

**CALHOUN COUNTY BOARD OF COUNTY COMMISSIONERS  
SPECIAL MEETING MINUTES  
DECEMBER 9, 2016**

**PRESENT AND ACTING:**

**DANNY RAY WISE, CHAIRMAN  
GENE BAILEY, VICE-CHAIRMAN  
DARRELL MCDUGALD  
DENNIS JONES  
JERAL HALL**

**MATT FUQUA, ATTORNEY  
CARLA A. HAND, CLERK OF COURT AND COUNTY COMPTROLLER  
JOE WOOD, DIRECTOR OF OPERATIONS  
SARAH WILLIAMS, CLERK ADMINISTRATIVE ASSISTANT**

The meeting held in the EOC was called to order by Chairman Wise at 1:00 p.m., CT. Commissioner Bailey led the Prayer and Pledge of Allegiance to the Flag.

Chairman Wise stated this meeting has been called to address the issue of a possible Ordinance for the Medical Marijuana Bill the State of Florida passed. Chairman Wise asked Attorney Fuqua to explain the Ordinance.

Attorney Fuqua stated the bill the State passed will go into effect on January 3, 2017. The Ordinance would give the County time to regulate land use where medical marijuana is concerned. There are time constraints to implement the Ordinance before the bill goes into effect, which is why this meeting was called on short notice. Attorney Fuqua stated he has been working with Bay County, and this Ordinance regulates where dispensaries for medical marijuana may be located within the County. This does not apply to the City of Blountstown or the Town of Altha. If the Board chooses, the Comprehensive Plan could be amended to state the dispensaries can be located only in certain areas. Attorney Fuqua stated if the Board wishes to move forward with advertising the Public Hearings, the ad will need to be run in next week's newspaper. Attorney Fuqua stated an ad has been drafted if the Board chooses to move forward. The deadline to have the Ordinance in place is January 2<sup>nd</sup>. There could be more difficulties to regulate the location of the dispensaries if the Ordinance is not passed.

Commissioner McDougald asked if the Ordinance would put off the sale of medical marijuana in the County if passed. Attorney Fuqua stated the Ordinance would allow the Board to regulate the location of the dispensaries in the unincorporated areas of Calhoun County.

Commissioner Bailey stated he has some reservations about adopting an Ordinance. Commissioner Bailey stated the Medical Marijuana Bill was passed by the majority of the citizens of Calhoun County and of the State of Florida, the Department of Health will be regulating the dispensing of medical marijuana, and he does not see any advantage of passing an Ordinance and going through public hearings. Commissioner Bailey stated he hopes the State has some wisdom in drafting the legislation regulating medical marijuana. Commissioner Bailey stated the drugstores should have the right to

provide medical marijuana to its customers. Commissioner Bailey stated if someone could get the legal qualifications to grow medical marijuana and employ people in this County he would not want to stop them from doing so. Commissioner Bailey stated he is against a moratorium on medical marijuana.

Chairman Wise stated he has read the Medical Marijuana Bill and it states a doctor will have to prescribe medical marijuana. Chairman Wise stated he would hope the prescription would have to be filled at a drugstore pharmacy. Chairman Wise stated the majority of people in the County voted for this bill and the Board should respect their wishes.

Commissioner McDougald stated Attorney Fuqua has stated this is a temporary Ordinance. Commissioner McDougald stated he knows the amendment has been passed by the majority of the State of Florida and he would not want to do anything to prevent the bill from moving forward. Commissioner McDougald stated the amendment was passed but an implementation plan has not been developed. Commissioner McDougald stated his understanding of this Ordinance would be to put a hold on some of the aspects of the bill until the details have been worked out. Commissioner McDougald stated he would not want the County to be in the position to let someone come into the County and do something which makes things tougher to deal with later without an Ordinance in place. There was further discussion about the Ordinance.

Commissioner Bailey stated he believes the Health Department and the law enforcement of the State will protect the County.

Chairman Wise read a portion of the Medical Marijuana Bill addressing the costs and revenues associated with the sale and use of medical marijuana. Chairman Wise stated the main issue he has is the people of the County have voted yes on this Bill, and if the Board chooses to pass this Ordinance they are in essence going against the majority of the citizens of the County's wishes.

Commissioner Jones stated he believes the Board should have control of what goes on in the County and where it takes place. Commissioner Jones stated he voted no on the Medical Marijuana Bill. If there is not any regulation put in place by the Board, a company could come in and place a dispensary beside your house and you would have unwanted traffic in the area. Commissioner Jones stated the County should regulate where these dispensaries are located.

