

**MINUTES
CITY OF ORMOND BEACH
CITY COMMISSION
MEDICAL MARIJUANA DISPENSARIES/FOOD TRUCK WORKSHOP**

February 5, 2019

5:30 p.m.

City Commission Conference Room

I. CALL TO ORDER

Mayor Bill Partington called the meeting to order at 5:30 p.m.

Present were Mayor Bill Partington, Commissioners Dwight Selby, Troy Kent, Susan Persis, and Rob Littleton, Planning Board members Doug Thomas, Harold Briley, Al Jorczak, Lori Tolland, G.G. Galloway, and Mike Scudiero, City Manager Joyce Shanahan, Assistant City Manager Claire Whitley, City Attorney Randy Hayes, Planning Director Steven Spraker, and Edwin E. Prevatte MD, FAAFP, from Halifax Hospital.

II. PREVATTE OPIOID EPIDEMIC ORGANIZATION RESPONSE TALK

Mayor Partington introduced Dr. Edwin E. Prevatte and noted the opioid crisis was an epidemic across the United States.

Dr. Edwin E. Prevatte, Halifax Hospital, stated that in 2016: 42,249 people died from an opioid overdose, which equaled 116 people every day; and 11.5 million people were misusing prescription opioids. He noted that in Volusia County, there were 110 drug-induced deaths in 2016, and 150 drug-induced deaths in 2017.

Dr. Prevatte noted the Center for Disease Control (CDC) released new guidelines for prescribing opioids, the Food and Drug Administration (FDA) was performing a regulatory overhaul, and the Joint Commission at Halifax Hospital created new standards for pain assessment and management in all accredited hospitals in 2018. He explained the multidisciplinary committee that was formed, and the different standards required for different settings within the hospital. He detailed the E-FORCSE database, which tracks prescriptions for all individuals across the state, and noted doctors are using the database to regulate prescriptions for opioids. He stated that the amount of opioid prescriptions written had decreased in the first six months of 2018 versus 2017.

Discussion ensued, with questions from Commissioner Kent, Commissioner Persis, Mr. Galloway, and Mr. Jorczak, and input from Ms. Tolland.

III. MEDICAL MARIJUANA DISPENSARIES

Mr. Steven Spraker, Planning Director, stated that Senate Bill 8-A implemented Amendment 2 and provided regulations for medical marijuana in the State of Florida. He noted the State Department of Health licensed medical marijuana treatment centers to cultivate, process, and dispense medical marijuana. He explained that each treatment center was allowed to operate 30 dispensing facilities.

Mr. Spraker noted that Ormond Beach chose not to prohibit the medical marijuana, and allowed it to fall in the zoning district (B-1) where pharmacies were allowed. He detailed the process of the issue going in front of the Planning Board, and recommendations from

them and planning department staff. He highlighted that B-9 and B-10 zoning districts were recommended by all for adding pharmacy use, where B-8 zoning was recommended by planning staff, but needed additional consideration by the Planning Board. He reviewed maps of each zoning district to indicate the recommended areas versus the non-recommended areas. He requested feedback on where the Commission thought it was appropriate to allow pharmacy use.

Commissioner Kent asked for clarification on the differences between the B-1, B-6, and B-7 zoning districts; whereby, Mr. Spraker detailed those for him.

Mayor Partington asked if there were a limited number of dispensaries statewide; whereby, Mr. Spraker stated it was 30 per treatment center, but thought that rule was in the middle of a potential change. He noted any of the details involved could change at any time, dependent on what the state decided to do.

Discussion ensued about medical marijuana versus recreational marijuana, and if the medical marijuana dispensaries would change to become recreational. Questions were asked involving the zoning districts for medical versus recreational. It was indicated that the decision made should incorporate the potential changes in the future.

Mr. Randy Hayes, City Attorney, stated that local municipalities did not have the ability to regulate marijuana, medical or recreational. He indicated that cities could either ban it or allow it within their limits, noting the Commission chose to allow it. He stated that once allowed, marijuana dispensaries could be treated less favorably than regular pharmacies. He recommended keeping the dispensaries out of the PBD zoning district; whereby, Mayor Partington and all Commissioners agreed with the recommendation.

Ms. Lori Tolland, Planning Board, discussed research she had done indicating that marijuana would become legal, and felt the city should take a conservative approach on where the dispensaries were allowed. She noted the dispensaries had delivery capabilities, and thought they should be restricted to B-1.

Commissioner Selby wondered why they were having the discussion that day; whereby, Mr. Spraker stated the Planning Board felt there were not enough locations available in the B-1 zoning district to allow pharmacies, once all exceptions were taken into consideration.

Commissioner Selby asked if a prospective medical marijuana dispensary had stated to staff that they could not find an available space in the city; whereby, Mr. Spraker stated that was correct.

Commissioner Selby stated he was comfortable leaving the pharmacy use where it was at that time, while Commissioner Littleton stated he was comfortable having a pharmacy use in the B-1, B-7, and B-8 zoning districts. Commissioner Persis stated she was comfortable keeping it in the B-1 zoning district, or adding it to the B-7 and B-8 zoning districts.

Mayor Partington noted he was hearing they should take no action, but monitor the situation over time from most of the Commission and Planning Board. He stated that at some point, the city would have to align their ordinances with the state laws.

Mr. G.G. Galloway, Planning Board, thought the city should consider taxing medical and recreational marijuana; whereby, Commissioner Kent disagreed and felt they should only tax recreational once it was legal. Mr. Galloway stated he could agree with that.

IV. MOBILE FOOD DISPENSING VEHICLES (FOOD TRUCKS)

Mr. Spraker reviewed the existing policies and permitting requirements for food trucks in the City of Ormond Beach. He listed a few of the food trucks that were already approved, and indicated there were no Land Development Code (LDC) regulations. He listed a few options: continue to allow food trucks under the current rules, but incorporate them into the LDC; allow "lunch trucks" in the I-1 zoning district, construction sites, and larger employment centers; and allow food trucks on private property, either as part of a special event permit or as an accessory use.

Mayor Partington noted they were short on time, but would not rush the discussion and would continue it to a later date, if needed.

Commissioner Selby thought they should address food carts, with that he was in favor of updating the policies involved and reference the City of Orlando's policy included in the packet. He wanted food trucks, and to solicit feedback from brick and mortar restaurants about food trucks and if those food trucks affected business.

Commissioner Littleton was very concerned about perimeters around brick and mortar restaurants. He was in favor of keeping the food trucks out of the B-4 zoning district but everywhere he is supportive of food trucks. He was comfortable including special exceptions in the rules, if a brick and mortar restaurant wanted to include a food truck as part of their business.

Commissioner Persis stated she was in favor of expanding the food truck regulations and also referenced the Orlando ordinance. Various Planning Board members offered support of food trucks with expansion. Most individuals thought food trucks were popular in areas across the country, and the city needed to join them by allowing more flexibility. A few individuals noted approval of the Orlando ordinance included in the agenda packet.

Commissioner Kent was concerned about the rules that brick and mortar restaurants had to follow in order to become established, and stated he would prefer to evaluate each food truck situation on a case-by-case basis. He noted he approved food trucks at the Ormond Brewing Company, due to the lack of brick and mortar restaurants in that area.

Ms. Joyce Shanahan, City Manager, noted staff would take the feedback, develop policies, and bring the updates to a workshop in two or three months.

V. ADJOURNMENT

The meeting was adjourned at 6:53 p.m.

Transcribed by: Wendy Nichols