

# **Village of Wellington**

*12300 Forest Hill Blvd  
Wellington, FL 33414*



## **Action Summary - Final**

**Monday, February 13, 2017**

**4:00 PM**

**Village Hall - Conference Rooms 1E & 1F**

## **Village Council Workshop**

*Anne Gerwig, Mayor  
John T. McGovern, Vice Mayor  
Michael Drahos, Councilman  
Michael J. Napoleone, Councilman  
Tanya Siskind, Councilwoman*

## 1. CALL TO ORDER

Mayor Gerwig called the meeting to order at 4:02 P.M.

Councilmembers present: Anne Gerwig, Mayor; John McGovern, Vice Mayor; Michael Drahos, Councilman; Michael Napoleone, Councilman; and Tanya Siskind, Councilwoman.

Advisors to Council: Paul Schofield, Manager; Laurie Cohen, Esq., Attorney; Jim Barnes, Assistant Manager; Tanya Quickel, Director of Administrative and Financial Services; Rachel R. Callovi, Village Clerk.

## 2. PLEDGE OF ALLEGIANCE

Mayor Gerwig led the Pledge of Allegiance.

## 3. REVIEW OF COUNCIL AGENDA

- A. [17-0905](#) A PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA DESIGNATING MARCH 12TH THROUGH MARCH 18th, 2017 AS "WELLINGTON GARDEN WEEK" IN THE VILLAGE OF WELLINGTON"

Mr. Schofield introduced this item. This item is a presentation for a proclamation to the Wellington Garden Club designating March 12th through March 18th, 2017 as "Wellington Garden Week" in the Village of Wellington.

There were no changes recommended.

- B. [17-0902](#) A PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA DESIGNATING THE MONTH OF FEBRUARY, 2017 AS "211 AWARENESS MONTH" IN THE VILLAGE OF WELLINGTON

Mr. Schofield introduced this item. This item is for a presentation of a proclamation to 211 Palm Beach/Treasure Coast recognizing February 2017 as "211 Awareness Month in the Village of Wellington" as well as a brief presentation on the 211 Helpline.

Mr. Schofield indicated that a brief presentation would be provided and noted that the proclamation would be placed on the annual list since it was the second year the Village was providing a proclamation.

Council agreed to adding it to the annual list.

Mayor Gerwig stated that the annual proclamations and having presentations at different Village events was beneficial to the community in order to become familiar with the extensive list of services that the 211 Helpline provides. Mr. Schofield said there were several events where the representatives of the 211 Helpline could attend in order to provide additional information regarding the services they provide.

There were no changes recommended.

- C. [17-0889](#) MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF JANUARY 24, 2017 AND THE ACME IMPROVEMENT DISTRICT ANNUAL LANDOWNERS MEETING OF JANUARY 24, 2017
- Mr. Schofield introduced this item. This item is for Council's approval of the Minutes of the Regular Wellington Council Meeting of January 24, 2017 and the Acme Improvement District Landowners Meeting of January 24, 2017.
- There were no changes recommended.
- D. [17-0608](#) AUTHORIZATION TO CONTINUE UTILIZING A CITY OF BAYTOWN, TEXAS CONTRACT AS A BASIS FOR PRICING FOR UTILITY BILL PRINTING AND MAILING SERVICES
- Mr. Schofield introduced this item. This item is for the authorization to continue utilizing a City of Baytown, Texas contract with Dataprose, LLC, as a basis for pricing, to provide utility bill printing and mailing services, including postage, to the Village in the amount of approximately \$136,000.00 annually.
- In reply to Vice Mayor McGovern's question asking if the contract was the same as the prior contract, Mr. Schofield said the current contract was the same as the contract obtained in the past.
- Councilman Drahos asked if there were any issues with the company's performance. Mr. Barnes said there have not been any issues.
- There were no changes recommended.
- E. [17-0885](#) AUTHORIZATION TO UTILIZE AN EXISTING CONTRACT FOR THE FOREST HILL BOULEVARD CONFLICT STRUCTURE PROJECT
- Mr. Schofield introduced this item. This item is for the authorization to utilize a previously awarded contract for the Forest Hill Boulevard conflict structure project with D.S. Eakins Construction Corporation at a cost not to exceed \$85,000.00.
- Mr. Schofield explained a sink hole developed along the Forest Hill Boulevard median near Royal Fern Drive. He noted staff determined that after the water reuse line project was completed, the drilling operation drilled through the concrete storm sewer pipe and the least invasive manner to repair the pipe, was to install the conflict structure. He explained the cost was \$69,170.75 with a contingency fee for \$15,826.25.
- Vice Mayor McGovern asked Mr. Lundeen for a timeline of the project. In response, Mr. Lundeen explained that several years ago a directional drill was used to add the reuse line in the area. Mr. Barnes noted that Mr. Lundeen was not part of the Village when the project occurred in 2010 through 2011 but explained that the area in question was part of the Forest Hill Boulevard ARA project that was funded through the Federal Government and a subcontractor was used. He explained at the end of the project there was no evidence of a problem.
- Councilman Napoleone asked for the timeline for the current project. Mr. Lundeen said the project would take approximately nine days with lane closures and would start April 2nd after the season ends.

