

**AGENDA FOR REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
INVERNESS, FLORIDA, HISTORIC COURTHOUSE, 1 COURTHOUSE SQUARE
October 21, 2014 - 5:30 PM**

NOTICE TO THE PUBLIC

Any person who decides to appeal any decision of the Governing Body with respect to any matter considered at this meeting will need a record of the proceedings and, for such purpose, may need to provide that a verbatim record of the proceeding is made, which record includes testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

Accommodation for the disabled (hearing or visually impaired, etc.) may be arranged with advance notice of seven (7) days before the scheduled meeting, by dialing (352) 726-2611 weekdays from 8 AM to 4 PM.

ENCLOSURES*

- 1) INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL**
 - 2) PLEASE SILENCE ELECTRONIC DEVICES**
 - 3) ACCEPTANCE OF AGENDA**
 - 4) PUBLIC HEARINGS**
 - 5) OPEN PUBLIC MEETING**
The public is invited to express opinion on any item for this meeting or pending action at a future meeting of City Council.
 - 6) PRE-SCHEDULED PUBLIC APPEARANCES**
 - a) Woodard & Curran - Safety Award - Florida Water & Pollution Control Operator's Association (FWPCOA)
 - 7) MAYOR'S LOCAL ACHIEVEMENT AWARDS**
 - a) Proclamation Presentations:
"National American Indian Heritage Month"
- 4 - 5

**AGENDA FOR REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
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October 21, 2014 - 5:30 PM**

"Red Ribbon Week"

8) CITY ATTORNEY REPORT

9) CONSENT AGENDA

6 - 7 a) Bill Listing *

Recommendation - Approval

8 - 16 b) Council Minutes - 10/07/14*

Recommendation - Approval

17 - 18 c) Proclamation - " Farm-City Week"

10) CITY MANAGER'S REPORT Correspondence/Reports/Recommendations

19 - 23 a) Citrus Memorial - Easement (Wayfind Signs)*

24 - 29 b) Citrus United Basket Lease*

30 - 69 c) Medical Marijuana*

d) Utility Service Area (verbal)

e) Other

11) COUNCIL/MAYOR SUBJECTS

12) NON-SCHEDULED PUBLIC COMMENT

13) ADJOURNMENT

a)

DATES TO REMEMBER

**AGENDA FOR REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
INVERNESS, FLORIDA, HISTORIC COURTHOUSE, 1 COURTHOUSE SQUARE**

October 21, 2014 - 5:30 PM

Cooter Festival:

- Cooter Idol Preliminary 10/21/14 - 7:00pm
- Cooter Idol and Inverness Festival Queen Finals 10/23 - 7:00pm
- Cooter Rock the Block; Friday, 10/24 ; 6:00pm -11:00pm
- Cooter Fest Saturday; 10/25 ; 10:00am - 6:00pm
- Cooter Fest Sunday; 10/26 ; 12 noon - 5:00pm

Inverness Farmers Market

Saturday, November 1, 2014 from 9:00am - 1:00pm

Inverness Government Center City Square

Festival of the Arts

Saturday, November 1 & Sunday, November 2, 2014 from 9:30am -
4:00pm

Courthouse Square

Inverness City Council Regular Meeting

Wednesday, November 5, 2014 at 5:30pm

Inverness Government Center

Proclamation

WHEREAS, the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and

WHEREAS, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today; and

WHEREAS, their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

WHEREAS, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

WHEREAS, in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational and historical activities have been planned;

NOW, THEREFORE, I, Bob Plaisted, by virtue of the authority vested in me as Mayor of the City of Inverness, do hereby proclaim **November** as the

“National American Indian Heritage Month”

And urge all our citizens to observe this month with appropriate programs, ceremonies and activities.

ATTEST:


Deborah Davis, City Clerk




Bob Plaisted, Mayor
City Council of Inverness

Proclamation

WHEREAS, the City of Inverness and the Anti-Drug Coalition of Citrus County value the health and safety of all our citizens; and

WHEREAS, substance abuse is particularly damaging to one of our most valuable resources, our children, and a contributing factor in the three leading causes of death for teenagers – accidents, homicides, and suicides; and

WHEREAS, it is the goal of Red Ribbon Week, the City of Inverness, and the Anti-Drug Coalition of Citrus County to involve families, schools businesses, churches, law enforcement agencies and service organizations in all aspects of this campaign and establish an atmosphere that supports awareness, education and on-going initiatives to prevent illegal drug use, and

WHEREAS, the Red Ribbon Week Campaign theme promotes family and individual responsibilities for living healthy, drug-free lifestyles, without illegal drugs or the illegal use of legal drugs, and

WHEREAS, there are many activities planned during the Red Ribbon Week Campaign in Citrus County,

NOW, THEREFORE, BE IT RESOLVED That I, Bob Plaisted, serving as Mayor of the City of Inverness, do hereby proclaim **October 23rd through October 31st, 2014** as

“Red Ribbon Week”





Bob Plaisted, Mayor
City Council of Inverness

ATTEST:


Deborah Davis, City Clerk

10/16/2014 16:32
ekirkland

CITY OF INVERNESS
CASH REQUIREMENTS REPORT

VENDOR DOCUMENT	INVOICE	VOUCHER	DESCRIPTION	DUE DATE	DUE 10/22/14
			TOTALS FOR FRED CAMPBELL		150.00
			TOTALS FOR CDW GOVERNMENT		1,871.79
			TOTALS FOR CENTRAL MATERIALS CO INC		578.20
			TOTALS FOR DUMONT COMPANY INC		366.00
			TOTALS FOR E G P INC		89.26
			TOTALS FOR FLORIDA AIR SERVICES		1,500.00
			TOTALS FOR HANSEN, ERIC R		271.68
			TOTALS FOR HUMPHREY & SALTMARSH, PL		280.00
			TOTALS FOR INTERNET MEDIA TECHNOLOGIES, INC.		2,200.00
			TOTALS FOR LOWES		360.47
			TOTALS FOR MANN-ICURE LAWN SERVICE AND LANDSCAPING		1,350.00
			TOTALS FOR MICHAEL T. KOVACH, JR.		300.00
			TOTALS FOR MUNICIPAL CODE CORPORATION		699.13
			TOTALS FOR MUNIS		1,912.50
			TOTALS FOR OCALA PUBLICATIONS, INC		395.00
			TOTALS FOR ONLINE IMPLEMENTATION SERVICES, INC		159.60
			TOTALS FOR PETTY CASH		90.21
			TOTALS FOR PRICE FAMILY ENTERTAINMENT INC		450.00
			TOTALS FOR PRIDE ENTERPRISES		4,163.60
			TOTALS FOR SOUTHWEST DIRECT		3,794.31
			TOTALS FOR SWARTZ, KATHLEEN		258.40
			TOTALS FOR TOP HAT INC. PEST CONTROL AND LAWN CARE		581.25
			TOTALS FOR UNIFIRST CORPORATION		15.84
			TOTALS FOR WASTE MANAGEMENT OF CENTRAL FL		22,707.54
			TOTALS FOR WRIGHT EXPRESS		3,316.88
			TOTALS FOR XTREME FUN PARTY RENTALS		375.00
			REPORT TOTALS		48,236.66



10/16/2014 16:32
ekirkland

CITY OF INVERNESS
CASH REQUIREMENTS REPORT

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apcshreq

VENDOR DOCUMENT	INVOICE	VOUCHER	DESCRIPTION	DUE DATE	DUE 10/22/14
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** END OF REPORT - Generated by Esther Kirkland **

October 7th, 2014
5:30 PM

The City Council of the City of Inverness met on the above date in Regular Session at 212 W. Main Street with the following members present:

President Hinkle
Vice President Hepfer
Councilwoman Bega
Councilman McBride
Councilman Ryan
Mayor Plaisted

Also present were City Manager DiGiovanni, City Attorney Haag, Asst. City Manager Williams, Community Development Director Malm, Public Works Director Cottrell, Finance Director Chiodo, Event Director Skeele-Hogan and City Clerk Davis.

The Invocation was given by Councilman McBride and the Pledge of Allegiance was led by the City Council.

ACCEPTANCE OF AGENDA

Councilwoman Hepfer motioned to accept the Agenda as presented. Seconded by Councilman McBride. The motioned carried.

PUBLIC HEARINGS

4)a) Carry Forward Reserve Balance – Resolution was address by Council President Hinkle and turned over to City Manager DiGiovanni. It was explained how this was an annual exercise to reconcile closure from the current fiscal appropriation to the new, and explaining the process. Completion of these projects and the carry-forward of respective allocated funds means the adopted level of spending will technically increase for 2014-15. This action represents exiting funds, and no new money is involved. The budgeted carry-forward amount is \$4,625,095 to compete project with appropriated funds from 2013-14. A list of projects and amounts for all affected sections of the budget was provided.

Councilwoman Hepfer motioned to have the City Clerk read the Resolution by title only. Seconded by Councilman Ryan. The motion carried.

RESOLUTION 2014- 24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INVERNESS, FLORIDA AMENDING THE ADOPTED BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015, AMENDING THE GENERAL FUND, CAPITAL PROJECTS FUND, WATER/SEWER FUND, AND CEMETERY FUND REVENUES AND EXPENDITURES AND PROVIDING FOR AN EFFECTIVE DATE.

**Public Hearing was opened.
There was no one speaking for or against the Resolution.
The Public Hearing was closed.**

Councilman Ryan motioned to approve Resolution 2014-24 by roll call vote. Seconded by Councilwoman Hepfer. Roll call vote was as follows:, Councilman Ryan, yes; Councilwoman Bega, yes; Councilman McBride, yes; Councilwoman Hepfer, yes; President Hinkle, yes. The motion carried.

OPEN PUBLIC MEETING

John Holloway, Broker/ Owner Holloway Group - Spoke on disagreement with sections of the parking ordinance and noted concerns of citing the two-hour limit and the current practice by some of moving their vehicles from spot to spot. He stated the ordinance, as written, would create zones throughout the city, and a person wouldn't be able to park a vehicle longer than 2 hours within an entire zone. With his business being a real estate business, they are in several times a day with customers, it would be difficult for some of them to park and walk for blocks to his office. He stated that it seems that the City is making solutions to problems that don't exist. He additionally mentioned vehicle wraps, and cars for sale, which need to be looked at.

CITY ATTORNEY REPORT

None

SCHEDULED APPEARANCES

6) a) – Hospital Board Presentation – William Grant, representing the Citrus Co Hospital Trustee Board, addressed Council and provided details and the scope of the pending transaction and transition of Citrus Memorial Health Services (CMH) to Hospital Corporation of America (HCA), for the hospital asset across the street and all of the associated properties.

We are here today to move a public enterprise into a private industry, who we felt could more efficiently and effectively be health care providers. HCA will be the largest taxpayer in the City, bringing into the city coffers “hundreds of thousands of dollars annually.

He spoke of the multiple agreements to include the Master Agreement, which requires that Hospital, at its current location, must remain an Acute Care Hospital for 15 years, and spoke to the required services that will remain, ie; Ob/Gyn (7 years only), and the services currently being offered.

We are receiving \$140 million for the lease of the facility to HCA, for a term of 50 years, with an option to extend. His opinion is that he believes in the 9th or 10th year, they have the right to do a purchase option on the 40 acre parcel off Hwy 491, and believes they are going to move an acute care hospital or construct one in that location. He stated that this could significantly reduce the tax income to Inverness and needed to be aware of this for long range planning. It's important to understand that it's my opinion they will not be here on the 16th year, and he could be wrong, but the City needs to plan otherwise.

Mr. Grant advised that \$8 million has been put aside to be sure the building is taken care of (asset protection). The name of hospital will remain the same name with the addition of HCA, being either Citrus Memorial Hospital/HCA or HCA/Citrus Memorial Hospital. He spoke to the Citizens Advisory Board, and highly recommends that the COI gets with Peter A. Marmorstein, President of HCA West Florida, about having a member of the City on this board, which is defined in the Master Agreement. The Advisory Board will get first hand knowledge and will be helpful to the City.

He spoke to property evaluation in the Master Agreement, which calls for \$45 million for capital improvement to the building, which is also defined as new construction and must be spent within 9 years.

The Auditor of the Foundation is the Clerk of Court, which has 12 members (COI, COCR, Citrus Co. Hospital Bd., Board of County Commission, Chief of the Medical Staff, of Seven Rivers and Citrus Memorial Hospitals, Health Dept., College Provost, Florida Well Care Alliance, and the Citrus Co. Medical Society), have no elections and are all designated. There are six rotating positions beginning with the COI being the Chairman and CR will choose a V. Chairman. The only election would be the COI choosing which elected official will be the Chairman. The bylaws can only be changed with the consent of the Hospital Board.

He spoke to the finances and how only 80% of the generated interest will be spent, and never the principal, and he additionally spoke to how the money flows.

He clarified the Highpoints:

- The Foundation has dissolved
- CCHB Tax has been permanently removed.
- Statutorily gave ourselves one tax year left and the board stated they didn't need it and placed -0- millage and there will no longer be a hospital tax of any kind in this county.
- Assets – both the building and the cash are long term protected - \$45 million dollar community charitable foundation
- We have one of the best partners which is HCA, which is the largest healthcare provider in the world.

Mayor Plaisted questioned if the 40 acre parcel was already purchased. Grant advised that it is currently being leased with option to purchase. If they execute their options, they must build and complete an acute care facility within 7 years, or it reverts back to the Hospital Board.

Councilman Ryan questioned that the \$45 million was included in the capital improvement which included new construction? Grant – in addition to the \$140 million they must pay another \$45 million to an aggregate of \$185 million which was not specific to the Inverness site.

Councilwoman Hepfer noted her concern with the possibility of them moving from Inverness to Lecanto.

