

SPECIAL MEETING OF CITY COUNCIL
CITY OF BONITA SPRINGS
MONDAY, FEBRUARY 26, 2018
8:30 A.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. CALL TO ORDER:

Mayor Peter Simmons called the meeting to order at 8:30 A.M.

II. PLEDGE OF ALLEGIANCE:

At the request of Mayor Simmons, Council Member Steve Slachta led in the Pledge of Allegiance.

III. ROLL CALL:

Mayor Simmons and all Council Members were in attendance.

IV. PUBLIC COMMENT

8:30:52 AM Naome Staley, a resident of Imperial Bonita Estates, spoke in support of having a dispensary in the City.

8:31:28 am Ben Hershenson spoke in support of the moratorium.

8:32:37 am Shannon Livingston spoke opposed to the moratorium.

8:35:27 am Nick Garulay was in representing 1,358 patients that My Florida Green in Naples, Marco Island, Bonita Springs and Estero. He supports medical marijuana.

8:39:07 am Lisa Colando informed Council of "Revive" magazine, which provides education on cannabis.

8:40:26 am Martha Simons spoke in support of medical marijuana and dispensaries in the City.

8:45:33 AM Lois Polin, with the Southwest Florida Veteran's Alliance, spoke in support of medical marijuana.

8:49:10 AM Jeff Field, with Cannibis Inc., was in attendance to speak in support of medical marijuana.

8:51:09 AM Rita Hite, a 12 year resident of Bonita Springs, stated she is a chronic migraine sufferer and supports medical marijuana. She currently takes various pain medications to help. She knows a brick and mortar building in the city would be a great help. It would be an opportunity for citizens to have some pain relief.

8:53:38 AM Omer Dor feels allowing medical marijuana is the right thing to do.

8:55:02 AM Jesse Pudon thanked Lois for coming.

9:01:06 AM An unidentified resident hopes that Council votes positively to support dispensaries in the City of Bonita Springs.

9:03:11 AM David Welch, a resident of the City for 17 years, also spoke in support of the use of medical marijuana.

V. DISCUSS CITY COUNCIL'S FEBRUARY 21, 2018 AGENDA ITEM RELATING TO THE ORDINANCE EXTENDING THE MORATORIUM ON MEDICAL MARIJUANA, AND TO CONSIDER STEPS FOR AFFIRMATIVE DIRECTION FOR STAFF. (O'FLINN; GREENSHEET NO. 18-02-0055)

9:07:18 AM Council Member Peter O'Flinn began by thanking those residents who came to speak today. The issue to him is the bricks and mortar. He addressed the reason why he asked this to come forward today. He would like to set up something, after the legislation session is over, to have a discussion and decide once and for all.

9:11:54 AM Council Member Mike Gibson agrees this is way too fast. His concern is extending the moratorium again. He is not in favor of bringing this up again or instituting another moratorium. He is also against a zoning in progress. He believes people have the right to use medical marijuana.

9:19:45 AM Council Member Amy Quaremba feels Council should direct staff to research.

9:23:30 AM Council Member Greg DeWitt spoke opposed to the moratorium, and in support moving forward.

9:28:45 AM Council Member Steve Slachta supports and wants this to move forward, and no more delays on the moratorium.

9:29:17 AM Mayor Simmons confirmed that the State is not going to act on this or interpret it. The feedback he received was that it's state law, and that it's up to the City to interpret how they want to enact it. It's state law that was passed and now it's up to Council on how to interpret it. He further addressed the issue. He does not want to deny people who need this, who are medically proven to have this medicine. He does, however, have zero interest in allowing head shops set up in the City. He questioned working this through the pharmacies that are here. He further addressed. He asked the City Attorney if they could get this medicine to the people who need it through the existing pharmacies, and whether they could rent space – do they have to have an independent business in town to accomplish this. City Attorney Vance responded by addressing both the federal and state processes. Pharmacies cannot be utilized.

9:40:38 AM Council Member O'Flinn suggested that a date be set about a month from now, have the research done, suggesting first meeting in April to come back and make a final decision. He also suggested 9:43:30 AM referred to a gentleman in Estero that know about this, and AV work with him to make a presentation in April and then decide.

9:44:10 AM MG – Bonita does have one head shop. Now in favor of waiting until April, and questions why they can't address at their next meeting. He won't be voting for the moratorium or zoning in progress.

Council discussion was held.