Mayor Gerwig asked why the sinkhole did not appear earlier and asked if the added pressure to the line caused the sink hole. Mr. Lundeen explained the hole was due to the removal of the invert of the storm pipe, and as the years passed, the storm water running down the storm pipe washed the sand out around the pipe and the sand started to cave in. He said one day the Public Works crew drove by the area in question and noticed missing pavers at the location; and then noticed the hole and the missing pavers were in the bottom of the hole. He said the crew filled the hole with sand which was a temporary safe solution but a permanent solution was needed.

Councilman Drahos asked if staff was sure this was the only location that has this issue and if the surrounding areas of the pipe were checked. Mr. Lundeen said he has not checked the remaining areas of the pipe but randomly pipes and storm lines were checked using cameras.

Mr. Lundeen explained the project would entail the following: 1) building a dog house like structure; 2) sliding a bottom underneath the pipe; 3) adding a two foot sump; 4) setting the structure over the top of the pipe and; 5) adding mud and rounding the pipe to avoid leakage of sand. He noted as the drainage enters, the drainage would fall down into the invert and when the drainage reaches a certain level, the drainage would continue on to the place it was meant to go.

There were no changes recommended.

**F.**      [17-0745](#)

RESOLUTION NO. R2017-07 (TRACT J-1, THE FARMS AT EQUESTRIAN CLUB PLAT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ACCEPTING AND APPROVING TRACT J-1, THE FARMS AT EQUESTRIAN CLUB PLAT FOR A 5.12 ACRE PARCEL LOCATED IN SECTION 22, TOWNSHIP 44 SOUTH, RANGE 41 EAST, VILLAGE OF WELLINGTON, PALM BEACH COUNTY, FLORIDA, BEING A REPLAT OF THE FARMS AT EQUESTRIAN CLUB, AS RECORDED IN PLAT BOOK 98, PAGES 188 THROUGH 190, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Mr. Schofield introduced this item. This item is for the approval of Resolution No. R2017-07 accepting and approving Tract J-1, The Farms at Equestrian Club Plat.

There were no changes recommended.

**G.**      [17-0891](#)

RESOLUTION NO. R2017-06 (DROWNING PREVENTION COALITION "BUCKS" CERTIFICATE PROGRAM)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE DROWNING PREVENTION COALITION OF PALM BEACH COUNTY TO PROVIDE FOR VOUCHERS FOR FREE SWIMMING LESSONS

UNDER THE "BUCK" PROGRAM FOR FISCAL YEAR 2016-2017; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the approval of the FY17 Drowning Prevention Coalition "Bucks" Program.

Mayor Gerwig said the program does not cost the Village anything since it was funded by the Palm Beach County's program.

Mr. Schofield introduced Mr. Eric Junckett, Aquatics Manager.

