#5

MINUTES
CITY OF HOLMES BEACH CITY COMMISSION WORK SESSION
IMMEDIATELY FOLLOWING THE 6:00 P.M. REGULAR MEETING
PATRICIA A GEYER COMMISSION CHAMBERS
5801 MARINA DR, HOLMES BEACH, FL 34217
TUESDAY, OCTOBER 25, 2016

PLEDGE OF CONDUCT: We may disagree, but we will be respectful of one another. We will direct all comments to the issues. We will avoid personal attacks.

1. CALL TO ORDER
Chair Titsworth called the meeting to order at 7:42 P.M.

2. ROLL CALL
Present: Commissioner Grossman, Commissioner Morton, Vice-Chair Peelen, Commissioner Soustek, and Chair Titsworth.
Also Present: Mayor Johnson, City Clerk Johnston, City Attorney Petruff, Chief Tokajer, and Building Official McGuinness.

3. QUESTIONS AND COMMENTS FROM THE PUBLIC AND PRESS - None.

NEW BUSINESS
4. DRAFT ORDINANCE – ORDINANCE 16-27 – AMENDMENT TO WASTE PRO FRANCHISE
"AN ORDINANCE OF THE CITY OF HOLMES BEACH, FLORIDA, AMENDING ORDINANCE 15-06 WHICH GRANTED AN EXCLUSIVE FRANCHISE AGREEMENT TO WASTE PRO OF FLORIDA, INC. TO AMEND THE FRANCHISE AGREEMENT TO PROVIDE SPECIFIC LANGUAGE ON COLLECTION OF VEGETATIVE STORM DEBRIS AFTER A NATURAL DISASTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE."
Chair Titsworth read the Ordinance title.

City Attorney Petruff informed the Ordinance provides for pickup and removal of debris after a storm. Waste Pro provided language. She referenced wording on page two that states - Contractor is required to provide a disaster preparedness plan to the Mayor for review and approval - and noted a date is required. She added Waste Pro has not negotiated the Exhibit A 'rates' with Holmes Beach – those are rates used elsewhere.

Commissioner Morton will be meeting with Waste Pro the upcoming week.

Commissioner Grossman felt the listed rates were high.

Action: Consensus for Commissioner Morton to discuss rates with Waste Pro. The amended Ordinance will be placed on the next meeting agenda for First Reading.

Discussion followed on CRS ratings and FEMA reimbursement.

Commissioner Morton asked Building Official McGuinness if the yard waste would comply for FEMA reimbursement.

Building Official McGuinness informed FEMA focuses on preserving habitable structures. He would have to investigate if it would increase the CRS rating.

City Attorney Petruff said when the Governor declares a State of Emergency there is often federal money available for disaster relief/cleanup. She did not feel the CRS rating would be affected.

Chair Titsworth asked how couches, mattresses, etc. damaged by flooding would be dealt with.

Commissioner Soustek stated FEMA would reimburse for storm related cleanup.

5. DISCUSSION RELATING TO MEDICAL MARIJUANA

Chief Tokajer stated he had provided a copy of Anna Maria's Ordinance to City Attorney Petruff. Anna Maria's Ordinance prohibits dispensaries, along with the selling or growing of marijuana in the City. Chief Tokajer is recommending no grow houses or dispensaries in Holmes Beach. He feels being an all cash business would be an opportunity for robberies and burglaries.

City Attorney Petruff noted it is a policy decision for the Commission. Options are prohibition or a moratorium. She noted any Legislation passed by the State in the future might preempt local regulations - or anyone who has an absolute prohibition prior to state legislation, their prohibition can remain in place. She feels if it passes, the State will likely pass more legislation to further regulate the businesses, and may do a pre-emption of all local regulations. They may exempt those who are 'grandfathered'.

Commissioner Grossman feels the Commission should wait to see if legislation passes and would agree with a moratorium. He added some areas allow people with a medical marijuana card to grow a few plants - which makes sense to him. He noted adopting an Ordinance would ban everything.

Chief Tokajer said if legislation passes, cities in Manatee County would adopt an Ordinance regulating the number of feet any dispensaries or grow house would have to be from schools, parks, etc. He feels there will be dispensaries possibly on Manatee Avenue, which is close enough for those on the Island to access. He indicated it would be difficult to approve any dispensaries or grow houses in Holmes Beach since the entire Island has churches, a school, parks, etc. In his opinion, it was best to prohibit them.

Commissioner Peelen felt it was pre-mature to discuss the issue, and the Commission should re-address the topic after the election, if necessary. She reminded Manatee County is waiting to see if legislation passes.

Commissioner Morton agreed with Chief Tokajer feeling it would not hurt to have an Ordinance already in place.

Commissioner Soustek said she does not see a need for it in Holmes Beach.

Commissioner Peelen said she knows people who are in their 80's who use medical marijuana and are unable to get to Manatee Avenue. She felt it would be a benefit to those with a medical marijuana card to have three plants in their home for their personal use. She said there are more people than we think that are using it now.

Chief Tokajer said if the State allows, he is fine with allowing 'in home' plants, as long as it is not a grow house operating as a business. He added he does not want cash dispensaries in Holmes Beach.

Chair Titsworth said she wants to support the Chief, but is fine with discussing a moratorium. She reminded some municipalities are looking at a issuing a fine vs. it being criminal if in possession under a certain amount.

Chief Tokajer said he would add that to list of Ordinances to bring forward.