Councilwoman Bega questioned if they have not optioned to buy any of the surrounding properties the Hospital currently owns in the downtown and Mr. Grant stated that was correct and this was a lease.

Councilman McBride questioned what the city could do to convince the hospital to remain here, and they may use as a satellite facility, etc. Mr. Grant suggested that the

City be very proactive and engage on the Advisory Board and HCA once the deal is closed and make them feel that they cannot leave Inverness.

President Hinkle questioned Indigent care and confirmed that per State Statute they are required as a Hospital, taking Federal & State money, to provide a level of care.

There was conversation regarding what practices were staying or no longer with the hospital. Mr. Grant advised that Peter A. Marmorstein, President of HCA West Florida, will come before City Council if they were to invite him.

Mr. Grant wanted to clarify that he sufficiently explained the three Escrow Accounts - \$38.7 Indemnity Escrow; Proceeds Escrow and a Subsequent proceeds escrow, and how no money will go to the charitable foundation, with the exception of the interest from those three escrows until the end of the third year.

Council President thanked Mr. Grant for his presentation regarding one of the biggest assets of our community.

6) b) MPO – Long Range Transportation Plan – Dennis Dix, Planning Staff Coordinator for the Hernando/Citrus Metropolitan Planning Organization was present to inform and discuss the Transportation Long-Range Plan. He stated that they are in the process of developing a two county long range transportation plan. On October 24th the MPO will get their first view of the draft Long range transportation plan and will obtain 30 days of public input and adopting December 9th, 2014. He will go to each jurisdiction in Citrus County and bring to you where we are and engaged in the process. He commented on how Councilman McBride is doing excellent job of representing Inverness, on the MPO. He spoke to a needs plan and the modeling process is from FDOT District 7, and in the next few weeks we will find out what we can afford. The road widening of U.S. 41 north of State Road 44 (to Arlington St) is a highly prioritized project and will stay in the program. However, he wished there was enough funding to go north to St. Road 200, but don't see the revenue yet, however there is pressure from Marion County who have in their draft plan to continue the widening of Hwy 200 to the River. The bridge at the River is the responsibility of Citrus County.

MAYOR'S LOCAL ACHIEVEMENT AWARDS

Mayor Plaisted presented City Manager Frank DiGiovanni with the ICMA 40-year award for 40 years in government. The Mayor complimented him for all the years of working with our City government and his leadership.

City Manager DiGiovanni stated it is a team that works together. The support of the elected officials and the staff putting the interest of the community first makes things happen.

CITY ATTORNEY'S REPORT

None

CONSENT AGENDA

Councilwoman Bega motioned to accept the Consent Agenda with the addition of the Bill Listing. **Seconded by Councilwoman Hepfer. The motion carried.**

a) Bill Listing*

- Recommendation – Approval

- b) Council Minutes – 09/16/14; 09/18/14PH; 09/18/14SP*
 - Recommendation – Approval
- c) Proclamations:
 - “National American Indian Heritage Month”
 - “Red Ribbon Week”
 - “The 43rd Festival of the Arts”
 - Recommendation – Approval

CITY MANAGER’S REPORT

10) a) WRPC – Agreement Renewal 10/01/04 – 9/30/14 - City Manager DiGiovanni presented to Council the annual agreement with the Withlacoochee Regional Planning Council (WRPC), which we have had with them for many years. The WRPC provides planning services that may be affiliated with any project or purpose the city may choose. The WRPC has administered state mandated updates for the Comprehensive Plan, and has a solid base of information to assist us to meet other state mandates for planning purposes. The enclosed agreement has a term of one year.

Council President Hinkle noted he is a member of the organization and mentioned all the services they do and what a great organization they are.

Councilwoman Hepfer motioned to accept the agreement with the WRPC and authorize the President to execute the document for a one-year term. Seconded by Councilwoman Bega. The motion carried unanimously.

10) b) Fund Designation – Resolution – was addressed by City Manager DiGiovanni who noted that on an annual basis, the City Council receives recommended allocations of available funds to be earmarked for specific purposes. A resolution has been created to support the recommended action for the 2014-15 Fiscal Year. The total amount of this action is \$15,735,031, and is found on Exhibit A of the presented resolution.

City Manager noted the resolution shows a fund balance for Whispering Pines Park of only \$75,000 and funds have been drawn down to a critical point. He stated the park is highly utilized with a number of buildings, ballfields, facilities, etc. and County government is not supporting the services their residents wish to receive. The City of Inverness is paying for this unilaterally and does not know if we can continue supplementing and underwriting these services to the entire side of eastern Citrus County. Staff will look at policies and protocols that are going to protect not only the operation of the park but the fiscal solvency of this community. He spoke of the nine point interlocal agreement that Council had previously adopted, and that agreement has not been adopted by the County. It takes partnership to make these things work.

Councilwoman Hepfer motioned to have the City Clerk read the Resolution by title only. Seconded by Councilman Ryan. The motion carried.

RESOLUTION 2014-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INVERNESS, FLORIDA ESTABLISHING FUND BALANCE RESERVE DESIGNATIONS FOR FISCAL YEAR 2015 AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman McBride stated that after November 4th there may be a more refreshed attitude with our partners.

Council President Hinkle agreed with the comments the City Manager made regarding the nine point agreement. He noted the property exchange and the Whispering Pines Park issues.

Councilman Ryan motioned to approve Resolution 2014-25 by roll call vote. Seconded by Councilwoman Hepfer. Roll call vote was as follows: Councilman Ryan, yes; Councilwoman Bega, yes; Councilman McBride, yes; Councilwoman Hepfer, yes; President Hinkle, yes. The motion carried.

10)c Architectural Aesthetic Review Committee – Reappointments – was addressed and City Manager stated that was highly recommended to reappoint the following to an additional four year term to conclude September, 2018 on the City’s AARC: Tom Slaymaker, David Arthurs, and Paul Gibbs.

Councilwoman Bega motioned to reappoint the above listed members to a four year term that concludes on the last day of September, 2018. Seconded by Councilwoman Hepfer . The motion carried.

10) d) Federal Emergency Management Agency (FEMA) Map Change (verbal) was presented by City Manager DiGiovanni that no action is required, but wanted to keep Council aware of letters from Federal agencies, and FEMA regarding floodplain maps being changed, etc. Locally, we will make this information available on the city’s website and in the Department of Community Development.

10) e) Withlacoochee Vo-Tech Institute – Name Change (verbal) - City Manager DiGiovanni referenced correspondence received regarding a name change to replace the word Institute with College and asks for Council support, with all being in support of the name change.

10) f) Citrus County Sheriff’s Office – Fire Services/MSBU Correspondence - City Manager DiGiovanni referenced recent correspondence received from Sheriff Dawsy with regard to the proposed MSBU for delivery of fire services in this community. He spoke of upcoming elections and possible changes within Citrus County government in the near future. The County Commission is the entity to address concerns of the City with respect to taxation, MSBU and any related funding mechanism. We have recently engaged conversation with three communities with regard to fire services. He noted a recent trip to NY and conversations with volunteer fire departments in that area and information will be forwarded to him regarding building and recruiting for a volunteer program, incentives, etc. Elements of the Inverness’ Fire approach have been discussed with the Senator (Dean), and all are supportive of looking for grants. Our conversation needs to be with County Government.

Comments:

Councilwoman Bega thinks it is excellent that we got the letter, with good points being made, but have come from the wrong source.

City Attorney Haag noted the second bullet point on page 1 did not make sense with regard to an MSTU. The tax that is paid now is to a special district which is the only

money appropriated involving the City of Inverness towards fire protection in Citrus County.

City Manager DiGiovanni stated there is confusion on the county's part, as they continue to refer to the 1973-74 voter initiated tax as an MSTU. It is not an MSTU.

Council President Hinkle noted the County's lack of direction has been going on for a long time, and agrees that should be addressed after the election.

City Manager DiGiovanni will communicate that Council had public discussion regarding this. The proper means must be found to make this happen.

Mayor Plaisted spoke of how the 9 point agreement presented in June was to open the door to work together with the County, and nothing has come of that.

10) g) Audit Services – Bid Recommendation was addressed and City Manager noted that competitive proposals were solicited from firms to perform auditor services to the City. He noted that we have had the same firm for 36 years. The respondents were Purvis Gray and Company - Ocala; Williams, McCranie, Wardlow and Cash - Inverness; McDirmit Davis - Orlando; and Mauldin & Jenkins – Bradenton. Each respondent is suited to provide service to Inverness, but are not equal in size, stature and dimension. Inverness has transformed from a small, quaint, simple operation to a dynamic program that is emerging to become more complex with an expanded CRA. The recommended course of action was generated by staff level appointed committee. The preferred firm to award the 3-year bid is Purvis & Grey. A quick comparison shows them to be the highest cost firm. The second ranked firm to consider is McDirmit & Davis, a good firm that can deliver audit services at a highly qualified, competent level. Consideration must be given to the level of service, and depth of audit services that will be demanded to keep operations well above board through the next three years.

Council President Hinkle questioned if it is good to have an unqualified audit everytime, which means you are in good standing. City Manager asked **Finance Director Chiodo** if she had the comfort level of having a duly unqualified audit every time? She felt there could have been comments made on the management side that should have been commented on, but we met the legalities as required. City Manager stated the systems in place have to be stress tested at a much more diligent level.

Councilwoman Hepfer commented on how we usually concentrate on local firms and are now going out of town and more expense. City Manager noted that Council sets the policy and the responsibility as City Manager is to make the presentation and provide background information as to why the presentation is the way it is. He spoke of other projects that required going out of town, not locally. **Councilman Ryan** questioned the recommended auditors and their performance and capabilities. **City Manager DiGiovanni** stated it to be done with due diligence by reviewing the client base on the firm's performance in other areas. **Mayor Plaisted** stated since Williams, McCranie has handled the City's account for so many years, perhaps this requires a conversation with them. **City Manager** stated they have had conversations with them. The CAFR report recommends changes and we haven't done that. **Councilwoman Bega** questioned the differences in the two highest ranked firms. **City Manager DiGiovanni** noted staff recommendation being presented is that if we were not moving and changing dynamics, expanded CRA, etc., he would not be making this recommendation. You are here to find what the balance should be. **Mayor Plaisted** surmised we are getting 3 years of auditing

from Purvis and Grey, where for that same amount we would get four years with Williams, McCranie. **City Manager** knows they are good firm, but change and depth of knowledge have changed greatly. **Councilman McBride** stated what we don't have is how each company was evaluated, and asked for that information. **Finance Director Chiodo** provided that information. **Councilman McBride** read aloud the ranking scores of each company.

Councilmembers spoke to complexities of auditing a City, ranking of the firms, and recommendations regarding the auditor presentations.

Councilman McBride motioned to award the Auditor Services bid to McDermit & Davis and authorize the City to enter negotiations with that firm to structure a 3 year working agreement. Seconded by Councilwoman Bega. The motion carried unanimously.

10) h) Parking Ordinance (1st Reading) was presented by City Manager DiGiovanni stating the ordinance is structured to maintain decorum and the functionality of the downtown area and beyond. He reminded everyone that parking in the downtown area is at no cost. Keeping parking free is an attempt to blend the interests of diversity to keep the downtown and those areas of high need functional. He spoke of different zones regarding parking in the downtown area. This ordinance has been structured to have flexibility for accommodation if the need is determined.

This is also an attempt to be responsive to what the conditions of the City of Inverness in the historic downtown area are.

Council President Hinkle called for five-minute recess and noted the parking ordinance has been discussed by the Council previously.

Councilwoman Bega referenced paragraph 17 stating no one vehicle can be parked in the same place for more than 72 hours consecutively, without being moved for 12 hours. City Manager stated parking cannot be personalized, it needs to be communal. This is public parking that needs to be available to the public and this ordinance is designed to manage public resources and not for individuals.

Councilman Ryan has gotten positive and negative comments. Clarification is needed with regard to zones and 2 hour parking, and moving the vehicle between spaces. Councilman spoke to concerns involving the parking enforcement specialists.

Councilwoman Hepfer remembered parking meters in the downtown when she was a child, and noted that the topic of meters might need to be revisited.

Mayor Plaisted spoke to specific situations regarding certain businesses and parking.

Councilman McBride spoke of the complexities of the ordinance and a great deal of discretion given to City Manager. There are things that can be done to maintain the ordinance to get the discretion to the City Manager when there is a special circumstance.

City Manager noted this is the first reading of the ordinance and a public hearing will follow. City Attorney Haag has a couple of changes to be addressed.

City Attorney Haag questioned Section 21.12 regarding the definition of a commercial vehicle and the weight should be raised to possibly 8,000 pounds. Section 21.13, subparagraph 6 that states may/shall and should read "shall", regarding the City Manager's authority for discretion. He was concerned with Section 21.19 dealing with parking of vehicles for sale, and how this would affect attorneys handling probates, etc. Another

concern was subparagraph 4 of that same section regarding advertisements being displayed on vehicles, with City Manager attempting to clarify the wording.

Consensus was to table this issue and bring back in the first meeting of November.

City Manager DiGiovanni additionally reported on the following:

- Advised of correspondence sent to Citrus County regarding the land swap between the City and County, and told them that was only one item in the nine point agreement. Once that agreement is executed this issue will be addressed.
- This week we received a donation of \$4,282.24 restricted to Whispering Pines Park from the US Families Foundation for the betterment of the park.
- Received a reimbursement check for surplus disposal of equipment in which we received a check in the amount of \$36,363.49.
- He was awaiting information from New York regarding Volunteer Fire Services. He noted that the option of the Tri-City cooperative approach is being embraced by all three entities.

COUNCIL/MAYOR SUBJECTS

Councilwoman Bega stated Bill Grant was interesting and that the city has one position on the charitable trust foundation and opportunity to be on the advisory council.