Mr. Junckett gave an overview of the program: 1) fully subsidized by Palm Beach County; 2) cost of the swimming lesson were \$60; 3) children receive a \$50 voucher and pay \$10 for the lessons; 4) eight half hour lessons were provided; and 5) able to swim up to a level 2. He indicated the program was only for children that do not know how to swim. Mr. Junckett further noted the number of residents applying for the program has increased within the past two years.

Councilman Napoleone asked how the program was being advertised. Mr. Junckett explained that Palm Beach County handles the advertising which was made possible because of additional funding that they obtained.

Councilman Drahos asked if there was a limitation in the amount of participants using the program. Mr. Junckett said the funding was limited and he was not sure of the amount of funding currently allocated. He noted the program was on a "First Come First Serve" basis, and income limitations were in place in order to qualify for the Bucks.

There were no changes recommended.

H. [17-0908](#)

RESOLUTION NO. R2017-08 (REQUIREMENTS AND DUTIES OF APPOINTED CANVASSING BOARD MEMBER AND ALTERNATE)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING REQUIREMENTS AND OUTLINING DUTIES FOR AN APPOINTED CANVASSING BOARD MEMBER AND AN ALTERNATE IN COMPLIANCE WITH THE CHARTER; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the approval of Resolution No. R2017-08 adopting eligibility requirements and outlining duties for an appointed Canvassing Board member and an alternate member in compliance with the Village Charter.

Ms. Cohen noted a red-lined version of Resolution 2017-08 was provided to Council.

Councilman Napoleone referred to page 102, Section C, line 3; "shall not be an active participant in the campaign". He said the word "active" needed to be defined. Ms. Cohen said she did not want appointed individuals to participate in the campaigns for the members that were up for election and being canvassed. She noted that the Florida Statute uses the word "opposed" but based on her understanding of Council's request, she felt it was appropriate to

cross out the word "active" from the resolution.

Councilman Napoleone asked for the meaning of the word "active". Ms. Cohen stated the word "active" was not defined under the statute but she would provide Council with a proposed definition at tomorrow night's meeting.

Councilman Napoleone suggested that anyone wanting to be appointed to the Canvassing Board should be willing to stay out of the election and remove themselves from anything that has to do with the election. Ms. Cohen stated that would only apply to the appointed person.

Councilman Drahos referred to page 101, line 43 and asked to have the sentence revised to read; "Any person appointed to the Village Canvassing Board by the Village Council"

Vice Mayor McGovern agreed with the revision that Councilman Drahos suggested. Ms. Cohen said she would make the revision.

Mayor Gerwig asked for the amount of endorsement to be allowed.

Councilwoman Siskind felt that no public endorsement and no public fund raising should be allowed.

Vice Mayor McGovern said working on the campaign in an active capacity should not be allowed.

Mayor Gerwig said they should not be able to attend a campaign kickoff.

Councilman Napoleone stated the person that wants to be on the Canvassing Board should avoid the election totally and sit on the sidelines. He said they should skip attending a party or wearing a t-shirt.

Mayor Gerwig said she felt that they all agreed to the mentioned stipulations. She noted that certain pictures taken during the campaign with the candidate have been frowned upon.

Ms. Cohen recapped Council's requests to be added to the resolution: 1) no campaign promoting; 2) no work on the campaign; and 3) no public endorsement

Councilman Drahos suggested removing the word "active" and revising it with the following: "Shall not be a participant".

Vice Mayor McGovern suggested the following revision: "Shall not in any way participate in the campaign or candidacy of any candidate in the election being canvassed". Ms. Cohen said she would make the revisions.

I. [17-0909](#)

APPOINTMENT OF CANVASSING BOARD MEMBER AND AN ALTERNATE

Ms. Cohen introduced this item. This item is for Council discussion and appointment of a community member and an alternate to the Village Canvassing Board.

Ms. Cohen indicated that the Canvassing Board vacancy was noted on the

Village of Wellington's website as requested by Council. She said that she was not sure if Council wanted to appoint the member at tomorrow night's meeting or wait for the applications to be received since none have been received to date.