Chairman Wise stated this is medical marijuana, not recreational use. Commissioner Jones stated there are people who would try to break into the dispensaries. Chairman Wise stated they could also break into the pharmacies and steal pills, and the County has the Sheriff Department to protect the citizens. Commissioner Jones asked if the Sheriff Department was prepared for this bill to come into effect. Mr. Todd Wheatley with the Calhoun County Sheriff Department stated he has done some research and the teen usage rate for marijuana is highest in the nation in Colorado. The way the law is written, someone can go to a doctor for a backache and be prescribed medical marijuana. The dispensaries are not regulated, and are not a pharmacy but a store, which are all cash businesses. This could open the potential for these places to be robbed because of the amount of cash known to be on the premises. Mr. Wheatley stated he believes the County should regulate the dispensaries because this is where the problems are going to be located. There was further discussion about medical marijuana.

Attorney Fuqua stated it is still unknown who is going to regulate who will be able to dispense the medical marijuana. Attorney Fuqua stated in Colorado there are two (2) separate types of dispensaries,

medical marijuana, which is legal throughout the State, and recreational use marijuana which is regulated by a city or county. Florida could do something totally different from the way Colorado has done things.

Commissioner Bailey stated the way he reads the legislation is the Health Department will regulate who will be allowed to dispense medical marijuana. Commissioner Bailey stated he is against recreational marijuana use, but medicinal marijuana is not as bad as some of the pain pills which are available. Commissioner Bailey stated he would not want to prevent someone who really needs this treatment from receiving medical marijuana. Commissioner Bailey stated if the dispensaries get out of hand at some point, an Ordinance can be passed at a later date.

Commissioner Jones stated Bay County passed their Ordinance last night. Commissioner Jones stated passing an Ordinance would give the County an opportunity to deal with issues before they come up. There was further discussion on an Ordinance.

Commissioner Bailey asked if in two (2) weeks the State develops a way to regulate the dispensing of medical marijuana, can the Board stop a dispensary from coming to the County. Attorney Fuqua stated we can regulate their location in the County, but not in the City. Frank Snowden stated there would have to be a conditional use permit approved before someone could open a dispensary. Mr. Snowden stated he did not think amending the land use regulations would be needed. Mr. Snowden stated the Board would have to approve a dispensary before one could be opened in an area zoned agriculture. Attorney Fuqua stated if the area is considered mixed use there would not need to be a conditional use permit obtained.

Chairman Wise stated he does not believe the Board should pass an Ordinance against something the majority of the citizens of the County have voted for and passed in the State. Chairman Wise stated this will be a prescribed medication, and believes a pharmacy will have to dispense the medical marijuana.

- ❖ Commissioner McDougald made a motion to advertise Public Hearings for the moratorium Ordinance on medical marijuana use and dispensaries. Commissioner Hall seconded the motion. The motion passed 3-2. Commissioner Bailey and Chairman Wise opposed.

Commissioner Bailey asked when the Public Hearings were scheduled. Attorney Fuqua stated the first hearing will be on December 21, 2016 at 5:01 p.m. and the second will be on January 2, 2017 at 5:01 p.m.

- ❖ Commissioner McDougald made a motion to approve the Special Meetings. Commissioner Jones seconded the motion. The motion passed unanimously 5-0.

There being no further business, the meeting adjourned at 1:25 p.m. CT.

The meeting reconvened at 1:27 p.m. CT at the request of Commissioner Hall.

- ❖ Commissioner Hall made a motion to reconsider running the advertisement for the Public Hearings. Commissioner Bailey seconded the motion. The motion passed 3-2. Commissioner McDougald and Commissioner Jones opposed.
- ❖ Commissioner McDougald made a motion to advertise Public Hearings for the moratorium Ordinance on medical marijuana use and dispensaries. Commissioner Jones seconded the motion. Commissioner McDougald stated he does not want to deny the public the right to speak

on the issue before an Ordinance is passed. Commissioner Bailey and Commissioner Hall stated the people of Calhoun County spoke on election day when they voted yes on the Medical Marijuana Bill. The motion failed 2-3. Commissioners Bailey, Hall, and Wise opposed.

- ❖ Commissioner Bailey made a motion to cancel the Special Meetings. Commissioner Hall seconded the motion. The motion passed 3-2. Commissioner McDougald and Commissioner Jones opposed.

There being no further business, the meeting adjourned at 1:30 p.m. CT.



DANNY RAY WISE, CHAIRMAN

ATTEST:



CARLA A. HAND, CLERK