

Ms. Dolan responded that there is a related ordinance that will go to the City Commission on December 12. This would restrict vendors from using Styrofoam products for events in City parks.

Ms. Coleman requested that staff look into whether the depth of canals should be 4' or 5' deep.

Ms. Dolan responded that she would look into this.

Mr. Stacer opened the hearing to the public. Hearing none, the public hearing was closed.

MOTION was made by Tony Hill and second by Carla Coleman to recommend approval of the text amendments to the Goals, Objectives, and Policies in the Coastal Zone Management Element of the Comprehensive Plan. All voted in favor of the motion; therefore, the motion passed.

**8. CHAPTER 155 ZONING CODE TEXT AMENDMENTS:
MEDICAL MARIJUANA**

The City's 6-month moratorium on Medical Marijuana is set to expire on January 25, 2018. Therefore, staff has prepared amendments to the City's Medical Marijuana Ordinance 2017-42, which was adopted prior to the enactment of the State Medical Marijuana regulations in F.S. 381.986. The proposed text amendments maintain the City's regulation on the location of certain medical marijuana related businesses while adopting a ban on medical marijuana dispensaries as allowed by F.S. 381.986.

Ms. Jean Dolan, Principal Planner, presented herself to the Board. She stated that the City passed an Ordinance to regulate medical marijuana in April 2017. Subsequent to adoption, the State passed legislation that restricted local regulation of marijuana uses while also giving the option for local jurisdiction to outright ban marijuana dispensing. The City Commission passed a 6-month moratorium on all medical marijuana uses due to the confusion. This moratorium will soon be over. The current proposal will keep the original ordinance largely intact as it relates to the growing of medical marijuana but ban dispensaries. Some terminology included in the state legislation has been adopted to local code. After consulting with the City Attorney, it was determined that the State regulation is prospective and so does not completely wipe out the previous City Ordinance.

Dr. Mills stated that he is upset with the decision to ban the dispensaries.

Ms. Dolan stated that if the City decides to allow medical marijuana dispensing, the City would have to look at how the City regulates pharmacies because State law would not allow the City to treat the two any differently. She reiterated that growing would be allowed as well as the fact that doctors in the City would be able to prescribe it.

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

Mr. Berman noted that the State's requirements may change. The State tied the City's hands as far as Planning and Zoning goes. He reiterated that the since City's Ordinance was passed before this prospective state legislation, it is not completely invalidated.

Ms. Coleman expressed her discomfort in this policy decision. She noted that opioids are dispensed in pharmacies everywhere even though we are experiencing a crisis in opioid abuse. She feels uncomfortable restricting a drug that is no longer illegal and that it is not appropriate for individuals who are not physicians making these kinds of restrictive decisions.

Mr. Klosiewicz asked what the definition of "medical marijuana" is.

Ms. Dolan responded that it is well defined and would include any derivative of the marijuana plant.

Mr. Klosiewicz asked how this is regulated differently than opioids are.

Ms. Dolan responded that she is not familiar with opioid regulations. She pointed out, however, that federal law still considers marijuana an illicit drug whereas opioids are legal.

Ms. Eaton stated that there would still be medical marijuana treatment centers and asked if these facilities would be permitted to dispense.

Ms. Dolan responded that they would not. She stated that even dispensing out of a doctor's office would be prohibited.

Ms. Eaton asked how the State's requirement that companies handle the process all the way from growing to sale fits with the City's proposal.

Ms. Dolan stated that the State licenses Medical Marijuana Treatment Centers (MMTCs), but the City can prohibit sales.

Mr. Klosiewicz asked if medical marijuana would be smoked.

Ms. Dolan stated that there was some prohibition of smoking in the state statute, but she expects that prohibition to be challenged.

Mr. Berman stated that the State in one section of the statute defined MMTC as the grower, treatment center, dispensaries, etc. In another section, however, the State allows outright bans of these "facilities". The State needs to either correct and clarify this or allow local jurisdictions the option of regulating. A decision can't be made on how the City is going to find a path forward until there is input from the Planning and Zoning Board and the City Commission.

Mr. Hill stated that he would like to keep the Ordinance in place. He doesn't want to restrict medical marijuana to parents who feel like it can help their children, but he also feels that the Ordinance was a nice compromise. He stated that he is confused by the definition of MMTC.

Ms. Dolan stated that the MMTC is defined in the State Statutes and that the City would restrict the dispensing while permitting all of the other aspects. She suggested that it might be helpful to think of an MMTC as a company and not strictly as a brick and mortar location. She reiterated that dispensing is not allowed per the standards proposed.

Dr. Mills stated that the Ordinance that was passed was a good alternative and he feels that it should be upheld even if that means the City might be taken to court.

Ms. Eaton feels that there will be court challenges on both sides and that there will be many opportunities to address this in the future.

Mr. Stacer asked Mr. Berman if a change at the state level would allow the City to alter the regulations. He asked if the City would be in an adverse position to change with the State.

Mr. Berman stated that the City's ordinances could always change. The only thing that is clear in the State's regulation is that the City can ban the dispensing.

Dr. Mills asked if the current Ordinance could stand until someone challenged it.

Mr. Berman stated that this is a possibility. He added that the wording would need to change someone in order to correspond to State statute.

Mr. Klosiewicz asked if the proposal would be more restrictive than what is already in place.

Ms. Dolan confirmed that it would be.

Mr. Stacer opened the hearing to the public. Hearing none, the public hearing was closed.

MOTION was made by Rhonda Eaton and second by Richard Klosiewicz to recommend approval of the amendments to the City's Medical Marijuana Ordinance 2017-42. Rhonda Eaton and Richard Klosiewicz voted in favor. Carla Coleman, Tony Hill, Jerry Mills, Fred Stacer voted against. Therefore, the motion failed.