Councilman Ryan noted he has been on dais for one year and thanked all for the mentoring.

Councilman McBride stated this was a very good meeting and now until the end of the year Inverness will be hopping.

Council President Hinkle spoke to the information Bill Grant provided regarding the hospital, etc. It is about the betterment of the city.

CITIZENS NOT ON AGENDA

George Gouldbourn, Hunting Lodge Dr., Inverness referenced the parking ordinance with regards to his double-decker bus.

Karen Esty provided an update of the recent CAC meeting and the long range transportation plans, and spoke to various concerns.

John Holloway questioned the 2-hour parking enforcement in the City parking lot.

The meeting adjourned at 8:45pm.

City Clerk

Council President

CITY OF INVERNESS

10/17/14

MEMO

TO: Elected Officials
FROM: City Clerk
SUBJECT: Authorization for Proclamation Issuance
"Farm-City Week"
CC: City Manager
Enclosures: Draft Proclamation

The enclosed request is for the Inverness City Council to consider and authorize issuance of a Proclamation in recognizing the Week of November 21st -27th , 2014, as:

"Farm-City Week"

Recommended Action –

If City Council supports the above listed subject, and wishes to issue a Proclamation, please motion and vote to authorize that we finalize such Proclamation to be issued by the Mayor as arranged by the Office of the City Clerk.


City Clerk

DRAFT

PROCLAMATION

WHEREAS, Florida farmers and ranchers help feed the world by producing a bounty of nutritious foods. To do this, they rely upon essential partnerships with urban and suburban communities to supply, sell and deliver finished products to consumers across the U.S. and around the globe; and

WHEREAS, Rural and urban communities working together have built our nation's rich agricultural resources so that they contribute to the health and well-being of our country and to the strength of our economy; and

WHEREAS, During National Farm-City Week, we recognize the importance of this cooperative network. Agriculture employs more than 2 million workers, including farmers and ranchers, shippers, processors, marketers, retailers, truck drivers, inspectors and others who annually contribute an annual impact of \$104 billion to Florida's economy; and

WHEREAS, As they perform their daily work, farmers and ranchers preserve freshwater recharge area, wildlife habitat and greenspace. Consumers help farm families maintain their superior natural resource conservation practices by purchasing Florida agricultural; and

WHEREAS, Farm-City Week activities celebrate the mutually beneficial relationships that support the quality of life we all enjoy. This week, as we gather with family and friends around the Thanksgiving table, we count these relationships among our many; and

WHEREAS, We commend the many Floridians whose hard work and ingenuity provide us with food abundance and reflect the true spirit of our state and nation.

NOW THEREFORE, I, Bob Plaisted, Mayor of the City of Inverness, Florida, do hereby proclaim **November 21-27, 2014**, as

"FARM-CITY WEEK"

And call upon all citizens to acknowledge and celebrate the achievements of all those who, working together, produce and supply our community, our nation, and the world with an abundance of agricultural products.

ATTEST:

Bob Plaisted, Mayor
City Council of Inverness

Deborah Davis, City Clerk

Agenda Memorandum – *City of Inverness*

October 17, 2014

TO: Elected Officials
FROM: City Manager (Prepared by Eric Williams)
SUBJECT: Wayfind Sign Easement – CMH Annex Property
CC: City Clerk
Enclosure: Access, Maintenance, and Construction Easement

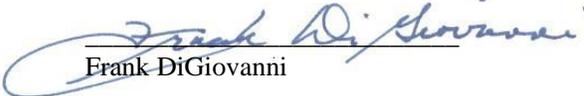
The Wayfind Sign program is an ambitious effort to better identify and provide direction to points of interest and downtown amenities. The program is part of what we term Downtown Redevelopment, and success of the effort has proffered expansion into areas of the Central Business District that stand to enjoy the same economic benefit of Wayfind signs. The proper location of signage is critical, which required that we seek an easement with CHM to locate and install a Wayfind sign directly across Main/HWY 41/44, from the Inverness Government Center, on the Citrus Memorial Hospital (CMH) Annex property.

We have been in conversation and performed the necessary diligence with CMH officials to bring the enclosed easement to Council. Be advised the matter has been fully executed by CMH, and will require City Council approval to move forward. Once finalized, sign installation will commence.

Recommended Action –

It is recommended that Council motions, seconds and votes to approve the enclosed Access, Maintenance, and Construction Easement, and authorize the Council President to execute the Easement Agreement.

If you wish to discuss this further, please contact me at your convenience.


Frank DiGiovanni

ACCESS, MAINTENANCE AND CONSTRUCTION EASEMENT

THIS ACCESS, MAINTENANCE AND CONSTRUCTION EASEMENT granted this _____ day of _____, 2014, by and between Citrus County Hospital Board, a Fla. Political body whose mailing address is 123 South Pine Avenue, Inverness, Florida 34452, the parcel owner (Grantor No. 1) and Citrus Memorial Health Foundation, Inc. the parcel's long term lease in possession (the "Grantor No. 2"), whose mailing address is 502 W. Highland Blvd. Inverness, FL 34450 and the City of Inverness, a Florida municipal corporation (the "Grantee"), whose mailing address is 212 W. Main Street, Inverness, FL 34450:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and their respective heirs, legal representative, successors and assigns.)

WITNESSETH:

That Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants to the Grantee, its successors, contractors, agents and assigns an Access, Maintenance & Construction Easement, more particularly described in Exhibit "A" (the "Easement Premises"), attached hereto and incorporated herein by reference.

The Easement Premises shall be used by the Grantee for the purpose of access, maintenance, construction and of installation of a sign.

The construction of any improvements by Grantee upon lands further described in Exhibit "A" shall be approved by Grantor in writing.

The Grantee shall be responsible for the perpetual maintenance of any improvements constructed by Grantee upon lands described in Exhibit "A". The Grantee shall be responsible for repairs if during the performance of the Grantor's routine or necessary maintenance and or repair operations the Grantor inadvertently damages or if damage is unavoidable to the improvements made by the Grantee.

The Grantee shall ensure that adequate space is available for reasonable installation and maintenance of the respective sign.

The undersigned hereby covenants and warrants that Grantor owns the said land described herein and the undersigned, as or on behalf of Grantor, has the right to grant this easement.

IN WITNESS WHEREOF, the Grantor has duly authorized and caused this Access, Maintenance & Construction Easement to be executed in its name as of the day and year first herein written.

WITNESSES:

Devin Clarkson
Print Name Devin Clarkson

GRANTOR No. 1:

[Signature]
Citrus Memorial Health Foundation, Inc.

Print Name/Title RALPH ALEMAN, CEO

BQ Williams
Print Name BQ WILLIAMS

STATE OF FLORIDA
COUNTY OF CITRUS

The foregoing instrument was acknowledged before me this 10th day of September 2013,
2014, by RALPH A. ALEMAN and _____,
and did not take an oath, who [] is known to me, or [] produced
_____ as identification.



LEE A. GLOTZBACK III
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE202303
Expires 6/17/2013

Notary Public _____
Print Name: [Signature]

Notary Seal My Commission Expires: _____

WITNESSES:

[Signature]
Print Name C Mark Fallows

GRANTOR No. 2:

[Signature]
Citrus County Hospital Board

Print Name/Title Deborah L Resler, Chair

[Signature]
Print Name KARLA DOZIER

STATE OF FLORIDA
COUNTY OF CITRUS

The foregoing instrument was acknowledged before me this 12 day of SEPTEMBER, 2014, by DEBORAH RESSLER and N/A, and did not take an oath, who [] is known to me, or [] produced _____ as identification.



KARLA V. DOZIER
MY COMMISSION # EE 069893
EXPIRES: March 2, 2015
Bonded Thru Budget Notary Services

Karla Dozier

Notary Public

Print Name: KARLA DOZIER

Notary Seal My Commission Expires: _____

IN WITNESS WHEREOF, the Grantee has duly authorized and caused this Access, Maintenance & Construction Easement to be executed in its name as of the day and year first herein written.

WITNESSES:

GRANTEE:

Print Name _____

City of Inverness

Ken M. Hinkle
Print Name/Title FRANK DiGiovanni
City manager
Council President

Print Name _____

STATE OF FLORIDA
COUNTY OF CITRUS

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by _____, and did not take an oath, who [] is known to me, or [] produced _____ as identification.

Notary Public

Print Name: _____

Notary Seal My Commission Expires: _____

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT

A 2 FOOT BY 2 FOOT SQUARE LYING APPROXIMATELY 12.50 FEET SOUTH OF HWY 44 AND APPROXIMATELY 136.00 FEET WEST OF PINE AVENUE SOUTH OF THE PARCEL OF LOT 2 BLK 100 LESS PT OF LOTS 11 & FOR PCL 137 LYING WITHIN FOL DESC BDRY: COM AT CONC MONUMENT MARKING SW COR OF LOT 2 BLK 100 (ALSO BEING EXISTING E'LY R/W LN OF SEMINOLE AVE A 75 FT PLATTED ST), TH N 0 DEG 12M 36S W AL SD R/W LN 142.90 FT FOR POB, TH CONT N 0 DEG 1 2M 36S W 56.90 FT TO INT OF SD E'LY R/W LN OF SEMINOLE AVE WITH EXISTING S'LY R/W LN OF SR 45, TH N 89 DEG 48M 46 S E A L SD EXISTING S'LY R/W LN 157.78 FT TO BEG OF CURVE CONC S'LY HAVING RAD OF 564 FT & BEING SUBTENDED BY CHORD BEARING OF S 56 DEG 41M 2S E, TH SE'LY AL ARC OF SD CURVE THRU CT RL ANG OF 3 DEG 16M 37S 32.26 FT TO BEG OF REVERSE CURVE CONC NE'LY HAVING RAD OF 476 FT & BEING SUBTENDED BY CHORD BEARING OF S 63 DEG 11M 30S E, TH SE'LY AL ARC OF SD CURVE THRU CTRL ANG OF 16 DEG 17M 33S 135.35 FT TH N 82 DEG 47M 23S E 23.08 FT TO PT ON E'LY BDRY OF SD BLK 100 (ALS O BEING EX ISTING W'LY R/W LN FOR PINE AVE A 75 FT PLATTED ST), TH S 0 DEG 8M 26S E AL SD E'LY BDRY OF SD BLK 100 23.68 FT, TH S 0 DEG 14M 54S E 84.28 FT, TH N 34 DEG 5 M 25S W 10.25 FT TO BEG OF CURVE CONC NE'LY HAVING RAD OF FT & BEING SUBTENDED BY CHORD BEARING OF N 66 DEG 42M S W, TH W'LY AL ARC OF SD CURVE THRU CTRL ANG OF 18 DEG 5 M 6S 186 .23 FT, TH S 89 DEG 48M 46S W .54 FT, TH N 0 DEG 12M 10S W .35 FT TO BEG OF CURVE CONC NE'LY HAVING RAD OF 564 FT & BEING SUBTENDED BY CHORD BEARING OF N 56 DEG 6M 51S W, TH W'LY AL ARC OF SD CURVE THRU CTRL ANG OF 2 DEG 8 M 15S 21.04 FT TO BEG OF REVERSE CURVE CONC SW'LY HAVING R AD OF 476 FT & BEING SUBTENDED BY CHORD BEARING OF N 61 DEG 57M 33S W, TH W'LY AL ARC OF SD CURVE THRU CTRL ANG OF 13 DEG 49M 41S 114.88 FT, TH S 56 DEG 56M 57S W 39.32 FT TO POB TITLE IN OR BK 107 PG 316, OR BK 154 PG 108, OR BK 280 PG 744 & 773, OR BK 477 PG 589, OR BK 845 PG 1677 & OR BK 721 PG 367 & OR BK 1522 PG 943



Agenda Memorandum – *City of Inverness*

DATE: October 17, 2014
ISSUE: Real Property Lease for 103 & 105 Mill Avenue
FROM: City Manager
CC: City Clerk
ATTACHED: Letter by CUB to City
Lease Agreement

Reference is made to attachments.

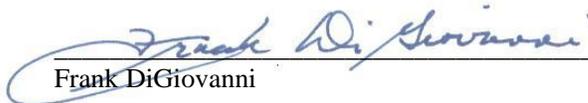
In 2003, Citrus County petitioned the City to enter a lease for certain property located at 103 and 105 Mill Avenue; the purpose of which was to find a suitable location for the Citrus United Basket (CUB) assistance program. After many years at that site, CUB purchased property off US 41N and constructed a new facility as their primary operation. Being that CUB no longer requires use of the property, the lease between the City and County has served its purpose and is no longer necessary.

Action this evening will be to formally terminate the lease.

Recommended Action –

It is recommended that City Council motion, second and vote to authorize the City Manager to take the appropriate steps to properly provide notice to County Government to terminate the lease for the property commonly known as 103 and 105 Mill Avenue.

If you wish to discuss this further, please contact me at your convenience.


Frank DiGiovanni

Administrative Offices
212 West Main Street, Inverness Florida 34450
www.Inverness-FL.gov



CITRUS UNITED BASKET
P.O. BOX 2094
INVERNESS, FLORIDA 34451-2094
(352) 344-2242

received
10-1-2014 JN

Mission Statement: C.U.B. provides food, financial and material assistance in emergency cases to citizens of Citrus County by utilizing private, public, state and federal donations of food, money, household appliances and materials.

September 29, 2014

Frank DiGiovanni
212 West Main Street
Inverness, Fl 34450

Dear Mr. DiGiovanni:

This letter is to inform you that Citrus United Basket will be vacating 103 Mill Avenue by February 15, 2015.

We appreciate all the support the city has given us during our time on Mill Avenue.