Vice Mayor McGovern asked if an application was attached. Ms. Cohen said that an application was not attached but the notice indicates that if a person was interested in serving as the community member or the alternate member of the Canvassing Board for the upcoming election, to contact the Village Clerk.

Mayor Gerwig expressed concern that if either one of the candidates were able to fulfill their duties would that affect the outcome. Ms. Cohen said that situation would not affect the outcome.

Vice Mayor McGovern noted if the event happened before a certain amount of time before the election, someone else could be appointed. Ms. Cohen agreed with Vice Mayor McGovern's statement and noted that the Charter states the appointment must be made one year in advance but during an emergency, death or illness, an appointment could be made if that occurred.

Mayor Gerwig asked if any of the other municipalities have similar rules. Ms. Cohen said she was not aware of any other municipalities using a community member as part of their Canvassing Board. She noted that Palm Beach County has a specific statute that includes that the Canvassing Board could be comprised with a County Commissioner or Judge.

Councilman Napoleone asked when Council would need to make the appointment. Ms. Cohen said the appointment would need to be made by the first meeting in March because the election was on March 13, 2018. Councilman Napoleone suggested moving the item to the following Council meeting due to the criteria currently discussed by Council.

Councilwoman Siskind agreed to moving the agenda item to the next meeting in order to provide additional time for the candidates.

Mayor Gerwig said she wanted to have the application added to the website. Ms. Cohen indicated that the notice was on the website but she would have staff upload the revised information as indicated by Council after tomorrow night's Council meeting. She said the appointment would occur at the following meeting.

Councilwoman Siskind asked if there was an actual application that needed to be filled out for the position. Ms. Cohen said there was not an application, but the interested party would need to contact the Clerk. She noted if the Council members received communication from an interested party, her suggestion was for them to notify the Clerk in order for her to maintain a running list of the interested parties.

#### 4. WORKSHOP

##### A. [17-0748](#)

#### DISCUSSION OF PROPOSED ORDINANCE REGULATING THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES IN WELLINGTON

Mr. Schofield introduced this item. This item is for Council discussion concerning whether to move forward with the adoption of an Ordinance that would regulate the location of medical Marijuana Dispensing facilities and supplemental regulations concerning their operation. Staff seeks direction on processing and content of the Ordinance.

Mr. Schofield introduced Mr. Basehart and explained that he would be providing and presenting an overview of the Medical Marijuana Ordinance. He said Council was not expected to take action but comments and staff direction would be appreciated.

At this point, Mayor Gerwig provided the Clerk with a copy of a newspaper article from the Palm Beach Post entitled: Localities grid for life after legalized pot. Copies of the article were then made and provided to Council and staff. Mayor Gerwig noted the newspaper article was a statewide perspective regarding the moratorium.

Mr. Basehart explained due to the fact that the Florida voters passed Amendment 2 on November 8, 2016 which amended the Florida Constitution and liberalized the distribution of medical marijuana, the Village needed to address the ordinance in the Code. He indicated that currently there was not a provision regulating medical marijuana and if someone was able to obtain a certificate from the State of Florida to open a facility, the Village would have to regulate because we would not be able to practice exclusionary zoning. He said the Code indicates that the director currently needs to identify, and establish rules and regulations, which would be a pharmacy. Medical marijuana would only be delivered with a prescription from a qualified certified physician and distributed by a State of Florida approved distribution facility.

Mayor Gerwig noted that medical marijuana was currently available but only in the non-euphoric form. Both Ms. Cohen and Mr. Basehart replied affirmatively.

Mayor Gerwig asked for the procedure to obtain the non-euphoric form of marijuana if the person has a prescription. Ms. Cohen explained currently there were approximately six dispensing organizations and approval by the state was necessary for: 1) cultivation; 2) processing; 3) transporting; and 4) dispensing. She said the marijuana would need to be ordered by a physician that has gone through the required training stipulated in the previous statute. She noted, currently there was a Senate bill that contains several proposed regulations and a House bill was expected to come out in the next week or two. Currently, Ms. Cohen explained, there was no actual legislature implementing the ordinance but the legislation was in the process of drafting the rules that would implement the Constitutional amendment.

