

Council Meeting Minutes
12/12/18 – 6:30 p.m.

Meeting was called to order; Invocation and Pledge of Allegiance followed.

In Attendance: Mayor Dudley, Vice-Mayor Howell, Councilmembers Troup and Roberts, Manager Campbell and Attorney Mora

Absent: Vice-Mayor DeSimone

- Consent Agenda for January 2019
 - Motion to Approve: Councilmember Troup
 - Second: Vice-Mayor Howell
 - Motion passed unanimously

- Open Forum
- Old Business

- Revisiting Medical Marijuana Dispensaries Legislation

Attorney Mora stated this is not something that requires a legislative act. He is seeking consensus guidance from this body. About a year ago we passed a moratorium with the understanding we would revisit the matter in the coming year. Over the past year the municipalities in Pinellas County have gone different ways in dealing with the issue. The core issue is a function of zoning and legislative preemption by Tallahassee, to the extent any Community or local government has an interest in regulating medical marijuana dispensaries. This is only medical marijuana. They can only be regulated in a manner coextensive with pharmacies or you can just prohibit medical marijuana all together. Pharmacies in most communities are just treated as general retail, so they can be located in commercial districts. In other communities in Pinellas County, they have sought to prohibit it. It's time to make a decision sooner than later, especially because a new legislative session may convene. With each session comes the risk of losing your ability to regulate something. Attorney Mora stated if you would like to see a resolution or an ordinance that allows or prohibits this. It doesn't mean you ultimately are committed to voting on that. The statute permitting medical marijuana dispensaries in the State of Florida is highly regulated, as to how many can be within each sector in each region and all these things.

Attorney Mora stated that we can lawfully establish an ordinance not allowing it at all in our town boundaries. To the extent you don't do anything it is presumed to be allowed in a manner coextensive with pharmacies. It is Florida Statute 381.986.

Manager Campbell stated we have had two or three inquiries

Councilmember Roberts asked if the Town would be liable.

Attorney Mora stated the question about liability was posed in the context of, if somebody wanted to open a dispensary and we told them no. In that context, no, we would not have any liability. We are not liable for their operation of their business any more than we are any other business in the town's boundaries.

Mayor Dudley asked if our existing Pharmacy, could expanded to include this as part of their business.

Attorney Mora stated it it's not likely because they would have to be within one of the enumerated approved entities. It's more than just buying into the marketplace. There's an entire process for approving a set number of entities.

It is really about do you want this kind of business in your Town? It's another business in the community that generates ad valorem tax revenue. Florida is a state for medical tourism. Most of the communities in Florida have elevated elderly populations, who have people at Medical risk. There may be residents in town, who either are candidates or otherwise hold the cards and it would be easiest for them to not have to get it from another community.

All you would be saying is we just don't sell it in our borders.

We can, if you don't really have an opinion and you care to be passive say we don't see any reason to do anything at this time. If you wanted to actively allow it and we want to create an entire new, zoning regulation for pharmacies.

Mayor Dudley, Vice-Mayor Howell and Councilmember Troup don't have anything against it.

Attorney Mora stated, if you don't see any reason at this time to explicitly prohibit it and we're fine seeing where that goes, then that's the consensus.

Legal will not be presenting any further moratorium on this. We will not be proposing any land use designations, any zoning restrictions specific to medical marijuana

treatment centers. If for some reason this body at a future date wishes to revisit this please let us know, so we can put it on the agenda.

- New Business:
 - Resolution 18-17 Calling for an Election on March 12,2019.
Motion to Approve: Councilmember Troup
Second: Councilmember Roberts
Motion passed unanimously
 - Approval of 2018-19 PBA Agreement

Motion to Approve: Councilmember Troup
Second: Councilmember Roberts
Motion passed unanimously
 - Approval of 2018-19 Election Contract
Motion to Approve: Councilmember Troup
Second: Vice-Mayor Howell
Motion passed unanimously
 - Resolution 18-18 Authorizing Signatures for Check Writing

Motion to Approve: Councilmember Troup
Second: Councilmember Roberts
Motion passed unanimously.

- Mayor/Council/Attorney/Manager/Clerk Comments:

Councilmember Troup and Mayor Dudley commented that the recent events were wonderful (Tree Lighting, Pinellas Park parade, Salt Rock Grill Luncheon, Fish Fry, Social Club Christmas Dinner)

Attorney Mora has been in continued contact with his point of contact in Tallahassee concerning councilmember DeSimone. He was told that representatives from the Governor's Office may be designating individuals to investigate the representations we have made to them. There is not a timeline, however he has been aggressively asking for one. His contact is trying to get a definitive statement, whether this administration will handle this matter or pass it on to the next administration.

Manager Campbell introduced William Curvin, Management Analyst

- Adjournment -

Motion to Approve:

Councilmember Troup

Second:

Councilmember Roberts

Motion passed unanimously.

Motion passed unanimously

The Meeting was adjourned at 7:06 p.m.

Respectfully submitted,
Cindy McCarthy Matson, Town Clerk