

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following roll call vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: ORD. No. 2017-60

31. [17-574](#) **P.H. 2017-87: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA DECLARING ZONING IN PROGRESS AND IMPOSING A TEMPORARY SIX MONTH MORATORIUM ON THE ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS AND ON THE PROCESSING OF APPLICATIONS INVOLVING USES RELATED TO MEDICAL CANNABIS; PROVIDING FOR EARLY TERMINATION UPON PASSAGE OF ORDINANCES REGULATING MEDICAL CANNABIS USES IN THE CITY PRIOR TO EXPIRATION OF THE MORATORIUM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

Mark Berman, City Attorney, presented the item and indicated that the item was discussed at the prior Commission meeting. The City had prepared its ordinances for medical marijuana in the City, which was usurped by the action of the Florida Legislature and basically “tied our hands” as to what municipalities could do in terms of locating medical marijuana treatment centers, and distribution facilities, as well as banning medical marijuana dispensing facilities in the City.

Mr. Berman indicated that should the Commission pass this ordinance, staff would recommend that item 32 be stricken. He indicated that daily staff continues to review new information regarding the subject, which has diverse and changing opinions on it. In fact, Mr. Berman indicated he will be attending a seminar where city attorneys statewide will be gathering to discuss the topic. Hopefully, there will be additional insight because currently the legislation is confusing, poorly worded, conceived and implemented.

Finally, Mr. Berman indicated that the Development Services staff is recommending a temporary moratorium, which will allow further review and to return to the Commission with additional recommendations in September. Mr. Recor concurred with the comments made by Mr. Berman.

Comr. Sobel indicated that he supports the moratorium while analyzing and receiving more information, however, he would not want the City to lose its standing on the pre-existing ordinance.

Mr. Berman explained currently, they do not know what the legislature will do, which is one of the reasons for the moratorium and the zoning in progress. Therefore, the more prudent course of action might be to ban the distribution centers and if the legislature makes a change the City can regulate. However, as staff receives more information they will return to the Commission with recommendations for their consideration.

Comr. Perkins asked if the item could be tabled, since it is unknown at this point.

Mayor Fisher explained that it actually provides for a moratorium to do nothing until staff return with updated recommendations to the Commission.

Mark Berman, City Attorney recommended that the item be declared an emergency for second reading tonight, since the Commission will not be meeting until September after this meeting. He said staff would like to get an ordinance in place.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried. by a unanimous voice vote.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to declare the Item an Emergency and that the Ordinance be ADOPTED. The motion carried by the following roll call vote:

Enactment No: ORD. No. 2017-61

32. [17-529](#) **P.H. 2017-76: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING ORDINANCE NO. 2017-42; AMENDING CHAPTER 115, "MISCELLANEOUS BUSINESSES," BY CREATING SECTION 115.28, "MEDICAL MARIJUANA," TO BAN MEDICAL MARIJUANA USES WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

TABLED FROM JULY 11, 2017

(Staff Contact: David Recor/Jean Dolan)

Mark Berman, City Attorney presented the item and recommended that the Commission strike the item.

A motion was made by Commissioner Hardin, seconded by Vice

Mayor Burrie, that the Ordinance be STRICKEN. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

33. [17-571](#) **P.H. 2017-86: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 91, "BOATS AND WATER RECREATION," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 91.14, "WATER TAXIS," TO MODIFY REQUIREMENTS FOR OPERATION OF WATER TAXI SERVICES IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

Horacio Danovich, Capital Improvements Project Manager, presented the item and indicated the item is seeking a minor modification to the existing ordinance Chapter 91, "Boats and Water Recreation." He explained in detail the reasons for modifying the language, stating that when someone applies for a water taxi license they will need to enter into a license agreement with the City. The City after reviewing the agreement will ensure its criteria is being met.

Comr. Hardin asked if the Marine Advisory Board was involved in discussion regarding the item.

Mr. Danovich responded yes.

Mayor Fisher stated due to the time sensitive issue regarding the item that the item be declared an emergency for Second Reading.

Horacio Danovich, Capital Improvement Projects Manager, stated that there were no further comments regarding the item.

Comr. Sobel asked about the information that would protect the water taxi, the park and the residents in the area regarding the fencing. He understands there were some issues in getting contractors on board but it should have been included as part of the project. Therefore, it would be prudent that any further information could be provided by Mr. Danovich regarding the fencing, which could be included in the motion to approve the Water Taxi project.