Mayor Gerwig said currently the people who obtain the non-euphoric medical marijuana do so by mail order. Mr Basehart stated that the mail order practice was due to the Compassionate Medical Cannabis Act of 2014 and distribution



was for a few state approved locations. Ms. Cohen said she was not sure if delivery was available.

Ms. Cohen explained with the proposed legislation, the Senate's version includes a host of proposals that were subject to the House bill. If the current bill was repealed, the provisions of the existing laws found in Section 381.986 of Florida Statutes, would authorize licenses to be issued to the medical marijuana treatment centers that have been approved by the State of Florida for; 1) cultivation; 2) processing; 3) transporting; and 4) dispensing. The legislation would: 1) expand the list of medical conditions by which physicians could prescribe the medical marijuana; 2) allow the MMTC (Medical Marijuana Treatment Centers) to dispense to registered patients; 3) the patients would have to register with the Department of Health (DOH) registry; 4) MMTC could apply for retail licenses to dispense; 5) facilities would have to be a separate facility from the MMTC; 6) MMTC could apply for a license for transportation and delivery to patients; 7) wholesale sales would be allowed from one MMTC to another MMTC; 8) one retail facility per 25,000 residents in a county would be allowed; and 9) the retail facilities would have to obtain permits from the DOH.

Vice Mayor McGovern said after doing the math that would come to 1.4 million facilities just in Palm Beach County and 56 facilities in the Village.

Ms. Cohen explained that the municipalities could refuse to allow retail facilities in their jurisdiction as per the Senate bill states and indicated that the new House bill would be sent out within the next two weeks. The current rules rely heavily on the existing statute Section 381.986 but under the Senate bill that statute would be repealed. She said the rules would have to be adopted by the July time period in order to begin dispensing at the retail locations in October.

Mr. Basehart said staff included a draft of the proposed ordinance for Wellington in the agenda packet; however, the Village Attorney provided Council with a suggested revised ordinance. He noted that the changes were as follows: 1) Whereas clause number four should read - Marijuana is still listed as a Schedule 1 substance under the Federal Controlled Substances Act and is prohibited by Federal Law.

Ms. Schofield explained regardless of what the state legislation was, marijuana is not legal at the federal level which creates a series of problems and at some point the federal government may or may not make it legal. He said if the Village was going to proceed, it would be wise for them to adopt an ordinance that says that there things could be done when there was a federal law that supercedes all other laws.

Ms. Cohen explained that based on other states, there has not been any enforcement of federal law violations for lawful compliance.

Mayor Gerwig said that the providers were not able to use federal banks and prohibited from depositing money. Ms. Cohen replied affirmatively, and said currently it was illegal to sell marijuana and it consisted mostly of a cash business. Mr. Schofield said he thought the providers could use state chartered banks to deposit their money.

Councilman Drahos asked if there was a model ordinance that Ms. Cohen used to create the current ordinance. Ms. Cohen said there were several existing ordinances, and all of the information was provided to Mr. Basehart. The information was used to craft the ordinance that he felt would fit Wellington.

Mayor Gerwig said that Council discussed the issue. She said since Palm Beach County has a moratorium, Council asked staff to work on the ordinance because the Village needed to do something and take some type of action.

Ms. Cohen noted that another option was for Council to put a moratorium in place and not do anything else. She said if the Village was left with the current regulations, Mr. Basehart's staff would treat the facilities as any other pharmacy and potentially the facility could be located in any commercial neighborhood or area that permits a pharmacy to be located. She said the proposed ordinance regulates the location and separation requirements of that nature. Mr. Basehart said the ordinance included some of the operational requirements.

Councilman Drahos asked why adopting an ordinance would be more beneficial than following Palm Beach County's lead and issue a Village wide moratorium.

Vice Mayor McGovern asked why staff was leaning towards this ordinance.