Sincerely,


William L. Rossfeld
President

INTERAGENCY AGREEMENT LEASE

103 North Mill Avenue and 105 North Mill Avenue, Inverness

CITY OF INVERNESS APPROVAL
DATE 11/4/03

THIS INTERAGENCY LEASE AGREEMENT made and entered into this 4th day of November 2003, by and between THE CITY of INVERNESS, a municipal corporation of the State of Florida, whose address is 108 N. Seminole Avenue, Inverness, Florida 34450, hereinafter called the "Lessor"; and CITRUS COUNTY, a political subdivision of the State of Florida, whose business address is 111 West Main Street, Inverness, FL 34450, hereinafter called the "Lessee"

WITNESSETH:

In consideration of the rents, covenants and agreements hereinafter contained on the part of the Lessee to be paid, observed and performed, the Lessor hereby leases to the Lessee and the Lessee accepts from the Lessor the following described Property, ("Property"), to wit:

The South ½ of Lot 9, Block 107, Town of Inverness, According to Plat thereof Recorded in Plat Book 1, Page 36 of the Public Records of Citrus County, Florida, a/k/a 103 North Mill Avenue, Inverness, Florida, 34450, and;

The East ½ of the North ½ of Lot 9, Block 107, Town of Inverness, According to Plat thereof Recorded In Plat Book 1, Page 20 of the Public Records of Citrus County, Florida, a/k/a 105 North Mill Avenue, Inverness, Florida, 34450.

1. TERM

This Lease shall commence on the 4th day of November 2003, and continue for a term through the 4th day of November, 2004. This term shall automatically be extended for successive one-year periods unless terminated by either party pursuant to provisions of Section 6 below.

2. RENT

The Lessee hereby agrees to pay to the Lessor, without demand, at the Lessor's address detailed above the sum of One Dollar (\$1.00) per year plus sales tax, if applicable, for the aforesaid leased Property.

3. UTILITIES

Lessee shall arrange and pay for utilities to the Property for the term of the Lease, Including but not limited to, electricity, sewer and water service. Said sum shall be in addition to those sums paid by Lessee as rent. Lessee shall arrange and pay for telephone service in its own name and account, if such service is desired.

4. USE

The leased Property shall be used by the Lessee for the delivery of community oriented services and/or for storage of records or other governmental use. The Lessee shall keep the leased Property in as good a state of repair as the same was at the commencement of the term of this Lease, and return same in as good a condition as it

is at the time of the execution of this Lease in accordance with all laws, direction, rules and regulations of regulatory bodies or officials having jurisdiction. In that regard, reasonable wear and tear is accepted. The Lessee has examined the condition of the Property and declares its receipt of the same in acceptable condition.

The parties recognize that the existing building will be demolished during the initial period of this Lease and the condition of such building is not covered under the provisions of this paragraph.

5. ALTERATIONS

Except as otherwise agreed to by the parties, all additions, structures or improvements added or affixed to the Property will be removed at the termination of this Lease. If agreed to by the parties prior to termination, that any structures or improvements may remain, the parties agree to execute a separate writing setting forth that agreement.

6. TERMINATION

The Lessee shall, upon termination of this Lease by the lapse of time or otherwise, yield up the Property to the Lessor in as good repair and condition as the same are at the commencement of said term. However, the parties recognize that the existing building will be demolished during the initial term of this Lease. Furthermore, Lessee shall be entitled to cancel and terminate this Lease in its discretion at anytime during the term of this Lease upon not less than thirty (30) calendar days written notification prior to the effective date of the termination to the Lessor at the same address to which Lessee's rent payments are mailed. Lessor, shall be entitled to cancel and terminate this Lease in its discretion at anytime during the term of this Lease upon not less than ninety (90) calendar days written notification prior to the effective date of the termination to the Lessee at Lessee's address identified above.

7. ENTRY AND INSPECTION

Lessee shall, permit Lessor or their agents to enter upon the Property at reasonable times and upon reasonable notice for the purpose of inspecting same and permit persons desiring to lease the Property to inspect same within ninety (90) days of the termination of the Lease.

8. INSURANCE

Lessee or any Sublessees shall be responsible for any physical loss or damage to all property or persons resulting from Lessee's or Sublessee's use of the Property, and shall indemnify, defend and hold harmless the Lessor from any and all liability therefore. Lessee or any Sublessees shall additionally provide Commercial General Liability insurance covering Lessee's operations and employees or Sublessee's operations and employees or volunteers.

9. MAINTENANCE

Lessee shall, at its sole cost and expense, maintain the entire exterior and interior of any buildings or improvements placed upon the property and shall provide general maintenance to the grounds.

10. GOVERNING LAW

This agreement and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of Florida and venue shall lie in Citrus County.

11. ENTIRE-AGREEMENT

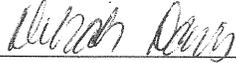
This Lease contains the entire agreement between the parties hereto and all previous negotiations leading thereto, and it may be modified only by an agreement in writing signed by the parties. Provided always and these presents are upon the express condition that, if the Lessee shall fail and neglect to perform or observe any of the covenants on Lessor's part herein contained, it shall be lawful for the Lessor at any time thereafter, without notice or demand, to enter into and upon the Property and repossess the same as of its former state and to expel the Lessee and any person claiming under Lessee forcibly, if necessary, and to remove their effects without prejudice to any remedies which might be available for any previous breach of covenant.

IN WITNESS WHEREOF, the parties hereto have caused this Instrument to be executed, in duplicate, on the day and year first above written.

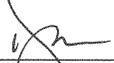
CITY OF INVERNESS, FLORIDA

By: 
JACQUIE HEPFER, President

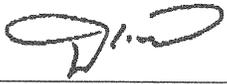
ATTEST:


DEBORAH DAVIS, City Clerk

Approved as to form and content:


DENISE A. LLYN, City Attorney

CITRUS COUNTY, FLORIDA

By: 
Chair

ATTEST:


BETTY STRIFLER, Clerk of Court

Approved as to form and content:


ROBERT BATTISTA, County Attorney



City of Inverness

Administration Office

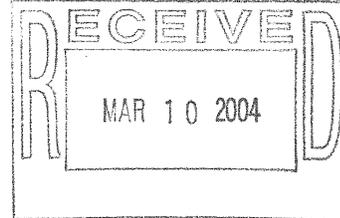
108 North Seminole Avenue
Inverness, Florida 34450-4149

(352)-726-2611

FAX (352) 726-0607

November 6, 2003

Mr. Richard Wesch
County Administrator
Citrus County Board of Commissioners
110 N. Apopka
Inverness, FL 34450



Subject - Lease Agreement, City Property Mill Street

Dear Mr. Wesch:

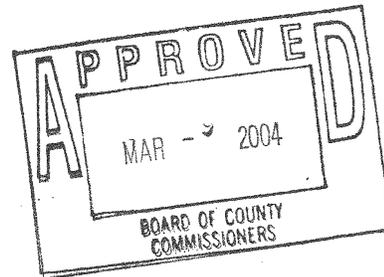
Enclosed please find two original copies of the Lease Agreement for City owned property located on Mill Street as identified on the above subject lease, for handling by County Government. Please execute a both retaining one for your records and return a fully executed original to this office for our files. The City of Inverness is again pleased to make this accommodation, and I want to thank you for working with us to bring the issue to fruition.

On behalf of all from Inverness, we look forward to your support and assistance with future endeavors that are mutually beneficial and cost effective to the residents of Citrus County.

Thanks again, and do not hesitate to call if we need to discuss a matter.

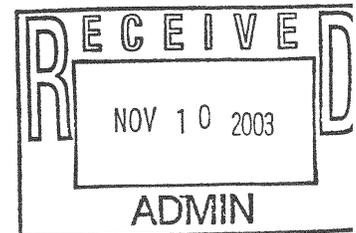
Frank DiGiovanni
City Manager

xc - Roger Batchelor, Commission Chairman
Inverness Elected Officials



Document reviewed & approved by/date:

Division Director(s) _____
Department Director(s) _____
Mgt & Budget _____
Risk Management _____
Other _____
County Attorney Mus
County Administrator _____



Agenda Memorandum – *City of Inverness*

DATE: October 17, 2014
ISSUE: Medical Marijuana Regulatory Concepts
FROM: City Manager
CC: City Clerk and Legal Counsel
ATTACHED: Questions and Answers about Medical Marijuana in Florida
Medical Marijuana: Questions, answers on what we know so far
City of Edgewood Regulations
City of Flagler Beach Regulations
City of Mount Dora Regulations
City of Palm Beach Shores Regulations

Included herein are regulations from cities in the State of Florida that are designed to address the potential regulation and dispensing of medical marijuana if passed this November.

To help understand this, two documents are also provided that pose and answer questions about the Amendment and after affects. Much will be determined and legislated by the State; however, local communities (cities) are at liberty to determine where and when the product may be dispensed. It is advised that you read the Q&A papers first.

The purpose of this presentation is to provide a forum for Elected Officials to express the type and level of authorization and regulation they would like us to achieve in developing ordinance language to regulate the product. Conclusions do not have to be detailed, but a general understanding will be beneficial. The goal will be to bring forward an ordinance for adoption in January 2015.

Recommended Action –

Discuss and provide a general understanding of the type regulations that would be preferred with respect to cultivating, processing, storing, dispensing and the sale of medical marijuana in Inverness.

A formal vote is not requested or necessary.


Frank DiGiovanni

Administrative Offices
212 West Main Street, Inverness Florida 34450
www.Inverness-FL.gov

Questions and answers about medical marijuana in Florida

Who could use medical marijuana?

A person with a doctor's certificate stating that the patient qualifies for medical marijuana. The Florida Department of Health would issue an identification card to be shown at purchase. The card would let law enforcement know the patient can possess amounts set by law.

What medical conditions would qualify?

Specific diseases or other "debilitating" conditions for which the doctor thinks benefits of use would outweigh risk. Cancer, glaucoma, HIV/AIDS, hepatitis C, ALS, multiple sclerosis, Parkinson's disease and Crohn's disease are all specified.

When could a patient start legally using marijuana?

The effective date of the amendment is Jan. 6. After that date, the Department of Health must implement regulations within six months and begin issuing identification cards within nine months. If the department fails to issue cards within nine months, the doctor's certification will serve as identification.

How much marijuana could a patient possess?

That will be determined by the Department of Health, based on what is "reasonably presumed to be an adequate supply." Patients who think they need more could appeal. Marijuana, oil, tinctures and cannabis-laced food products would be allowed.

How would a patient fill a prescription?

There will be no prescriptions because marijuana is not an FDA-approved medicine with controlled doses. It would be more like an over-the-counter herb. Certifying doctors must be licensed in Florida and perform a physical exam and "full assessment of a patient's history," but the amendment does not require doctors and patients to have an ongoing relationship.

Where would medical marijuana be sold?

Only at state-licensed dispensaries called "Medical Treatment Centers." Growers would also be licensed as treatment centers. The Department of Health would issue rules about how dispensaries would be monitored. Growing your own pot would remain illegal, as it is under current law.

What if the Department of Health writes regulations so restrictive that usage is effectively banned?

The department must issue "timely" and "reasonable" rules that "ensure the availability and safe use of medical marijuana by qualifying patients." If the regulations are too restrictive, any Florida citizen could sue to enforce constitutional intent.

Can caregivers possess marijuana?

A person over 21 can buy and handle the marijuana on behalf of up to five patients. Caregivers would have an identification card issued by the state.

How old must a patient be?

The amendment does not set age limits. In other states, use by minors requires parental consent, as with traditional medicinal treatments.

Would insurance cover it?

That would be up to the insurer. The amendment does not require coverage. Medicare does not cover nonprescription drugs and supplements.

What about using it at work or in schools?

Schools and employers would be free to prohibit on-site use. The amendment does not prohibit employers from requiring drug tests or imposing sanctions for positive results.

Would information on identification cards be public?

No. The Department of Health must keep records confidential, even from employers or family members. But the information could be disclosed for "valid medical or law enforcement purposes."

Could the Legislature set up its own system to regulate medical marijuana?

Yes, but it could not contradict the amendment. For example, the Legislature could not make dispensaries illegal. However, it could permit home cultivation, which is now banned by statute.

Could the Florida Supreme Court ruling on the ballot language be appealed?

Not successfully. Federal courts leave interpretation of state constitutions to state courts.

Could pot-smoking in public be regulated just as cigarette smoking is regulated?

Yes. Calling it medicine does not confer the right to use pot anywhere.

What about DUI?

Driving under the influence of "medical" marijuana would still be illegal, as with alcohol.



Under the proposed amendment to Florida's Constitution, medical marijuana would be legal for people with debilitating conditions like cancer, glaucoma, HIV/AIDS, hepatitis C, ALS, multiple sclerosis, Parkinson's disease and Crohn's disease.

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- All Rights Reserved
- Tampa Bay Times

Medical marijuana: Questions, answers on what we know so far

HOW IT MIGHT WORK

Isn't medical marijuana already legal in Florida? Yes, in a narrow way. The legislature passed a law allowing treatment of a few conditions with low THC cannabis, such as the strain Charlotte's Web. Some of those conditions are cancer, seizures and several muscle spasms.

Why is it called Charlotte's Web?

It's named after Charlotte Figi, a 7-year-old Colorado girl who has a rare form of epilepsy. She was suffering 300 grand mal seizures a week and was often hospitalized for cardiac arrest. Medical marijuana, the liquid form, was the last thing her parents tried and it worked.

Back to Amendment 2

So what am I voting on in November? The proposed amendment to the Florida Constitution will greatly expand the number of people who can legally possess and use marijuana. The "Use of Marijuana for Certain Medical Conditions," or Amendment 2, will require 60 percent of the votes to pass.

If it passes, who gets marijuana? Patients who get a doctor's certification that they need marijuana to treat their debilitating illnesses and that the benefits outweigh the harm.

