

**MINUTES OF THE MARCH 27, 2018
REGULAR MEETING
GREEN COVE SPRINGS PLANNING AND ZONING BOARD**



CALL TO ORDER

The regularly scheduled meeting of the Green Cove Springs Planning and Zoning Board was held on Tuesday, March 27, 2018 in the City Council Chambers, 321 Walnut Street, Green Cove Springs, Florida.

Chairman Francis called the meeting of the Planning and Zoning Board to order at 5:00 p.m.

ROLL CALL

Board Members Present: Marilyn Haddock
Sara Spurrier
Robert Lewis
Ed Gaw, Vice Chairman
Henrietta Francis, Chairman

Staff Members Present: Danielle Judd, City Manager
L.J. Arnold, III, City Attorney
Janis Fleet, Development Services Director
Micah O'Shields, Development Services Rep.

Board Members Absent: None

Staff Members Absent: None

BOARD BUSINESS

A MOTION WAS MADE BY BOARD MEMBER HADDOCK TO APPROVE MINUTES FROM THE FOLLOWING MEETINGS JANUARY 30, 2018 AND FEBRUARY 27, 2018, THE MOTION WAS SECONDED BY BOARD MEMBER LEWIS. THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL: AYES – BOARD MEMBERS HADDOCK, SPURRIER, LEWIS, VICE CHAIRMAN GAW AND CHAIRMAN FRANCIS. MOTION PASSES 5-0.

PUBLIC HEARING

AN ORDINANCE OF THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA ADDING A DEFINITION OF DRUGS/DRUG SALES TO CITY CODE SECTION 86-3 TO INCLUDE MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY (“MMTC”); AND CREATING A NEW CITY CODE SECTION 102-421 TITLED “CONDITIONS FOR A MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY”; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND SETTING AN EFFECTIVE DATE.

Ms. Fleet introduced the item. On November 18, 2017, Florida voters approved the use of medical marijuana in the state. Over 70% of citizens in Green Cove Springs voted for the constitutional amendment. The Planning & Zoning Board has been provided with a copy of the legislative rules that would allow medical marijuana treatment facilities where pharmacies are permitted.

The City Council passed two ordinances for moratoriums on medical marijuana, Ordinance No. O-16-2016 was passed in April 2016 for one year and Ordinance No. O-17-2017 was passed in November 2017 for an additional six months which will expire on May 15, 2018. Staff sought guidance from City Council on whether they would like to ban the sale of medical marijuana in the City or to allow it where pharmacies are allowed.

The Code currently allows Drugs/Drug Sales in the RPO, C1, C2, CBD, GCN, GCC, either by right or special exception.

Ms. Fleet stated that the City Code Section 86-3 will be amended to add the definition of drug and drug sales and Section 102-421 will be amended to add the conditions for the Medical Marijuana Treatment Center Dispensing Facility. Included in this section will be advertising, times for dispensing, restrictions on location, not being allowed within 500' of a public or private school, as well as being compliant with all state laws. She referred to the map with the 500 ft. around private and public schools in the City.

City Attorney Arnold added to the ordinance to the second page of the ordinance Section 102-421 subsection (2) and stated that the following should be added to the ordinance "No dispensing from premises of marijuana or marijuana delivery devices between the hours of 9 p.m. and 7 a.m. but may perform all other operations and deliver marijuana to qualified patients 24 hours a day". This is located in Florida Statute 381.786 (11)(2)(2017).

City Manager Judd inquired as to adding the definition of medical marijuana treatment center dispensing facility. City Attorney Arnold said that was all in the statutes

City Manager Judd responded that she was aware but because this new section is being created, shouldn't it be defined as well.

City Attorney Arnold said that anything that helps when you read this is fine. He will take it from the State Statute and add it as an additional definition in our own code.

Chairman Francis asked the Board if there had been any exparte communication.

Public hearing was opened with no public in attendance was closed at 5:09 p.m.

Board Member Haddock mentioned that she had spoken with Van Royal regarding how she felt about the ordinance. She advised Mr. Royal she was in favor of the ordinance as long as it was in a proper commercial area.

Board Member Spurrier asked how many treatment facilities can be in Clay County.

City Attorney Arnold advised that the city does not control the number of dispensing facilities. It is set by state and depends on the population of the registry. The City is part of the Northeast region.

Ms. Fleet added that the Northeast Region includes Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns, Suwannee and Union Counties.

City Attorney Arnold states that the State Registry is for those who have been authorized. It's based on the number of people registered in the state registry, listing everyone prescribed medical marijuana. The Department of Health will also have regulations.