Mayor Gerwig indicated that the problem with moving forward with the moratorium was there was an expiration date and once the moratorium expires, there would not be any rules in place and the rules could not be created and put into place at that time. She said currently Council had the ability to protect the Village, and that ability may not exist in the future after the state legislation comes out.

Ms. Cohen explained that Council should use the moratorium period for the purpose of deciding how the Village, as a municipality, would handle the issue. There was always a risk if nothing was done, and legislation was adopted, that preemption vision would eliminate Council's ability to have any amount of control. She said that Council would have some type of control of where these types of facilities could be located within the Village.

Mayor McGovern asked for a list of other Florida municipalities and counties that have passed an ordinance and were not putting a moratorium in place. Ms. Cohen said that a number of municipalities within Florida have passed ordinances but others have adopted a moratorium. The ones that have passed the ordinances outnumber the municipalities that have implemented the moratorium. She indicated that she does not have the exact amount but could obtain the information and provide it to Council.

Mr. Schofield noted the legislation's decision would be effective July 1, 2017. He said approving the ordinance would provide the Village with the ability to determine if the facilities would be allowed in the Village. The Village would have the ability to control and place limitations to the facilities, proximity to schools, churches and parks and residential regulations. He indicated the current ordinance and statute was to treat the facilities as a pharmacy and the problem he has was, that marijuana is a schedule one drug, narcotic and classified as a public safety threat by the federal government. If legislation

states that the Village was going to have the facilities, his opinion was that the locations to place or not place the facilities, needed to be very specific in the ordinance. Mr. Schofield said the ordinance provided to Council was modeled around other current ordinances that deal with other types of activities that the Village would prefer not to have in the middle of residential neighborhoods.

Councilman Drahos mentioned there was discussion about having a moratorium on pain clinics in Wellington and asked for the outcome. Mr. Basehart explained that the pain clinic ordinance that was adopted by Council in the past was rescinded and afterwards a short moratorium was adopted. He said that specific pain clinic standards were added to the ordinance which was repealed after the State of Florida handled the issue.

Councilman Drahos asked if it was illegal for the Village to issue a permanent moratorium on marijuana clinics. Ms. Cohen said a moratorium was temporary in nature and should be used for the purpose of studying and evaluating the regulations; a permanent moratorium was not allowed.

Mr. Schofield explained that an addition could be made to the ordinance that states that the Village would not allow the dispensing of class one drugs that were illegal under Federal law. Mr. Basehart added that prohibited uses were allowed under the development regulations of the ordinance.

Councilwoman Siskind said while waiting for legislation's decision, she felt the ordinance would provide the Village with protection. Ms. Cohen agreed with Councilwoman Siskind and said moving forward with the ordinance was better than not doing anything.

Mayor Gerwig stated the ordinance may provide the Village with a larger amount of protection in the long run. She said the Palm Beach County moratorium provides for unincorporated areas and not the Village but she indicated that Council needed to protect the residents. Ms. Cohen said the Village was in an awkward position. Mayor Gerwig asked if state voters were able to vote in favor of the law if the federal government says no. Ms. Cohen said the state voters would be violating a federal law.

Vice Mayor McGovern said as per the newspaper article that was handed out by Mayor Gerwig, there were 66 counties in the State of Florida and 24 of those counties: 1) have enacted the moratorium; and 2) 50 or more municipalities have enacted the moratorium. He asked Ms. Cohen to provide Council with state-wide municipality ordinances including Royal Palm Beach and not county ordinances because those were tailored for counties, and included provisions that do not apply to municipalities. Ms. Cohen said she would provide the information to Council.

Ms. Cohen said that Mr. Sluggett has provided Council with a proposed ordinance.

Councilman Drahos asked who Mr. Sluggett was representing. Ms. Cohen she was not aware of who he was representing. At this point, Mr. Sluggett announced that he was representing Green Solution a licensed grower of medical marijuana located in Alachua County, Florida.

