

COUNCIL WORKSHOP

A Council Workshop was held on February 26, 2018 at 7:00 p.m. at the Alice Hall Community Center.

President Knight called the meeting to order. Roll call was taken. Present were members Ken Burgess, Kenneth Compton, Alan Knight, Charlie Proctor, Lance Smith, and Mayor Whitfield. City Manager Steve Spina and City Attorney Matthew Maggard were also present.

Staff present: Police Chief Derek Brewer, Fire Chief Brian Swartout, Utilities Director John Bostic, Public Works Director Shane LeBlanc, Building Official Bill Burgess, Director of Planning Todd Vande Berg, IT Director Mike Panak, Airport Manager Nathan Coleman, CRA Director Gail Hamilton, Main Street Coordinator Anna Stutzrien, Assistant Planner Rodney Corriveau, GIS Tech Kevie DeFranc, Assistant Clerk Jessica Carter and City Clerk Lori Hillman.

WORKSHOP ITEM

1. Medical Marijuana

Director of Planning Todd Vande Berg said this workshop is to discuss Medical Marijuana Treatment Center (MMTC) dispensary facilities. He said the state is clear, MMTC dispensary facilities are allowed under the same zoning as pharmacies which is Community Commercial (C2) and Office Professional (OP).

City Attorney Matthew Maggard narrated a PowerPoint presentation outlining the 2014 “Compassionate Medical Cannabis Act,” the 2016 “Right to Try Act” and “Amendment 2” which amended the Florida Constitution in 2016 to allow medical marijuana on a broader basis to more patients. He said the City enacted a Medical Marijuana Moratorium in an effort to analyze the amendment and how it would impact the City’s zoning regulations. He said in hindsight that was a wise decision by the City.

Mr. Maggard said Pasco County spent a lot of time, effort and resources to create an ordinance outlining extensive codes and regulations. During a Special Session in 2017, the senate passed Senate Bill (SB) 8A which preempts local governments’ ability to regulate medical marijuana treatment centers. He said Pasco County had to repeal their ordinance. The cultivation, processing and packaging is preempted to the state of Florida, local governments have no authority to regulate those three areas of the MMTC’s in any capacity.

Mr. Maggard said local governments have two choices: 1). They can ban Medical Marijuana Treatment Center dispensing facilities but cannot ban the cultivation, processing or packaging. He said the City can ban the dispensing facilities which is the retail pharmacy or, 2). Allow MMTC dispensary facilities in the same locations, without limitation on numbers, as pharmacies. Mr. Maggard said as the City’s Attorney, he has concerns on the outright banning of dispensing facilities. He said at some point there is going to be a lawsuit to challenge the statute. He does not recommend the City ban the dispensing facilities because he believes a future lawsuit is eminent.

Mr. Maggard said the City cannot charge a license or permit fee in any greater amount than they charge pharmacies. He said the state of Florida has mandated the Department of Health create rules and regulations and oversee all Medical Marijuana Treatment Centers. The Department of Health created the Office of Medical Marijuana Use to carry out the mandates of SB 8A which is an extensive process. He said there are currently seven MMTC’s that produce, process and distribute product through their retail establishments.

Mr. Maggard said under the “Right to Try Act” MMTC’s are not allowed to sell or distribute other products, only medical or low THC cannabis. He said the City needs to make a decision within the next couple of meetings.

GIS Tech Kevie DeFranc narrated a PowerPoint presentation focusing on the interior and exterior of MMTC dispensary facilities such as Knox Medical, Trulieve, Surterra, and Curaleaf.

Mr. DeFranc introduced Surterra Representatives Account Manager Christina Rispoli and Wellness Center Manager Cynthia Gwede who presented a brief history of Surterra and their operations in Florida. She said from seed to sale Surterra cultivates, harvests, processes and ultimately delivers products to patients. She said doctors are the gate keepers who determine each patient’s access to products.

Ms. Gwede explained the process involved with making a purchasing and features in all facilities that keep their products secure.

Attorney Maggard said in the photographs Mr. DeFranc presented, all the facilities look similar. He said the state regulates all advertising which has to be preapproved to include logos and designs. He said these are not traditional Vaporizer Shops with marijuana leafs in the windows and feathered flags outside the building. He said he is impressed with the aesthetics of the MMTC's.

Council and staff discussed presenting information to the Planning Commission and coming back to Council in the near future.

Meeting Adjourned 8:03 p.m.