So if the doctor OKs it, what's next? He must sign a certification that also indicates how long he wants the patients to be treated with pot. The certifications would be submitted to the Florida Department of Health, which issues ID cards for patients and for caregivers. The doctor cannot *prescribe* it. Why? Because marijuana for medical treatment or any other reason is still illegal under federal law.

The health department is supposed to be issuing cards and dispensaries are supposed to be up and running by Oct. 1, 2015, if the amendment passes.

Caregivers can get pot, too? Yes, the health department will issue cards to anyone 21 or older, who is designated by the patient. The caregiver can pick up the pot but can't smoke it. A caregiver can assist up to five patients at a time. Hospice workers may help more than five people.

How much pot can patients or caregivers legally possess? Don't know yet. That's one of these details for the health department. Other states set rules on how many plants AND how much pot patients can possess, but Florida's proposed law allows for the marijuana to be doled out only by dispensaries. So no plants allowed. The state is estimating sales tax revenue on annual use per patient of 3.53 ounces (100 grams) of pot at \$225 an ounce.

Where do the patients get the marijuana? At a Medical Marijuana Treatment Center. The Health Department will decide how these centers will operate, within six months after passage of the law. Officials estimate 1,800 across the state. Local government would decide where the shops could be in their particular areas.

When will this all begin if the law is passed?

If the amendment passes, the state department of health has six months to write rules, among them:

1. How to apply for an ID card – either patients or caregivers.
2. How Treatment Centers are set up and regulated.

3. How much pot qualifying patients and caregivers could carry.

4. The department would start issuing ID cards for patients and caregivers in October 2015.

THE SCIENCE

How will patients get marijuana into their systems; isn't smoking it harmful?

Some patients find that the use of the whole plant is more effective for them than drugs such as Marinol, a drug developed using THC only. The plant can have 60 active cannabinoids in addition to THC. The FDA, however, says smoking is harmful and has never been a recommended delivery system for any legal drug.

How does marijuana work in your body? Scientists in the past several years have discovered what is known as cannabinoid receptors, found in parts of the brain and spinal cord. Not only can they play a part in pain control, they also help control the vomiting reflex, appetite, emotional responses, motor skills and memory formation.

BREAKING THE LAW?

Isn't paraphernalia, used to smoke pot, illegal? Yes, but Ben Pollara, campaign manager of United for Care, pointed out that the amendment's definition of marijuana's "medical use" includes "related supplies." Anything now outlawed as drug paraphernalia, including "metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes," may be legally sold if used to smoke marijuana to treat a medical condition, Pollara told the Tribune/Scripps Capital Bureau. That could even include a "2-liter-type soda bottle," which state legislators have banned if used with a controlled substance.

Other objects banned previously by Florida lawmakers:

- Those "used to hold burning material, such as a cannabis cigarette, that has become too small or too short to be held in the hand"
- Miniature cocaine spoons and carburetor pipes.
- Balloons and duct tape if used as drug paraphernalia
- Bongos, which were banned last year. Before that, they had been legal to sell if 75 percent of a shop's sales were tobacco.

Are the doctors at risk of arrest? Yes, if they "prescribe" it instead of "certify" it, which is a recommendation.

Why? Under federal law, possessing marijuana remains illegal, even if state law allows it. It is still listed as a "Schedule I" drug, which means it has no accepted medical uses, and doctors are expressly forbidden from prescribing it. Also, pot is not approved by the FDA. Florida Surgeon General John Armstrong objects to Amendment 2 because there is no medical and peer-reviewed guidance on how much to prescribe, etc

How much does the pot cost? The state is estimating \$225 an ounce, but that could be affected by the black market. They cited www.priceofweed.com as the most reliable source of the going price.

THE MONEY

Will Florida make out on taxes? It isn't clear. If Florida is to make money, it must get past a bunch of tax exemptions that would seem to apply.

We have a lot of farming in Palm Beach County. Will growers be here? Only at the dispensaries. Pot needs to be grown under high energy discharge lights with low humidity and even carbon dioxide emitters.

I hear these are all-cash businesses. How come? – . Why? The feds regulate the banks and the banks don't want

to attract any problems from the authorities who will still operate under a law that makes any kind of possession illegal. That federal law can extend beyond street sales to anyone dealing with pot, including banks, which could encounter money-laundering problems.

The law – One problem is federal law still prohibits possession and sales. The U.S. attorney said last summer that it wouldn't require minimum mandatories in these arrests, but the proposed amendment says it doesn't provide immunity from federal law.

Can you smoke and drive? The law doesn't protect against Driving Under the Influence. The police chiefs association and the sheriffs association are opposed to the amendment.

THE POLITICS

Will a big turnout at the polls sweep Democrat Charlie Crist into the Governor's Office? Proponents of the new law think the marijuana vote will attract younger voters who would lean toward Crist, who favors the law, against incumbent Gov. Rick Scott, who opposes it.

Friends and foes: It's a million-dollar battle – [Two big money men are squaring off](#) – John Morgan, an Orlando personal injury lawyer, against Sheldon Adelson of Sands Casinos, one of the 10 richest men in the world. Adelson contributed \$2.5 million to Drug Free Florida and Morgan, a Crist backer, says he expects to plow \$6 million into United for Care.

ORDINANCE NO.: 2014-04

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA RELATING TO MEDICAL MARIJUANA; AMENDING THE CODE OF ORDINANCES, CHAPTER 134, "ZONING;" PROVIDING DEFINITIONS; PROVIDING THAT MEDICAL MARIJUANA DISPENSARIES, NON-MEDICAL MARIJUANA SALES AND CANNABIS FARMS ARE PROHIBITED USES IN CERTAIN ZONING DISTRICTS; PROVIDING THAT MEDICAL MARIJUANA DISPENSARIES ARE A PERMITTED SPECIAL EXCEPTION USE IN THE INDUSTRIAL ZONING DISTRICT; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATIONS FOR APPROVAL OF A SPECIAL EXCEPTION APPLICATION FOR A MEDICAL MARIJUANA DISPENSARY PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida is considering legalizing the dispensing of marijuana for medical purposes; and

WHEREAS, the City Council of the City of Edgewood has determined that it is in the best interests of the citizenry and general public to regulate the location of medical marijuana dispensaries in the event the State of Florida legalizes said dispensaries; and

WHEREAS, the City Council has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories within the City; and

WHEREAS, the City Council of the City of Edgewood has determined that given the potential impact on the surrounding area, that Medical Marijuana Dispensaries should only be allowed within the Industrial zoning district, as a special exception use; and

WHEREAS, the City Council of the City of Edgewood has determined that it is advisable and in the public interest to consider certain distance and other siting standards in regard to the location of operation of medical marijuana dispensaries as a special exception use; and

WHEREAS, the Planning and Zoning Commission, sitting as the local planning agency, has found this ordinance to be consistent with the City's Comprehensive Development Plan and recommended approval; and

WHEREAS, the City Council of the City of Edgewood finds that this ordinance promotes the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA THAT:

SECTION 1. Chapter 134, "Zoning," Article IV, "District Regulations," of the City of Edgewood Code of Ordinances is hereby amended as follows (note: strikethrough text indicates deletions, underline text indicates additions, ellipses (***) identify text that remains unchanged and that is not reprinted herein):

DIVISION 6. -P-O PROFESSIONAL OFFICE DISTRICT

* * *

Sec. 134-317. - Uses prohibited.

The following uses shall be prohibited in the P-O district:

- (1) Any business, except a medical or dental clinic or pharmacy, which displays merchandise for sale at retail or wholesale, or any business requiring the physical handling of merchandise to be sold at retail or wholesale on the premises.
- (2) Any use conducted either partially or totally outside a building or structure except for parking areas.
- (3) Veterinary establishments.
- (4) Medical Marijuana Dispensaries.
- (5) Non-medical Marijuana Sales.
- (6) Cannabis Farm.
- (4)(7) Other uses which are similar to those listed above, and which are not specifically permitted in this division and which the prohibition thereof would maintain the intent and authority and directive of the city council, which shall be determined after public notice and public hearing.

* * *

DIVISION 7. -C-1 RETAIL COMMERCIAL DISTRICT

* * *

Sec. 134-347. - Uses prohibited.

The following uses shall be prohibited in any C-1 retail commercial district:

- (1) Title loan stores.
- (2) Check cashing, payday advance stores, or other similar businesses.
- (3) Labor pool offices.
- (4) Bail bond offices.
- (5) Tattoo, body piercing, massage parlors and fortunetelling shops.
- (6) Soup kitchens.
- (7) Runaway and related emergency shelters; homeless shelters.
- (8) Convalescent facilities.
- (9) Residential social service facilities; welfare, food stamp, and other social service offices and institutional facilities.
- (10) Treatment and recovery facilities.
- ~~(11) New and used automobile and boat sales.~~
- ~~(12) Medical Marijuana Dispensaries.~~
- ~~(13) Non-medical Marijuana Sales.~~
- ~~(14) Cannabis Farm.~~
- ~~(11)(15)~~ Other similar uses consistent with this subsection.
- ~~(12) New and used automobile and boat sales.~~
- ~~(13)(16)~~ Any use or activity which is not in full compliance with all the requirements and standards set forth in this division.
- ~~(14)(17)~~ Uses listed in section 134-403, except uses listed at section 134-403(1), or section 134-404 of the C-3, wholesale commercial district (article IV, division 9 of this chapter).

DIVISION 10. –I INDUSTRIAL DISTRICT

* * *

Sec. 134-437. – Uses Prohibited.

The following uses shall be prohibited in any “I” Industrial district:

- (1) Non-medical Marijuana Sales.
- (2) Cannabis Farm

Sec. 134-438. – Special Exception uses.

Medical Marijuana Dispensaries. Medical Marijuana Dispensaries shall be allowed as a special exception use upon application, hearing and approval as provided in this Code of Ordinances. An application for special exception use for a Medical Marijuana Dispensary may be denied, approved or approved with conditions. In considering an application for special exception pursuant to this section, planning and zoning board and the city council shall consider the following criteria:

- (1) Compatibility of the proposed facility with the surrounding uses.
- (2) The size of the lot on which the proposed facility will be located.
- (3) The maximum number of persons that can occupy the proposed facility.
- (4) The amount of traffic generated by the proposed facility.
- (5) The general health, safety and welfare of the community.
- (6) All safety measures to be implemented by the applicant to protect the property, employees and invitees during and outside of its operating hours.

In addition to all other requirements and conditions, the applicant shall comply with all the following conditions contained herein. No special exception for a Medical Marijuana Dispensary shall be approved unless the applicant has shown by competent substantial evidence its ability to comply with each of the conditions contained herein.

- (1) Loitering. A Medical Marijuana Dispensary shall provide adequate seating for its patients and business invitees and shall not allow patients or business invitee to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary operates, including in any parking areas, sidewalks, right-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. The Medical Marijuana Dispensary shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.
- (2) No drive through service. No Medical Marijuana Dispensary shall have a drive through or drive in service aisle. All dispensing, payment for and receipt of products shall occur from inside the Medical Marijuana Dispensary.
- (3) Alcoholic Beverages. No consumption of alcoholic beverages shall be allowed on the premises on which a Medical Marijuana Dispensary is located, including the parking areas and sidewalks.

(4) Separation Distances. No Medical Marijuana Dispensary shall operate within two thousand five hundred (2,500) feet of any pre-existing school, church, day care facility, public park or another Medical Marijuana Dispensary.

(5) No Delivery Service. No Medical Marijuana Dispensary shall conduct any form of off-site delivery service of Medical Marijuana.

(6) No vending machines. No Medical Marijuana Dispensary shall utilize any type of vending machines for the dispensing of Medical Marijuana.

(7) Maximum copy area of freestanding signs. The maximum aggregate copy area for any freestanding signs utilized by a Medical Marijuana Dispensary shall be twelve square feet.

(8) Security. Every Medical Marijuana Dispensary shall incorporate safety measures to protect its property, employees and invitees during and outside of the dispensary's business hours, which measures shall include at a minimum installation of a security system and/or security personnel.

(9) Compliance with Other Laws. All Medical Marijuana Dispensaries shall at all times be in compliance with all federal, state and local laws and regulations.

(10) Revocation of Permit. In the event any Medical Marijuana Dispensary is found to have violated the provisions of this Section or any other conditions of approval of the special exception three times within any twelve month period, the city shall as soon as reasonably practical schedule a hearing before the code enforcement special magistrate. Upon the city establishing by competent substantial evidence that the Medical Marijuana Dispensary has violated the provisions of this Section or any other conditions of approval of the special exception three times within any twelve month period, the code enforcement special magistrate shall order the special exception revoked. Any Medical Marijuana Dispensary that has its special exception revoked pursuant to this paragraph shall not be eligible to reapply for a special exception for twelve months from the date of the revocation.

Each application for a special exception shall be accompanied by a site plan incorporating the regulations established herein. The site plan shall be drawn to scale indicating property lines, rights-of-way, and the location of buildings, parking areas, curb cuts and driveways. Said site plan shall be submitted to and considered by the planning and zoning board and the city council as provided for in article II of this chapter prior to the granting of a building permit. Upon such approval, said site plan becomes a part of the building permit and may be amended only by action of the city council after recommendation by the planning and zoning board.

* * *

SECTION 2. Chapter 134, “Zoning,” Article I, “In General,” of the City of Edgewood Code of Ordinances is hereby amended as follows (note: strikethrough text indicates deletions, underline text indicates additions, ellipses (***) identify text that remains unchanged and that is not reprinted herein):

Sec. 134-1. – Definitions.

* * *

Cannabis. Any plant or part of a plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin

Cannabis Farm. Any property used in whole or in part for the growing or cultivation of Cannabis plants, whether or not such growing or cultivation is lawful under federal or state law.