Ms. Cohen explained both she and Mr. Basehart have reviewed the ordinance

provided and if Council adopted the model ordinance, a selection criteria could be added to obtain the best provider and not just the first authorized provider. She noted the problem she noticed was that the ordinance created a whole regulatory scheme at the local level of which they believe was unnecessary and could possibly lead to challenges.

Mayor Gerwig expressed concern due to the Village violating the Federal standards if regulating a schedule one drug that was prohibited. Ms. Cohen stated the Village would regulate the drug by using an ordinance which would include zoning regulations which would create an authority with appointed members who would grant or deny certificates of approval, premise authorization, issuance of rules for hearings, appeal processes with the Manager and hearings under Chapter 120 of the Administrative Procedures Act. She noted the procedure could become extremely cumbersome and provided an overview of the requirements: 1) State of Florida certifications as another layer of regulation; 2) the authority would act as a selection committee which would apply criteria based on various categories; and 3) lobbying would be allowed between the authority members and the applicants applying for the certificates; the size of Wellington to one operator; 4) allow for transfer of a certificate of approval if the transferee met the other requirements placed by the State of Florida and local government; 5) provides for confidentiality of trade secrets; and provides the first ranked operator and increased number of certificates and the number of facilities based on the population increase.

Vice Mayor McGovern felt that the ordinance that was included in Mr. Slugggett's February 10, 2017 email to the Mayor was not a model ordinance but one that was approved in Osceola County which was a larger scope and included issues that the Village may not face. Ms. Cohen agreed with Vice Mayor McGovern and noted that the ordinance allows: 1) the operator to select the location of the dispensary with only a notice to the authority; 2) allows for the operation of retail sales of any kind to be permitted; and 3) requires a 250 feet separation from schools, places of worship. She noted that by adding zoning criteria, the Village could determine as a community, where the dispensary would be appropriately located and asked Council if they wanted to be in a position to evaluate and determine the best qualified provider or have the State of Florida approve the location. Ms. Cohen said that staff's recommendation was the ordinance contained more regulation than what the Village needed at a municipal level and creates avenues for potential challenges.

Mayor Gerwig said she wanted to be as protective as possible but the issue was not a simple one because of the way it was passed by legislation, and not being legal by the Federal government. He asked Ms. Cohen if rule six was the last rule. Ms. Cohen said that everything was in the legislature's hands. Mayor Gerwig said that the Village needed to have the best ruling, one that was vetted by Council.

Mr. Schofield said the decision was very difficult and was similar to making a choice between CVS, Walgreens or the Publix pharmacies. He said the regulations needed to be equal, impartial and as fair as possible and made for the Village. He felt that legislation would be providing a great deal of regulations that would not work for their municipality.

Ms Cohen noted the ordinance would create a hearing process under Chapter

120 if someone was denied and wanted to challenge the decision. A hearing would occur, which would create litigation and she felt that the procedures were unnecessary for the Village.

Councilman Napoleone said the Village should not be in the business to vet which provider was the best. He said staff needed to decide where the providers were going to be located in Wellington; 1) close or far from schools; 2) near churches; and 3) define the areas. By doing this, if the State of Florida regulates the providers, the areas in the Village would already be selected.

Vice Mayor McGovern believed that the Village should not give up any authority that the Village could potentially have from the legislation.

Councilman Drahos said the Village would have until July to make a decision. Ms. Cohen said the rules could be adopted by July. Mr. Schofield said usually most of the bills pass by the legislature and signed by the Governor have an effective date of July 1st of the year that the bill was passed. Ms. Cohen explained the dispensing of the product could occur in October 2017 but the rule relies heavily on the current law found in Section 381.986.

Councilman Drahos said he supported Vice Mayor McGovern's suggestion to review as many ordinances as possible and tailor an ordinance for the Village. Ms. Cohen said that Mr. Basehart was presenting an ordinance that he felt was tailored and appropriate for the Village but the staff would provide Council with other ordinances adopted by municipalities to review and compare.