9:54:26 AM Council Member O'Flinn suggested March meeting to get this done. He would like more of an understanding about home delivery. If home delivery does not practically work, that's highly significant to him. He would like a few weeks to think about it.

9:56:21 AM Council Member O'Flinn motioned to address this once and for all at the second meeting in March, and make a final decision, and if a Zoning in Progress with respect to zoning and/or moving forward on a moratorium to get there, that is a legal issue and make a fully informed decision the second meeting in March.

Council Member Forbes stated that before this motion is seconded he wants to make sure of a couple things. Could Council ask the attorney(s) to opion on if there is any way that what the Mayor was hoping could be worked out, could work, and to get a better understanding of what this law allows in quantities. Lastly, he would like to hear a comparison between the California and Colorado, and Florida statutes. He also still wants to hear from Attorney Theriaque.

Council Member Gibson is for addressing this today or the first meeting of next month. He doesn't want to see it delayed any further.

9:59:41 AM City Attorney Vance explained that her understanding of the motion is to address the issue the second meeting in March. What would be implied in the motion is that she would have moratorium extended for the March dates. She would like a second vote as to whether Council wants to proceed with the Zoning in Progress. Council Member O'Flinn clarified that his motion is to be consistent with what the City Attorney stated, which is for purposes of getting to that date, an extension of the moratorium and the Zoning in Progress, but with the understanding that Council will have a final discussion and a decision at the second meeting in March. She will have the research conducted, and provide the information as to the drug stores and quantities, as well as provide a legal memorandum as to the locational requirements if we can do what the City of Orlando did. Council Member O'Flinn requested Mr. Rooney be here to present on that date.

Mayor Simmons seconded the motion for March 21, 2018; and the motion passed 5-2 (Council Members Slachta and Gibson opposed)

- (a) Discussion of rescheduling the ordinance extending the moratorium on medical marijuana for a first reading on March 7, 2018, LPA on March 8, 2018, and a final and second reading on March 21, 2018.
- (b) While the moratorium is pending, as an interim measure, discussion and adoption of the following resolution:

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 4 (ZONING), RELATING TO MEDICAL MARIJUANA AND PHARMACIES; PROVIDING THAT FROM THE DATE OF ADOPTION OF THIS RESOLUTION AND DURING THE PENDENCY OF THE CONSIDERATION OF SUCH ORDINANCE BY THE CITY, THE CITY WILL

NOT PROCESS OR APPROVE APPLICATIONS FOR USES INCONSISTENT WITH THIS RESOLUTION; POSSIBLE AMENDMENT TO OTHER ZONING PROVISIONS; DIRECTING THE CITY CLERK TO PUBLISH A NOTICE OF INTENTION TO ADOPT SUCH ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- (c) Any additional direction to the City staff related to medical marijuana on how to proceed with the drafting of the land development regulation.

VI. PUBLIC COMMENT

10:05:49 AM Martha Simons stated that these facilities are medical medicine dispensaries with no smoke items. They are natural products that help alleviate pain and suffering from numerous diseases. This will eliminate the threat of opioids out there.

10:09:10 am Jesse Purdon feels that restarting the clock is limiting access to people who need it. This is a Bonita issue and a City that stands on their own two feet. He hopes Council does the right thing on March 21, 2018.

10:12:28 am John Walsh was present to speak against dispensaries in the City of Bonita Springs. He doesn't agree that the medical benefits of marijuana have been proven in any scientific form. If put forth for the people to vote, he believes there would never be a dispensary in the City.

10:13:11 am An unidentified woman reiterated earlier comments she made regarding the delivery system being ineffective, and does not work well for all patients. The debate is over and it is legal, and now we need to figure out a way in our community to make it available in a practical way.

10:14:07 am An unidentified gentleman voiced his support for medical marijuana. He also informed everyone of the various forms of medical marijuana available.


10:18:01 am An unidentified woman stated that crime did not increase in areas where there were medical marijuana dispensaries.

10:20:20 AM Jeff Field stated that he would be more than happy to answer any questions that council may have regarding medical marijuana.

VII. ADJOURNMENT

There being no further items to discuss, the meeting adjourned at 10:21 A.M.

Respectfully submitted,


Debra Filipek, Deputy City Clerk

APPROVED:
CITY COUNCIL ZONING BOARD

Date: 4/17/18

AUTHENTICATED:



Peter Simmons, Mayor