Medical Marijuana Dispensary. A facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plants are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local, federal and state laws. Physicians authorized by State law to order low-THC cannabis, as defined in Florida Statutes, for patients’ medical use are not included in the definition of Medical Marijuana Dispensary.

Medical Use. The prescriptive use of any form of cannabis to treat a qualifying medical condition and the symptoms associated with that condition or to alleviate the side effects of a qualifying medical treatment.

* * *

Non-Medical Marijuana Sales. The purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plants when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under federal or state law.

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SECTION 3. Chapter 134, “Zoning,” Article V, “Supplement District Regulations,” of the City of Edgewood Code of Ordinances is hereby amended as follows (note: strikethrough text indicates deletions, underline text indicates additions, ellipses (***) identify text that remains unchanged and that is not reprinted herein):

Sec. 134-518. –Home Occupations.

Prohibited home occupations. Notwithstanding any other provision of this section, the following uses shall be prohibited as home occupations:

Adult entertainment.
Antique shops.
Auto service and repair.
Barbershops and beauty shops.
Bed and breakfast facilities.
Cannabis Farms.
Child care centers.
Churches.
Clubs, private.
Drive-in facilities.
Eating and drinking establishments.
Food processing.
Fortunetellers.
Funeral homes.
Group instruction of more than four people.
Health spas.
Hospital and clinics.
Hotels/motels.
Kennels.
Massage establishments.
Medical Marijuana Dispensaries.
Non-medical Marijuana Sales.
Plasmapheresis facilities.
Primary offices of professionals.
Vehicle sales, rental or repair.
Whole blood facilities.
Any other similar use or activity as determined by the city clerk.

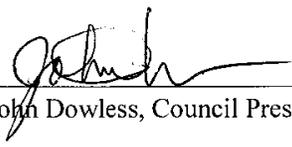
SECTION 4. CODIFICATION. It is the intent of the City Council of the City of Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 5. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

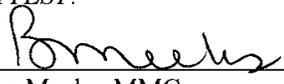
SECTION 6. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

ADOPTED by the City Council of the City of Edgewood, Florida, this 17th day of June, 2014.



John Dowless, Council President

ATTEST:


Bea Meeks, MMC
City Clerk

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3 **ORDINANCE NO.: 2014-12**

4 **AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA**
5 **RELATING TO MEDICAL MARIJUANA; AMENDING THE CODE OF**
6 **ORDINANCES, APPENDIX A, LAND DEVELOPMENT**
7 **REGULATIONS,” ARTICLE II, “ZONING; PROVIDING DEFINITIONS;**
8 **PROVIDING THAT MEDICAL MARIJUANA DISPENSARIES, NON-**
9 **MEDICAL MARIJUANA SALES AND CANNABIS FARMS ARE**
10 **PROHIBITTED USES IN CERTAIN ZONING DISTRICTS; PROVIDING**
11 **THAT MEDICAL MARIJUANA DISPENSARIES IS A PERMITTED**
12 **SPECIAL EXCEPTION USE IN THE HIGHWAY COMMERCIAL**
13 **ZONING DISTRICT; PROVIDING ADDITIONAL STANDARDS AND**
14 **CONSIDERATIONS FOR APPROVAL OF A SPECIAL EXCEPTION**
15 **APPLICATION FOR A MEDICAL MARIJUANA DISPENSARY**
16 **PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY;**
17 **PROVIDING AN EFFECTIVE DATE.**

18 **WHEREAS**, the State of Florida is considering legalizing the dispensing of marijuana
19 for medical purposes; and

20
21 **WHEREAS**, the City Commission of the City of Flagler Beach has determined that it is
22 in the best interests of the citizenry and general public to regulate the location of medical
23 marijuana dispensaries and related activities in the event the State of Florida legalizes said
24 dispensaries; and

25
26 **WHEREAS**, the City Commission has the responsibility and authority to determine what
27 uses are best suited to particular zoning categories as well as land use categories within the City;
28 and

29
30 **WHEREAS**, the City Commission of the City of Flagler Beach has determined that
31 given the potential impact on the surrounding area, that medical marijuana dispensaries should
32 only be allowed within the Highway Commercial zoning district, as a special exception use; and

33
34 **WHEREAS**, the City Commission of the City of Flagler Beach has determined that it is
35 advisable and in the public interest to consider certain distance and other siting standards in
36 regard to the location of operation of medical marijuana dispensaries as a special exception use;
37 and

38
39 **WHEREAS**, the City Commission of the City of Flagler Beach has determined that
40 cannabis farms and non-medical marijuana sales would not be suited to any zoning district
41 within the City of Flagler Beach; and

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43 **WHEREAS**, the City Commission of the City of Flagler Beach finds that this ordinance
44 promotes the public health, safety and welfare.
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46 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
47 **CITY OF FLAGLER BEACH, FLORIDA THAT:**
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50 **SECTION 1.** Appendix A, “Land Development Regulations,” Article II, “Zoning,” of
51 the City of Flagler Beach Code of Ordinances is hereby amended as follows (note: strikethrough
52 text indicates deletions, underline text indicates additions, ellipses (***) identify text that
53 remains unchanged and that is not reprinted herein):
54

55 * * *

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57 **Sec. 2.02.00. – Definitions.**

58 * * *

59
60 *Cannabis.* Any plant or part of a plant of the genus *Cannabis*, whether growing or
61 not; the seeds thereof; the resin extracted from any part of the plant; and every
62 compound, manufacture, salt, derivative, mixture, or preparation of the plant or
63 its seeds or resin
64

65 *Cannabis Farm.* Any property used in whole or in part for the growing or
66 cultivation of Cannabis plants, whether or not such growing or cultivation is
67 lawful under federal or state law.
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69 * * *

70
71 *Medical Marijuana Dispensary.* A facility that is operated by an organization or
72 business holding all necessary licenses and permits from which marijuana,
73 cannabis, cannabis-based products, or cannabis plants are delivered, purchased,
74 possessed, or dispensed for medical purposes and operated in accordance with all
75 local, federal and state laws. Physicians authorized by State law to order low-
76 THC cannabis, as defined in Florida Statutes, for patients’ medical use are not
77 included in the definition of Medical Marijuana Dispensary.
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79 *Medical Use.* The prescriptive use of any form of cannabis to treat a qualifying
80 medical condition and the symptoms associated with that condition or to alleviate
81 the side effects of a qualifying medical treatment as authorized by State law.
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83 * * *

84
85 *Non-Medical Marijuana Sales.* The purchase, sale, transfer or delivery of
86 marijuana, cannabis, cannabis-based products or cannabis plants when such sale,
87 transfer or delivery is not associated with any medical purpose or use, whether or
88 not such purchase, sale, transfer or delivery is lawful under federal or state law.
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Sec. 2.06.04. – Marijuana and Cannabis.

Non-medical Marijuana Sales and Cannabis Farms shall be prohibited uses in all zoning districts of the City. Medical Marijuana Dispensaries shall be a prohibited use in all zoning districts of the City except Highway Commercial. Medical Marijuana Dispensaries shall be allowed as a special exception use within the Highway Commercial zoning district upon application, hearing and approval as provided in this Code of Ordinances. An application for special exception use for a Medical Marijuana Dispensary may be denied, approved or approved with conditions. In addition to all other requirements and conditions, the applicant shall comply with all the following conditions contained herein and no special exception for a Medical Marijuana Dispensary shall be approved unless the applicant has shown by competent substantial evidence its ability to comply with each of the conditions contained herein.

(1) *Loitering.* A Medical Marijuana Dispensary shall provide adequate seating for its patients and business invitees and shall not allow patients or business invitee to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary operates, including in any parking areas, sidewalks, right-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. The Medical Marijuana Dispensary shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.

(2) *No drive through service.* No Medical Marijuana Dispensary shall have a drive through or drive in service aisle. All dispensing, payment for and receipt of products shall occur from inside the Medical Marijuana Dispensary.

(3) *Alcoholic Beverages.* No consumption of alcoholic beverages shall be allowed on the premises on which a Medical Marijuana Dispensary is located, including the parking areas and sidewalks.

(4) *Separation Distances.* No Medical Marijuana Dispensary shall operate within two thousand five hundred (2,500) feet of any pre-existing school, church, day care facility, public park or another Medical Marijuana Dispensary.

(5) *Compliance with Other Laws.* All Medical Marijuana Dispensaries shall at all times be in compliance with all federal, state and local laws and regulations.

Each application for a special exception shall be accompanied by a site plan incorporating the regulations established herein. The site plan shall be drawn to scale indicating property lines, rights-of-way, and the location of buildings, parking areas, curb cuts and driveways.

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Sec. 2.04.02.8. Zoning Schedule One Land Use Controls.

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SCHEDULE ONE ZONING SCHEDULE OF USE CONTROLS CITY OF FLAGLER BEACH			
CATEGORY OF USE	USES PERMITTED		
	UNRESTRICTED USES		SPECIAL EXCEPTION USES
	PRINCIPAL	ACCESSORY	
<p>HC - HIGHWAY COMMERCIAL</p> <p>a. The provisions of this district are intended to complement the Commercial designation of the Future Land Use Map by providing a variety of commercial uses indigenous with the category. The activities permitted are oriented to the need of vehicular uses. These include activities that generate traffic volumes and require high demand parking considerations.</p> <p>b. Each parcel shall be developed so that pedestrian and vehicular circulation is coordinated with the circulation patterns of adjacent properties. To minimize vehicular, pedestrian and bicycle conflict, cross access drives and internal oriented ingress, egress to individual parcels shall be employed, where applicable.</p> <p>NOTE: All commercial uses in existence at the time of the adoption date of Ordinance 2006-13, which are not in conformance with Schedule Two, Lot, Yard,</p>	<ol style="list-style-type: none"> 1. Automotive retail parts store. 2. Automotive service stations without major mechanical repairs. 3. Automotive repair centers, tire sales and service without major mechanical repairs. 4. Car wash to include self wash and/or drive-thru. 5. Bars, Cocktail lounges, taverns and nightclubs within a principal building or as an accessory to hotels and motels. 6. Financial institutions without drive-thru windows. 7. Health clubs. 8. Outdoor eating facilities and service associated with, and on the same property of an enclosed restaurant. There shall be no outdoor music or entertainment. 9. Personal services. 10. Personal storage facilities conducted within a totally enclosed structure. 11. Professional and business services including but not limited to: <ol style="list-style-type: none"> a. Medical services and facilities without overnight care 	<ol style="list-style-type: none"> 1. Automobile parking structures. 2. Customary uses and structures clearly incidental to one (1) or more permitted uses or structures. 3. Monopole communication towers and communication antennas which do not exceed the established height limitations. 	<ol style="list-style-type: none"> 1. Commercial recreational facilities (e.g. bowling alley, billiard parlor). 2. Hotel, motels and inns. 3. Automotive service stations, automotive repair centers, and lube shops if abutting any residential zoning district. 4. Bars, cocktail lounges, taverns and the like with outdoor entertainment. 5. Restaurants with drive-thru window service. 6. Financial institutions with drive-thru windows. 7. Private, social, recreational or fraternal clubs or organizations. 8. Churches, synagogues or other houses of worship. 9. <u>Medical Marijuana</u>

<p>and Bulk Regulations, shall hereby be deemed conforming uses (Ord. No. 2006-13, § 2, 4-3-06)</p>	<p>of patients.</p>		<p>Dispensaries NOTE: All Special Exception uses are subject to Section 2.03.00 Establishment of Districts, and Section 2.06.01, Special Exception uses.</p>
	<p>b. Veterinary offices. There shall be no overnight stays of animals, except for emergency care. c. Veterinary hospitals or clinics wholly within a noise-attenuated structure with no overnight stays of animals, except for emergency care. 12. Retail building supplies. 13. Retail sales and services. 14. Restaurants. 15. Shopping centers providing retail sales of food, hardware and other household items normally required to serve the residents of the community. 16. Sexually oriented businesses as defined in Chapter 4, Article II; City Code subject to the following: a. All such sexually oriented businesses, as defined in Ordinance 2006-15, shall maintain a minimum 200 foot setback from the following: 1. An area zoned within the county, municipality or adjoining municipality for residential use,</p>		
	<p>2. Areas designated as a category that permits residential uses on the Future Land Use Map of the city/, adjoining city or county. 3. Preexisting residence. 4. Preexisting religious institution. 5. Preexisting park. 6. Preexisting education facility. b. The distance from a</p>		

	<p>proposed sexually oriented business to the aforementioned residential areas and other uses shall be measured by drawing a straight line between the closest property line of said residential areas or other uses and the closest exterior wall of any building in which the sexually oriented business is licensed to operate.</p> <p><u>17.</u> Adult Arcades, as permitted in <u>Chapter 4</u> of the Code of Ordinances.</p> <p>(Ord. No. 2007-30, § 2, 9-27-07; Ord. No. 2007-33, § 2, 10-25-07)</p>		
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SECTION 2. CODIFICATION. It is the intent of the City Commission of the City of Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 3. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 4. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ORDAINED this 22ND day of May, 2014, by the City Commission of the City of Flagler Beach, Florida.

PASSED ON FIRST READING THIS 8TH DAY OF MAY, 2014.

PASSED AND ADOPTED THIS 22ND DAY OF MAY, 2014.