Mayor Johnson sees no advantage to waiting on adopting a prohibition. He sees nothing wrong with saying no to grow houses and dispensaries - regardless if the State legislation does or does not pass. If it does pass, the City would then have an Ordinance in place, and can possibly preempt any legislation adopted. He does not feel a moratorium does that, and feels the potential is there - and not worth taking a risk.

Action: After discussion, there was consensus for the City Attorney to draft an Ordinance to be placed on the next Work Session for discussion. City Attorney Petruff said she would change the Ordinance to reflect for commercial purposes only - and will add language indicating if the State of Florida authorizes for individual use, it would be allowed for residents so long as not grown for other people, or available for sale.

6. DISCUSSION RELATING TO THE SALE OF PETS IN HOLMES BEACH

Commissioner Peelen said she would like Holmes Beach to consider an Ordinance banning the sale of cats and dogs, and possibly rabbits, at any retail commercial establishment. She feels the more pressure they can put on Petland and the State legislature, the better. So far, 45 cities in Florida have passed such an Ordinance. She noted the Sarasota County Ordinance includes rabbits; however, Holmes Beach would not have to.

Commissioner Peelen said 99% of all puppies in pet stores come from puppy mills, are in horrendous conditions, and continue to be bred. Puppies will be transported hundreds of miles in semi-trailers. Many of the puppies are sick from the travel, inherited diseases, no proper shots, etc.

Petland provides a sheet of inoculations to the buyers with no date or Doctor listed. She informed 90% of purchases for the pets are impulse buys. The warranty provided by Petland limits the rights of the buyer to only two days to have determined healthy by Petland's vet. State law provides for two weeks and any vet. She feels allowing the commercial sale of dogs and cats should be disallowed in Manatee County.

Commissioner Peelen added Sarasota County was the first county in Florida to ban the sale of dogs and cats. To date, no lawsuits have been filed. January 15, 2017 is the date their Petland can no longer sell pets. She feels Petland will then open up in Manatee County.

Although unsuccessful last year in convincing Manatee County to ban the animals, she feels Holmes Beach adopting an Ordinance will set an example for other Manatee County municipalities.

Commissioner Soustek feels adding to the number of Cities banned in Florida is a good thing.

Action: Consensus for City Attorney Petruff to proceed with preparing a draft Ordinance relating to the sale of pets in Holmes Beach.

UNFINISHED BUSINESS

ANNOUNCEMENTS

7.

- ☐ **THURSDAY – OCTOBER 27 – 11:30 A.M. – POLICE RETIREMENT BOARD MEETING**
- ☐ **WEDNESDAY – NOVEMBER 2 – 10:00 A.M. – PARKS & BEAUTIFICATION COMMITTEE MEETING**
- ☐ **WEDNESDAY – NOVEMBER 2 – 7:00 P.M. – PLANNING COMMISSION MEETING**
- ☐ **SATURDAY & SUNDAY – NOVEMBER 5 & 6 – ARTS & CRAFTS SHOW @ CITY FIELD – BENEFITING BUTTERFLY PARK**
- ☐ **TUESDAY – NOVEMBER 8 – ELECTION DAY – COMMISSION MEETINGS RESCHEDULED**
- ☐ **FRIDAY – NOVEMBER 11 – VETERANS DAY – CITY OFFICES CLOSED**
- ☐ **FRIDAY – NOVEMBER 11 – 8:30 A.M. – ISLANDER VETERANS DAY SALUTE**
- ☐ **FRIDAY – NOVEMBER 11 – 9:00 A.M. – 3:00 P.M. – BEACH CLEAN-UP**
- ☐ **FRIDAY – NOVEMBER 11 – 5:00 P.M. – 8:00 P.M. – ARTWALK IN HOLMES BEACH**
- ☐ **TUESDAY – NOVEMBER 15 – 6:00 P.M. – CITY COMMISSION REGULAR MEETING WITH WORK SESSION TO FOLLOW**
- ☐ **THURSDAY – NOVEMBER 17 – 6:00 P.M. – NEIGHBORHOOD WATCH TRAINING**
- ☐ **MONDAY – NOVEMBER 21 – 9:00 P.M. – MAYOR AND CITY COMMISSION SWEARING-IN CEREMONY & ORGANIZATIONAL MEETING – EXACT DATE TO BE DETERMINED BASED ON ELECTION RESULTS**
- ☐ **THURSDAY & FRIDAY – NOVEMBER 24 & 25 – THANKSGIVING HOLIDAY – OFFICES CLOSED**
- ☐ **WEDNESDAY – NOVEMBER 30 – 2:00 P.M. – BIEO – LONGBOAT KEY**

8. QUESTIONS AND COMMENTS FROM MAYOR AND CITY COMMISSION - None.

9. QUESTIONS AND COMMENTS FROM CITY ATTORNEY - None.

10. QUESTIONS AND COMMENTS FROM STAFF - None.

11. QUESTIONS AND COMMENTS FROM PUBLIC AND PRESS - None.

ADJOURNMENT

Chair Titsworth adjourned the meeting at 8:11 p.m.

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Stacey Johnston, MMC, City Clerk
Minutes Approved: _____

THIS IS NOT A VERBATIN RECORD; A DIGITAL RECORDING HAS BEEN MADE OF THE FOREGOING PROCEEDINGS OF WHICH THESE MINUTES ARE A PART. THIS RECORDING IS ON FILE AT THE CLERK'S OFFICE IN THE CITY OF HOLMES BEACH FOR TWO (2) YEARS.

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