Ms. Fleet referenced subsection 8(5)(b) which discusses the maximum number of dispensing facilities allowed in each region.

City Attorney Arnold added that if there are too many dispensaries, a provision exists that would reduce the number by merger.

Board Member Haddock inquired as to townships like Green Cove Springs because in the statute it only references counties.

Ms. Fleet advised that it is by county and counties in the region, it is not by municipalities.

Ms. Haddock noted that subsection 10 (c)(e) reads as if cultivating and dispensing go together.

City Attorney Arnold responded that is the overall operation, there are still going to be separate dispensing facilities. This board is either going to recommend dispensing centers or they would just dispense it out within the community, they are allowed to deliver 24 hours a day. Not too many illegal things are going to happen as they can be fined and there are criminal penalties as well.

Board Member Spurrier asked who would prosecute.

City Attorney Arnold replied that the State Attorney probably in Circuit Court in the County. It could depend on the severity of the violation if there would be a fine or warning.

Ms. Fleet added that a limited number of physicians would be able to prescribe medical marijuana and in addition the dispensing is limited to certain diagnosis. Physicians will have to have their certification or they will be fined.

Ms. Spurrier asked who will control the cost.

Mr. Arnold responded and stated that there is a section in the Statute that covers advertisement and requires them to put down the different costs for various products. He didn't know if the state will regulate the retail cost.

Ms. Haddock would prefer seeing a free standing dispensary vs Walgreens or CVS, which already can't keep up with the prescriptions. Ms. Fleet responded stating that there is a free standing facility in Mandarin and Orange Park. Right now they won't be going in CVS and Walgreens.

Ms. Haddock questioned if the board was to recommend areas to Council based on this map.

Ms. Fleet replied that the areas within the circle are areas where you could not place a facility because the state statutes requirement says not within 500' of a school. City Attorney Arnold added that you can lessen the 500' by special ordinance in the statute, were following state statute.

City Attorney Arnold referenced Section 15 of the Statute, where employers don't have to provide employees with accommodations for the use of medical marijuana. Employees will have no rights to sue if discharged for use of medical marijuana.

Ms. Haddock asked the Board if they would like to add to the motion a recommendation to City Council a definition of prescribed drugs/drug sales.

Ms. Fleet suggested if there is something that you would like to add such as medical marijuana dispensing facility definition that would be under Code Section 86-3. Then under section 102.421 (2) the addition of all other operations and delivery of marijuana to qualified patients 24 hours a day.

BOARD MEMBER HADDOCK MADE A MOTION TO RECOMMEND TO CITY COUNCIL AN ORDINANCE OF THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA ADDING A DEFINITION OF PRESCRIBED DRUGS/DRUG SALES, A DEFINITION OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY TO CITY CODE SECTION 86-3 TO INCLUDE MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY (“MMTC”); AND CREATING A NEW CITY CODE SECTION 102-421 TITLED “CONDITIONS FOR A MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY”. THE MOTION WAS SECONDED BY BOARD MEMBER LEWIS. THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL: AYES – BOARD MEMBERS HADDOCK, SPURRIER, LEWIS, VICE CHAIRMAN GAW AND CHAIRMAN FRANCIS. MOTION PASSES 5-0.

BOARD DISCUSSION

Vice Chairman Gaw discussed the upcoming Food Truck Friday, to be located in the vacant lot behind the Clay Theater. This will be held once per month on a Friday every month through August. There will be food trucks and live music. Ads are being run in the Clay Today and Neighbor to Neighbor. He will go before City Council on April 3rd and plans to have one off duty Police Officer on site for public relations and directions.

Ms. Judd mentioned the available parking in the old police station lot, the City Hall lot, along with on street parking. Previously, the City has had officers on either side of 17 getting attendees across safely, and that is doable in the future. The number of Police Officers for the first event is fine.

Ms. Spurrier mentioned the safety of our guests crossing US 17 and Ms. Haddock mentioned requesting a sign from the Police Department notifying drivers of congested traffic in the area, the previous Police Chief allowed it but not for advertising purposes, the signs have been provided for previous events.

Vice Chairman Gaw mentioned that shop owners would like to see a sign pointing west to historic shopping, similar to the sign pointing east to Spring Park and the dock.

STAFF COMMENTS

Ms. Fleet advised that the St. Johns PUD is scheduled to come back before them at the next meeting but the applicant could once again defer. She will inquire next week.

ADJOURNMENT

There being no further business to come before the Planning and Zoning Board, this meeting was adjourned at 6:00 p.m.

City of Green Cove Springs, Florida

Henrietta Francis, Chairman

Janis K. Fleet, AICP
Development Services Director