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CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Linda Provencher, Mayor

ATTEST:

Penny Overstreet, City Clerk

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ORDINANCE NO. 2014-05

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA RELATING TO MEDICAL MARIJUANA; AMENDING THE *LAND DEVELOPMENT CODE*, CHAPTER III, "ZONING REGULATIONS;" PROVIDING DEFINITIONS; PROVIDING THAT MEDICAL MARIJUANA DISPENSARIES, NON-MEDICAL MARIJUANA SALES AND CANNABIS FARMS ARE PROHIBITED USES IN CERTAIN ZONING DISTRICTS; PROVIDING THAT MEDICAL MARIJUANA DISPENSARIES ARE A PERMITTED CONDITIONAL USE PERMIT IN THE WORKPLACE (INDUSTRIAL) ZONING DISTRICT; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATIONS FOR APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION FOR A MEDICAL MARIJUANA DISPENSARY; REMOVING AGRICULTURE USES FROM THE LIST OF PERMITTED USES IN CERTAIN RESIDENTIAL DISTRICTS; UPDATING DEFINITIONS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the State of Florida is considering legalizing the dispensing of marijuana for medical purposes; and

WHEREAS, the City Council of the City of Mount Dora has determined that it is in the best interests of the citizenry and general public to regulate the location of medical marijuana dispensaries in the event the State of Florida legalizes said dispensaries; and

WHEREAS, the City Council has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories within the City; and

WHEREAS, the City Council of the City of Mount Dora has determined that given the potential impact on the surrounding area, that Medical Marijuana Dispensaries should only be allowed within the Industrial zoning district, as a special exception use; and

WHEREAS, the City Council of the City of Mount Dora has determined that it is advisable and in the public interest to consider certain distance and other siting standards in regard to the location of operation of medical marijuana dispensaries as a special exception use; and

WHEREAS, the Planning and Zoning Commission, sitting as the local planning agency, has found this ordinance to be consistent with the City's Comprehensive Development Plan and recommended approval; and

WHEREAS, the City Council of the City of Mount Dora finds that this ordinance promotes the public health, safety and welfare.

47 NOTE: Underlined words constitute additions to the original text of the *Land Development*
48 *Code*; ~~strike throughs~~ constitute deletions to the original text of the *Land Development Code*; and
49 asterisks (***) indicate omissions from the original text of the *Land Development Code* which is
50 intended to remain unchanged.

51
52 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mount
53 Dora, Florida, as follows:
54

55 **SECTION 1:** The recitals set forth above are hereby adopted as legislative findings of
56 the City Council of the City of Mount Dora.
57

58 **SECTION 2.** Chapter III, "Zoning Regulations," of the City of Mount Dora Land
59 Development Code is hereby amended as follows:
60

61 ***

62 3.4.1. *GB Greenbelt District:*

63 ***

64 4. *Prohibited uses:*

65 a. Medical marijuana dispensaries.

66 b. Non-medical marijuana sales.

67 c. Cannabis farms.

68

69 ~~4.5~~ *Site development standards:*

70 ***

71
72 3.4.2. *R-1AAAA, R-1AAA, R-1AA, R-1A, R-1, R-1B, Single-Family Residential Districts:*

73 ***

74 3. *Conditional uses (See section 2.5.1.5):*

75 a. ~~—~~ Agriculture.

76 ~~ba.~~ Churches.

77 ~~eb.~~ Public utility and service facilities.

78 ~~ec.~~ Schools.

79 ~~ed.~~ Recreation, including live theater or other city sponsored cultural uses.

80 ~~fd.~~ Temporary sales offices (subsection 3.5.14).

81 ~~gf.~~ Home occupations (subsection 3.5.12).

82 ~~hg.~~ Bed and breakfast establishments in R-1 and R-1B zoning districts
83 (subsection 3.5.17).

84

85 4. *Prohibited uses:*

86 a. Medical marijuana dispensaries.

87 b. Non-medical marijuana sales.

88 c. Cannabis farms.

Ordinance No. 2014-05

- 89 4~~5~~. *Site development standards:*
90 ***
91
92 3.4.3. *R-2 Duplex (one-and-two-family) Residential District:*
93
94 ***
95 3. *Conditional uses (See 2.5.1.5):*
96
97 a. — ~~Agriculture.~~
98 **a.** Churches.
99 **b.** Public utility and service facilities.
100 **c.** Schools.
101 **d.** Recreation facilities.
102 **e.** Temporary sales offices (subsection 3.4.14).
103 **f.** Bed and breakfast establishments (subsection 3.5.17).
104 **g.** Hospitals.
105 **h.** Home occupations (subsection 3.5.12).
106 **i.** Day care centers.
107 **j.** Group homes and adult living facilities (subsection 3.5.13).
108 **k.** Parking associated with adjacent nonresidential uses provided that the
109 vacant land used for the construction of a parking facility is not created as
110 the result of the demolition of an existing structure (subsection 6.5).
111
112 4. *Prohibited uses:*
113 a. Medical marijuana dispensaries.
114 b. Non-medical marijuana sales.
115 c. Cannabis farms.
116
117 4~~5~~. *Site development standards:*
118
119 ***
120
121 3.4.4. *R-3 Multifamily Residential District:*
122
123 ***
124 3. *Conditional uses (See section 2.5.1.5):*
125 a. — ~~Agriculture.~~
126 **a.** Churches.
127 **b.** Public utilities and service facilities.
128 **c.** Group homes and adult living facilities (subsection 3.5.13).
129 **d.** Schools.

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- 171 e. Non-medical marijuana sales.
172 f. Cannabis farms.
173 ***
174
175 3.4.7. *C-2 Downtown Commercial District.*
176 ***
177 4. *Prohibited uses:* The following uses are specifically excluded from the C-2
178 district:
179 a. Gas and oil service centers.
180 b. Shopping centers and discount houses.
181 c. Any commercial establishment involving manufacturing, warehousing,
182 excessive traffic generating activity, or any activity likely to cause
183 objectionable noise, fumes, vibrations, dust, odor or fire hazard.
184 d. Drive-in facilities.
185 e. Day Care centers.
186 f. Medical marijuana dispensaries.
187 g. Non-medical marijuana sales.
188 h. Cannabis farms.
189 ***
190
191 3.4.7-A. *C-2-A Peripheral Commercial District.*
192
193 ***
194 4. *Prohibited uses.*
195 a. Any commercial establishment involving manufacturing, warehousing,
196 excessive traffic or any activity which may cause objectionable noise,
197 fumes, vibrations, dust, odor or fire hazard.
198 b. Medical marijuana dispensaries.
199 c. Non-medical marijuana sales.
200 d. Cannabis farms.
201 ***
202
203 3.4.8. *C-3 Highway Commercial District.*
204 ***
205 4. *Prohibited uses.*
206 a. All uses not allowed as either a permitted use or a conditional use above
207 are prohibited unless adopted as part of a planned unit development, ~~and~~
208 ~~those uses specifically as follows:~~
209 b. Medical marijuana dispensaries.
210 c. Non-medical marijuana sales.

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- 211 d. Cannabis farms.
- 212 ***
- 213
- 214 3.4.9. *RP Residential Professional District.*
- 215 ***
- 216
- 217 4. Prohibited uses:
- 218 a. Medical marijuana dispensaries.
- 219 b. Non-medical marijuana sales.
- 220 c. Cannabis farms.
- 221
- 222 4.5. *Site development standards:*
- 223 ***
- 224
- 225 3.4.10. *OP Office Professional District.*
- 226
- 227 ***
- 228 4. Prohibited uses:
- 229 a. Medical marijuana dispensaries.
- 230 b. Non-medical marijuana sales.
- 231 c. Cannabis farms.
- 232
- 233 4.5. *Site development standards:*
- 234 ***
- 235
- 236 3.4.11 *WP-1 Workplace District:*
- 237 ***
- 238 4. Prohibited uses:
- 239 a. Medical marijuana dispensaries.
- 240 b. Non-medical marijuana sales.
- 241 c. Cannabis farms.
- 242
- 243 4.5. *Site development standards:*
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3.4.12 *WP-2 Workplace District:*

3. *Conditional uses* (See section 2.5.1.5):

- a. Utility facilities.
- b. Telecommunications towers (subject to subsection 3.5.21).
- c. Any building or structure that is, in the opinion of the development review coordinator, not clearly permitted in the WP-2 district, but is similar and compatible to the uses listed above, may be required to obtain a conditional use permit.
- d. Medical marijuana dispensaries. In addition to all other requirements and conditions, the applicant shall comply with all the following conditions:
 - i. Loitering. A medical marijuana dispensary shall provide adequate seating for its patients and business invitees and shall not allow patients or business invitee to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary operates, including in any parking areas, sidewalks, right-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. The medical marijuana dispensary shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.
 - ii. No drive through service. No medical marijuana dispensary shall have a drive through or drive in service aisle. All dispensing, payment for and receipt of products shall occur from inside the medical marijuana dispensary.
 - iii. Alcoholic Beverages. No consumption of alcoholic beverages shall be allowed on the premises on which a medical marijuana dispensary is located, including the parking areas and sidewalks.
 - vi. Separation Distances. No medical marijuana dispensary shall operate within two thousand five hundred (2,500) feet of any pre-existing school, day care facility, public park or another medical marijuana dispensary.
 - v. Compliance with Other Laws. All medical marijuana dispensaries shall at all times be in compliance with all federal, state and local laws and regulations.

In addition to the requirements of section 2.5 the planning and zoning commission shall determine that there are adequate systems to prevent ground, air or noise pollution, that the required setback requirements of the WP-2 zoning district are adequate for the proposed conditional use, and that the facility shall conform to the standards set forth in the description of the WP-2 district in subsection 3.4.12.1 above.

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- 294 4. Prohibited uses:
295 a. Non-medical marijuana sales.
296 b. Cannabis farms.
297
298 4~~5~~. Site development standards:
299 ***
300
301 3.4.13. PLI Public Lands and Institutions District:
302 ***
303 4. Prohibited uses:
304 a. Medical marijuana dispensaries.
305 b. Non-medical marijuana sales.
306 c. Cannabis farms.
307
308 4~~5~~. Site development standards:
309 ***
310
311 3.4.14. MHP Mobile Home Park District:
312 ***
313 4. Prohibited uses:
314 a. Medical marijuana dispensaries.
315 b. Non-medical marijuana sales.
316 c. Cannabis farms.
317
318 4~~5~~. Site development standards:
319 ***
320 5~~6~~. Additional requirements:
321 ***
322
323 3.4.15. EC Employment Center District:
324 ***
325 4. Prohibited uses:
326 a. Medical marijuana dispensaries.
327 b. Non-medical marijuana sales.
328 c. Cannabis farms.
329
330 4~~5~~. Other requirements.
331 ***
332 5~~6~~. Site development standards:
333 ***

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334 3.4.16 *MU-1 Mixed Use transitional and MU-2 Mixed Use Downtown Districts.*

335 ***

336 4. *Prohibited uses:*

337 a. Medical marijuana dispensaries.

338 b. Non-medical marijuana sales.

339 c. Cannabis farms.

340

341 ~~4-5.~~ *Accessory Uses Within Sidewalks:*

342 ***

343 ~~5 6.~~ *Mixed Use Standards:*

344 ***

345 ~~6 7.~~ *Site Development Standards:*

346 ***

347 ~~7-8.~~ *Building Placement and Orientation Requirements:*

348 ***

349 ~~8 9.~~ *Requirements For Pedestrian Friendly Infrastructure:*

350 ***

351 ~~9-10.~~ *Parking and On-Street Parking*

352 ***

353 ~~10 11.~~ *Specific Development Guideline:*

354 ***

355 ~~11 12.~~ *Phasing Plan:*

356 ***

357 ~~12 13.~~ *Public Arts:*

358 ***

359 ~~13 14.~~ *Applicability to other code Sections:*

360 ***

361 ~~14 15.~~ *Approval expiration:*

362 ***

363 ~~15 16.~~ *Bonds:*

364 ***

365 ~~16 17.~~ *Process And Application Requirement:*

366 ***

367 ~~17 18.~~ *Existing uses and structures:*

368 ***

369

370 **SECTION 3.** Chapter VIII, "Definitions," of the City of Mount Dora Land Development

371 Code is hereby amended as follows:

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373 The following definitions shall apply throughout this code. Words not specifically
374 defined or otherwise explained within this code shall be as defined in a standard
375 dictionary or as understood by the development review coordinator.

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Agriculture. means the science and art of production of plant(s) and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production, including hay or grass harvesting and bailing operation. For the purposes of marketing and promotional activities, seafood shall also be included in this definition.

Cannabis. Any plant(s) or part of a plant(s) of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant(s); and every compound, manufacture, salt, derivative, mixture, or preparation of the plant(s) or its seeds or resin

Cannabis farm. Any property used in whole or in part for the growing or cultivation of Cannabis plant(s), whether or not such growing or cultivation is lawful under federal or state law.

Medical Marijuana Dispensary. A facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plant(s) are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local, federal and state laws.

Medical Use. The prescriptive use of any form of cannabis to treat a qualifying medical condition and the symptoms associated with that condition or to alleviate the side effects of a qualifying medical treatment.

Non-Medical Marijuana Sales. The purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plant(s) when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under federal or state law.

SECTION 4: CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 5: SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall

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422 phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or
423 unconstitutional.

424

425 **SECTION 6: CODIFICATION.** The provisions of this Ordinance shall be codified as
426 and become and be made a part of the Land Development Code of the City of Mount Dora. The
427 Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and
428 the word "Ordinance", or similar words, may be changed to "Section," "Article", or other
429 appropriate word. The Code codifier is granted liberal authority to codify the provisions of this
430 Ordinance.

431

432 **SECTION 7: EFFECTIVE DATE.** This Ordinance shall become effective immediately
433 upon adoption.

434

435 **PASSED AND ORDAINED** this 20 day of May 2014, by the City Council of the City
436 of Mount Dora, Florida.

