016](#)

Formula (Chain)
Stores in Gulfport
[November 30, 2016](#)

November 2016 Fun
Photos
[November 29, 2016](#)

Gulfport MLK Day of
Service 2017 -- Jan 14,
2017
[November 28, 2016](#)

Gulfport Senior
Center "Holiday Food
Drive"
[November 13, 2016](#)

Gulfport and
Elections
[November 12, 2016](#)

Drive-Through --
Conditional Use to a
Permitted Use
[October 28, 2016](#)

Lateral Sewer Lines &
Vacuum/Pumper
Trucks
[October 26, 2016](#)

October Fun Photos...
[October 25, 2016](#)

Coffee Chat: Sat.,
10/29
[October 12, 2016](#)

Sewer Infiltration &
Inflow Improvement
Plan (Gulfport)
[September 28, 2016](#)

Gulfport FY 2017
Budget Adopted --
Sept 20
[September 27, 2016](#)

June 3, 2017, is necessary to allow the City to study and develop regulations specific to "cultivating, processing, distributing or selling cannabis or related activities." They also want to address "potential adverse impacts on health, safety, and welfare of residents." Some of the safety issues they are concerned about includes potential robberies, impact on nearby businesses, nuisance problems and increased DUI incidents.

- Example of **cities and counties with medical marijuana (distributor, dispensary and treatment center) moratoriums** include: St Pete Beach, Tallahassee, Miami Beach, Bonita Springs, Bradenton Beach, Gulf Breeze, Orange County, Wilton Manors, Winter Garden, Jacksonville Beach, Sarasota, Orange Park, Palm Coast County, Marathon, Manatee County, Flagler County, Apopka, Bay County, Zephyrhills, Largo, Deerfield Beach, Pompano Beach, Delray Beach, Boca Raton, Port St Joe, Seminole, Coconut Creek, Long Boat Key and others.
- The **Pinellas County Board of Commissioners** discussed at their January 10, 2017 regular meeting a proposed "moratorium on the establishment of medical marijuana dispensing facilities and treatment centers for a period 180 days." The moratorium gives the County time to develop zoning requirements specific to entities (currently not in the County Codes), as well as develop criteria on numbers and locations. **On January 24, 2017, County Ordinance No. 17-05 was discussed and adopted.**

Gulfport and Dispensaries, Distributors and Treatment Facilities

First, it is clear that in the state of Florida, due to Amendment 2, we will now have a **medical marijuana program that will greatly assist and improve the health care management of patients suffering from very debilitating conditions.** Currently, there are only a handful of dispensaries that are providing medical marijuana via the Charlotte's Web framework. It is important for the State Rules to issue promptly to enable expanded access to care.

At this time, **we may also want to consider a "temporary moratorium" for medical marijuana dispensaries, distributors and treatment facilities within the City of Gulfport city limits.** This would only be for a short period of time, enough for us to get the DOH/State Legislature regulations and know exactly what we can and can't do. During this time, City Staff will also be able to study and design any applicable ordinance (zoning/permitting) changes that may be needed. No doubt that Gulfport will do the right thing keeping the best interest of resident's paramount, as well as meeting the needs of patients needing access to medical marijuana.

Florida Department of Health -- OCU Public Comment Form

"Thank you for participating in the Florida Department of Health Office of Compassionate Use rulemaking process. The Office of Compassionate Use, enacted by the Compassionate Medical Cannabis Act of 2014, oversees Florida's medical marijuana infrastructure. This infrastructure includes approved dispensing organizations, qualified ordering physicians, and the online Compassionate Use Registry. As we move forward with **implementation of Amendment 2, we are interested to hear from our constituents.** To provide public comment, please fill in the fields below." <http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/comment-form/index.html>

DOH issued January 17, 2017 their intent to develop the Rules: <https://www.flrules.org/gateway/ruleNo.asp?id=64-4.012>

DOH is also holding Public Workshops across the state to seek comments from the public and others on the "Draft Rules Language." <http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/resources/documents/170125-bi-weekly-update.pdf>

The Department has initiated rulemaking to implement Amendment 2...The Department will be holding **five regional workshops in February.** These workshops are open to the public and attendees are encouraged to provide comments.

- **Monday, February 6, 2017,** 2 p.m. – 4 p.m. Duval County Health Department 900 University Blvd. North, **Jacksonville, FL**
- **Tuesday, February 7, 2017,** 10 a.m. – noon Broward County Health Department 780 SW 24th Street, **Fort Lauderdale, FL**
- **Wednesday, February 8, 2017,** 9 a.m. – 11 a.m. Florida Department of Health, Tampa Branch Laboratory 3602 Spectrum Blvd., **Tampa, FL**
- **Wednesday, February 8, 2017,** 6 p.m. – 8 p.m. Orange County Health Department 6102 Lake Ellenor Drive, **Orlando, FL**
- **Thursday, February 9, 2017,** 4 p.m. – 6 p.m. Betty Easley Conference Center 4075 Esplanade Way, Room 148, **Tallahassee, FL**

Florida Amendment 2 and Other Resources

- On the November 2016 voter ballot.
- Name of the Constitutional Amendment: Use of Marijuana for Debilitating Medical Conditions
- Passed with an overwhelming voter support of 71.32%.
- Medical marijuana can now be used with patients diagnosed with cancer, epilepsy, glaucoma, HIV, AIDS, post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease and multiple sclerosis.
- Full text of Amendment 2 (alongside the other ballot initiatives): <http://dos.myflorida.com/media/696216/constitutional-amendments-2016-general-english-booklet.pdf>
- Pinellas County Moratorium Ordinance No. 17-05: file: <https://pinellas.legistar.com/LegislationDetail.aspx?ID=2918638&GUID=F7367243-75A7-48FE-B87A-01B781D98598>
- St. Pete Beach Temporary Moratorium: <http://www.stpetebeach.org/mcaes/stories/city-clerk/pdfs/Ord/2016/2016-25.pdf>
- Town of Long Boat Key Temporary Ordinance: <http://www.longboatkey.org/docview.aspx?doctype=1&docid=45827>
- City of Ft. Lauderdale Temporary Moratorium: <http://www.fortlauderdale.gov/home/showdocument?id=19284>
- City of Wildwood Florida Temporary Ordinance: http://www.wildwood-fl.gov/vertical/sites/%7B2B1FDA13-2F94-4097-8D07-352D07554D9B%7D/uploads/O2014-45_Moratorium_on_Marijuana.pdf
- City of Bradenton Temporary Ordinance: <http://www.cityofbradenton.com/vertical/Sites/%7B2D1C3C91-86C5-4ACC-86B6-6CFA76381D46%7D/uploads/DOC030.pdf>