Mayor Gerwig referred to page 2, line 42 that reads "low-THC cannabis or medical cannabis" and asked if low-THC was the existing rule and the new rule would be different. Ms. Cohen said the low-THC cannabis would remain but the addition was the higher-THC cannabis; in other words the medical cannabis. She said the provider would be able to disperse a variety of strengths of the product.

Vice Mayor McGovern asked if there was a need to pass a moratorium while working on creating the ordinance. Ms. Cohen said no and explained that, currently there was not an implementation. He then asked for the reason other counties and municipalities were passing moratoriums. Ms. Cohen said they were waiting for the legislation's decision. Vice Mayor McGovern said based on Ms. Cohen's statements to Council, the other counties and municipalities did not have to do anything at all and did not need to pass a moratorium. Ms. Cohen explained with the moratorium, the implementation date could delay the law taking place until the moratorium date expires which would provide additional time to develop their ordinance. Vice Mayor McGovern asked when Palm Beach County's moratorium expires. Ms. Cohen said she did not have the information but would obtain it and provide to Council. Mr. Basehart said that he thought that Palm Beach County's moratorium would end in one year. Ms. Cohen explained that a moratorium was for a limited duration could allow for sufficient time to figure out how to handle a particular issue.

Mayor Gerwig said her understanding was that a moratorium was able to be challenged and deemed illegal. Ms. Cohen noted that if the moratorium was used in the correct manner and for the correct purpose it would be fine.

Ms. Cohen said the proposed Senate Bill 614 was very lengthy but the portion

that applies to retail establishments starts on page 39 of the draft legislation and was available online. Mr. Schofield noted the link to the bill was located on the Village's website. Ms. Cohen said the House bill would be distributed to the public in one or two weeks and would contain additional information.

Vice Mayor McGovern said currently Ms. Cohen was not in favor of adopting a moratorium while drafting the ordinance. Ms. Cohen said if Council reaches a position where they were unsure of their direction and wanted to continue to move forward, a moratorium could be implemented. Mr. Schofield explained if a moratorium was being considered it would need to be implemented by May or June and not after the State legislation was passed. Vice Mayor McGovern asked if the action needed to be taken before the legislative session ends. Mr. Schofield replied affirmatively and explained the action would need to be taken before the Governor signs the final bill.

Vice Mayor McGovern asked Mr. Basehart to continue with his overview of the changes that Ms. Cohen added to the ordinance. Mr. Basehart continued with his overview: 1) Section 1 - replace the definition Low - THC Cannabis and replace with Florida Statutes; 2) Medical Cannabis replace with Section 29 of the Florida Constitution; and 3) Supplemental Standards - J - Unaccompanied Minors was added.

Ms. Cohen said that staff could add the following phrase; "unless otherwise permitted by law" in case the rules or the legislation allows for a minor who has been prescribed medical cannabis to fill the prescription themselves.

Mr. Basehart said staff attempted to limit the potential locations of the facilities to arterial roads: 1) Lake Worth Road; 2) Forest Hill Boulevard; and 3) State Road 7. He said further restrictions were added in terms of locational criteria: 1) separation from churches; 2) schools; 3) day care centers; and 4) from each other. Additionally he said that operational limitations were added to ensure that the facilities were operating in a decent and good manner.

Councilman Napoleone asked if the reason that "licensed armed security personnel at all times when the facility was open for business" was added to e. because the business was cash based. Mr. Basehart replied affirmatively and that it was due to the substance being dispersed.

Ms. Cohen said she would obtain ordinances from the other municipalities and distribute them to Council. Mr. Basehart added that staff compared and reviewed many state-wide and out of state ordinances and the end product was the ordinance provided to Council.

Mayor Gerwig asked which states have passed the medical portion of the bill. Ms. Cohen said it was a fair number and possible half of all the states. Mayor Gerwig said she would like to know the number of states that have passed the bill. Ms. Cohen said she would obtain the information and provide to Council.

## **5. ATTORNEY'S COMMENTS**

None.

## **6. MANAGER COMMENTS**

None.

**7. COUNCIL COMMENTS**

None.

**8. ADJOURN**

There being no further business to discuss, the meeting was adjourned.