437 Attest:

438

439 
440 Gwen Johns, City Clerk
441 City of Mount Dora

442


Catherine T. Hoechst, Mayor
City of Mount Dora

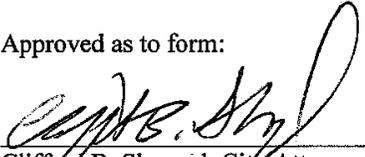
443 Date of First Reading: May 6, 2014
444 Date of Second Reading: May 20, 2014
445 Duly Advertised:

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447 Approved as to form:

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450 
451 Clifford B. Shepard, City Attorney
452 City of Mount Dora

ORDINANCE NO. 2014-08

AN ORDINANCE AMENDING TITLE XV, CHAPTER 157 ZONING REGULATIONS, CODE OF ORDINANCES OF THE TOWN OF PALM SHORES, BREVARD COUNTY, FLORIDA; AMENDING ORDINANCE NO. 2014-06; SETTING FORTH ADDITIONAL REQUIREMENTS FOR MEDICAL MARIJUANA DISPENSARIES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE TOWN OF PALM SHORES CODE.

WHEREAS, the State of Florida is considering the legalization of Medical Marijuana; and,

WHEREAS, the Town Council has determined that it is in the best interests of the citizens of the Town, in the event such legalization shall occur, to regulate the location of Medical Marijuana Dispensaries; and'

WHEREAS, The Town Council finds that protecting patients, caregivers of patients, physicians, persons lawfully engaged in activities associated the operation of a medical marijuana dispensary, property and the general health, safety and welfare of the Town is of a paramount concern; and

WHEREAS, the Town Council finds that protecting the public from criminal activity and to ensure the highest degree of conduct of owners, patients and business invitees of medical marijuana dispensaries will promote the general welfare; and,

WHEREAS, the Town council has determined that it is in the best interest of the public to set siting requirements and other restrictions for medical marijuana dispensaries; and,

WHEREAS, the Town Council adopted Ordinance No. 2014-06, which has not yet been codified; and,

WHEREAS, the Town's Attorney has recommended an amendment to Ordinance No. 2014-06; and,

WHEREAS, the Town Council desires to amend Ordinance No. 2014-06 prior to codification and directs that the provisions of this ordinance be codified and not Ordinance no. 2014-06.

NOW, THEREFORE, BE IT ORDAINED BY THE Town of Palm Shores of Brevard County, Florida, as follows:

SECTION 1. Section 157.315 is amended by adding a new subsection (3) to subparagraph (D) to read as follows:

• • •

“(3) **Medical Marijuana Dispensaries.** Medical Marijuana Dispensaries shall be allowed as a Permitted Conditional Use in the M-1 zoning district. Medical Marijuana dispensaries shall be defined as any business which has been approved by the State of Florida to cultivate, process, and dispense medical marijuana pursuant to state law. All such cultivation, processing and dispensing shall occur wholly within the structure upon which such medical marijuana facility is located. When considering an application for a medical marijuana dispensary, the planning and zoning board and the town council shall consider the criteria below. The town council may impose additional conditions and safe guards as deemed necessary.

(a) Criteria to be considered concerning an application for a medical marijuana dispensary:

(i) *Controlled substance.* The on-site sale, provision, or dispensing of medical marijuana is prohibited except as specifically authorized by applicable federal or state law;

(ii) *Adequate facilities.* Medical marijuana dispensaries shall provide adequate seating for its patients and business invitees. The medical marijuana dispensary shall not direct or encourage any patient or business invitee to stand, sit (including in a parked vehicle), or gather or loiter outside of the building where the dispensary is located and operates, including, but not limited to, sidewalks, parking areas, right-of ways, or neighboring properties for any period of time longer than that is reasonably required to arrive and depart. The medical marijuana dispensary shall post conspicuous “No Loitering” signs on all sides of that portion of a building occupied by the medical marijuana dispensary.

(iii) *Queuing or stacking of motor vehicles.* The medical marijuana dispensary shall ensure that there is no queuing or stacking of motor vehicles in any right-of-way.

(iv) *Outside display.* There shall be no outside display of any products, wares or merchandise.

(v) *Alcoholic beverages.* There shall be no sale, service or consumption of alcoholic beverages on the premises or in any parking area, sidewalk, or right-of-way.

(vi) *Separation distance.* A medical marijuana dispensary shall not be located within twenty five hundred (2,500) feet of any pharmacy, school (as defined in section 1002.01 or 1003.01, Florida Statutes), medical office, day care center, day care home, adult living facility or similar type of facility, playground, religious institution, public park, another medical marijuana dispensary, or residential structure. All distance requirements shall be measured by drawing a straight line from the nearest property line of the premises upon which a medical marijuana dispensary is located to the nearest property line of the preexisting protected use. The applicant may request a variance of this paragraph as provided in the Town of Palm Shores Land Usage Code, Section 157.057.

(vii) *Hours of operation.* Medical marijuana dispensaries shall only operate between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. through 12:00 p.m. on Saturday. Medical marijuana dispensaries shall not operate on Sunday.

(viii) *Other Activities.* Other than the cultivation, processing and dispensing of medical marijuana permitted herein no medical marijuana dispensary shall sell, market, dispense, provide, exchange, or otherwise vend any other services; product; or drug paraphernalia as defined by federal or state law.

(ix) *Compliance with other laws.* In addition to the laws and ordinances of the Town of Palm Shores all medical marijuana dispensaries shall comply with all federal and state laws.

(x) *Security Measures.* Each medical marijuana facility shall be equipped with a silent alarm that notifies the Brevard County Sheriff's Office or a private security agency that a break in or robbery is taking place; a security camera capable of recording and retrieving an image. Such security camera system shall be operational at all times during and after business hours; a drop safe or cash management device that provides minimum access to the facility's cash receipts. The security cameras shall be located at every ingress and egress site of the dispensary, including doors and windows, as well as on the interior where any monetary transaction shall occur and shall also be located at the ingress and egress site where the medical marijuana is grown and/or stored.

(b) **Cultivation.** The term *Cultivation* shall mean the planting, growing, harvesting, drying, or processing of marijuana plants or any part thereof.

(i) Outside cultivation of medical marijuana is prohibited. Cultivation shall only be within a closed structure upon which such medical marijuana facility is located. Indoor cultivation is limited to 50 square feet of the medical marijuana facility. Cultivation may not occur in a structure which is not attached to the building upon which the medical marijuana facility is located.

(ii) Indoor grow lights in any structure shall not exceed an aggregate of one thousand two hundred watts and shall comply with all applicable building code regulations. Gas products (including, without limitation, CO₂, butane, propane, and natural gas), or generators shall not be used within any detached structure used for the cultivation of medical marijuana.

(iii) Cultivation shall not take place in any area of the medical marijuana facility which is accessible by the general public. Such areas of cultivation must be restricted to authorized personnel, eighteen years of age or older, of the medical marijuana facility. Such area of cultivation shall be secured and locked at all times when not occupied by authorized personnel of the medical marijuana facility.

(iv) Such area of cultivation must have a ventilation system installed that shall prevent marijuana plant odors from exiting the interior of the structure and that shall comply with all applicable building code regulations, including obtaining all required permits and approvals. The ventilation system must be approved by a Florida Licensed Engineer and a Florida Licensed Heating and Ventilation Contractor at the applicant's expense, and installed prior to commencing cultivation within the fully-enclosed and secure structure.

(c) Savings clause. In the event that any part of this section shall be preempted by federal or state law those provisions preempted shall be deemed to be invalid and the remaining provisions not preempted shall remain in full force and effect.

SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. Area Encompassed. This ordinance shall take effect only in the incorporated area of the Town of Palm Shores.

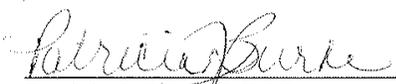
SECTION 5. Effective Date. This ordinance shall take effect upon adoption.

SECTION 6. Inclusion in Code. It is the intention of the Town Council of Palm Shores that the provisions of this ordinance shall become and be made a part of the Town Code, and that the sections of this ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions. The underlined portions of the Ordinance reflect the amendment to Ordinance No. 2014-06 and the Town council directs that this ordinance be codified in full and the Ordinance No. 2014-06 not be codified.

SECTION 10. This ordinance was passed on the first reading at a regular meeting of the Town Council on the 24th day of June, 2014 and adopted on second/final reading at a regular meeting of the Town Council on the 22nd day of July, 2014.



ATTEST:



Patricia J. Burke, MMC
Town Clerk

BY: 
Carol M. McCormack
Mayor

ORDINANCE 2014-06

AN ORDINANCE AMENDING TITLE XV, CHAPTER 157 ZONING REGULATIONS, CODE OF ORDINANCES OF THE TOWN OF PALM SHORES, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 157.315 (M-1 LIGHT INDUSTRIAL); PROVIDING FOR THE ADDITION OF MEDICAL MARIJUANA DISPENSARIES AS A PERMITTED CONDITIONAL USE; PROVIDING FOR DEFINITIONS; SETTING FORTH SITING STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA DISPENSARIES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE TOWN OF PALM SHORES CODE.

WHEREAS, the State of Florida is considering the legalization of Medical Marijuana; and,

WHEREAS, the Town Council has determined that it is in the best interests of the citizens of the Town, in the event such legalization shall occur, to regulate the location of Medical Marijuana Dispensaries; and'

WHEREAS, The Town Council finds that protecting patients, caregivers of patients, physicians, persons lawfully engaged in activities associated the operation of a medical marijuana dispensary, property and the general health, safety and welfare of the Town is of a paramount concern; and

WHEREAS, the Town Council finds that protecting the public from criminal activity and to ensure the highest degree of conduct of owners, patients and business invitees of medical marijuana dispensaries will promote the general welfare; and,

WHEREAS, the Town council has determined that it is in the best interest of the public to set siting requirements and other restrictions for medical marijuana dispensaries.

NOW, THEREFORE, BE IT ORDAINED BY THE Town of Palm Shores of Brevard County, Florida, as follows:

SECTION 1. Sections 157.315 is amended by adding a new subsection (3) to subparagraph (D) to read as follows:

•••

“(3) Medical Marijuana Dispensaries. Medical Marijuana Dispensaries shall be allowed as a Permitted Conditional Use in the M-1 zoning district. Medical Marijuana dispensaries shall be defined as any business which has been approved by the State of Florida to cultivate, process, and dispense medical marijuana pursuant to state law. All such cultivation, processing and dispensing

shall occur wholly within the structure upon which such medical marijuana is located. When considering an application for a medical marijuana dispensary, the planning and zoning board and the town council shall consider the criteria below. The town council may impose additional conditions and safe guards as deemed necessary.

- (a) Criteria to be considered concerning an application for a medical marijuana dispensary:
- (i) Controlled substance. The on-site sale, provision, or dispensing of medical marijuana is prohibited except as specifically authorized by applicable federal or state law;
 - (ii) Adequate facilities. Medical marijuana dispensaries shall provide adequate seating for its patients and business invitees. The medical marijuana dispensary shall not direct or encourage any patient or business invitee to stand, sit (including in a parked vehicle), or gather or loiter outside of the building where the dispensary is located and operates, including, but not limited to, sidewalks, parking areas, right-of ways, or neighboring properties for any period of time longer than that is reasonably required to arrive and depart. The medical marijuana dispensary shall post conspicuous “No Loitering” signs on all sides of that portion of a building occupied by the medical marijuana dispensary.
 - (iii) Queuing or stacking of motor vehicles. The medical marijuana dispensary shall ensure that there is no queuing or stacking of motor vehicles in any right-of-way.
 - (iv) Outside display. There shall be no outside display of any products, wares or merchandise.
 - (v) Alcoholic beverages. There shall be no sale, service or consumption of alcoholic beverages on the premises or in any parking area, sidewalk, or right-of-way.
 - (vi) Separation distance. A medical marijuana dispensary shall not be located within twenty five hundred (2,500) feet of any pharmacy, school (as defined in section 1002.01 or 1003.01, Florida Statutes), medical office, day care center, day care home, adult living facility or similar type of facility, playground, religious institution, public park, another medical marijuana dispensary, or residential structure. All distance requirements shall be measured by drawing a straight line from the nearest property line of the premises upon which a medical marijuana dispensary is located to the nearest property line of the preexisting protected use. The applicant may request a variance of this paragraph as provided in the Town of Palm Shores Land Usage Code, Section 157.057.
 - (vii) Hours of operation. Medical marijuana dispensaries shall only operate between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. through 12:00 p.m. on Saturday. Medical marijuana dispensaries shall not operate on Sunday.
 - (viii) Other Activities. Other than the cultivation, processing and dispensing of medical marijuana permitted herein no medical marijuana dispensary shall sell, market, dispense, provide, exchange, or otherwise vend any other services; product; or drug paraphernalia as defined by federal or state law. In addition no medical marijuana dispensary or doctors, physicians, agents, employees, representatives, contractors, or the like shall provide any other medical, social, or psychological counseling, diagnosis or advise to any patient or business invitee.
 - (ix) Compliance with other laws. In addition to the laws and ordinances of the Town of Palm Shores all medical marijuana dispensaries shall comply with all federal and state laws.

(b) Savings clause. In the event that any part of this section shall be preempted by federal or state law those provisions preempted shall be deemed to be invalid and the remaining provisions not preempted shall remain in full force and effect.

SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. Area Encompassed. This ordinance shall take effect only in the incorporated area of the Town of Palm Shores.

SECTION 5. Effective Date. This ordinance shall take effect upon adoption.

SECTION 6. Inclusion in Code. It is the intention of the Town Council of Palm Shores that the provisions of this ordinance shall become and be made a part of the Town Code, and that the sections of this ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 10. This ordinance was passed on the first reading at a regular meeting of the Town Council on the 22nd day of April, 2014 and adopted on second/final reading at a regular meeting of the Town Council on the 27th day of May, 2014.



BY: Carol M. McCormack
Carol M. McCormack
Mayor

ATTEST:

Patricia J. Burke
Patricia J. Burke, MMC
Town Clerk