

**MINUTES OF THE TOWN OF LADY LAKE
REGULAR PLANNING AND ZONING BOARD MEETING
LADY LAKE, FLORIDA**

**July 14, 2014
6:00 p.m.**

The Planning and Zoning Board Meeting was held in the Town Hall Commission Chambers, 409 Fennell Blvd., Lady Lake, Florida.

CALL TO ORDER: John Gauder, Chairperson

PLEDGE OF ALLEGIANCE: John Gauder, Chairperson

ROLL CALL: Alfred Monteleone, Member
Gil Pierson, Member
William Sigurdson, Vice Chairperson/Member
John Gauder, Chairperson

ABSENT: Mike McKenzie, Member

STAFF MEMBERS PRESENT: Thad Carroll, Growth Management Director; and Julia Wolfe, Staff Assistant to Town Clerk

Also Present: Attorney Todd Mazenko, BRS Legal; Mayor Ruth Kussard; and Commissioner Paul Hannan

OPEN FORUM:

Chairperson Gauder asked if anyone in the audience had any comments or questions. There were no comments or questions.

NEW BUSINESS:

1. Approval of Minutes: June 9, 2014 Planning and Zoning Board Meeting

Chairperson/Member John Gauder asked if anyone had any corrections or deletions to the June 9, 2014 Planning and Zoning Board meeting minutes.

Upon a motion by Member Monteleone and a second by Vice Chairperson/Member Sigurdson, the Planning and Zoning Board approved the Minutes of the Planning and Zoning Board Meeting of June 9, 2014 as presented by a vote of 4-0.

2. Update/Review of Planning and Zoning Board Meeting Procedures and Member Responsibilities (Todd Mazenko, Attorney)

Thad Carroll, Growth Management Director, stated a presentation has been prepared by Todd Mazenko, the Board's attorney. He stated the Board is updated periodically regarding the procedures of the Planning and Zoning Board and Section 1-82 of the Land Development Regulations, regarding the policies and responsibilities, has been included in the packet. He also

stated a page for the proper procedures for motions has been included. Mr. Carroll turned the discussion over to Mr. Mazenko to review the presentation.

Attorney Todd Mazenko distributed handouts of the "Sunshine Law" PowerPoint presentation and a copy of FS 286.01, which is the statute most important to the Board. Mr. Mazenko reviewed the PowerPoint presentation.

Member Monteleone asked if it was a violation of the Sunshine Law to post something regarding marijuana on Member Sigurdson's website. He also asked if talking to a friend of his regarding medical marijuana constitutes a violation of the Sunshine Law.

Mr. Mazenko replied that it is not a violation if his friend is not a Board member, but it is a violation because Mr. Sigurdson is a member. He stated it is any exchange of information or ideas through any medium, whether on the phone, in person, or through someone else. He stated "*you cannot do through another, what you cannot do yourself*".

Vice Chairperson/Member Sigurdson asked if it would be okay if he calls his cousin who lives in Washington State to do some research and get information from him about medical marijuana.

Mr. Mazenko replied because he is not a Board member he does not see that being a violation of the Sunshine Law. He stated it would constitute a violation if he talked about it with another Board member.

Mr. Mazenko reviewed the handout giving examples of the proper way to phrase a motion. He stated the purpose of the Planning and Zoning Board is to make recommendations to the Town Commission. He stated a couple of things need to be in the motion: 1) what you are recommending, and 2) whether it is for approval or denial. He stated examples of the proper phrasing are also on the front of the cover sheet. Mr. Mazenko asked Mr. Carroll if he wanted to talk about the vote.

Mr. Carroll stated the Board does not typically do a roll call vote, but if there is a motion where people are all in favor, say "aye", and all opposed, you have to say "nay". He stated we do not know if the vote was unanimous without having the call for the all opposed.

Mr. Mazenko stated sometimes people do not say anything on the all opposed vote, they just do not vote, and unless you are picking it up on the microphone, it could be challenged. He stated to do the *aye* or *nay* vote if it is easier for everyone, but it needs to be consistent.

Vice Chairperson/ Member Sigurdson commented that everyone needs to respond.

Mr. Mazenko stated to know who actually said *aye* or *nay*, do the roll call vote for things that are forwarded for approval.

Chairperson Gauder suggested taking a roll call on every vote and then there are no questions on it. He asked if anyone in the audience had any comments or questions.

3. Ordinance No. 2014-05 – An Ordinance of The Town of Lady Lake, Florida Relating to Medical Marijuana; Amending the Land Development Regulations, Chapter II, "Definitions and Interpretations"; Amending Chapter V, "Zoning District Regulations"; Amending Chapter VI, "Conditional Uses And Special Exceptions" (Thad Carroll)

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Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's Office). He stated that a draft ordinance was included in the packet for consideration by the Planning and Zoning Board pertaining to the regulation and prohibition of medical marijuana dispensaries, non-medical marijuana sales, and cannabis farms in the Town of Lady Lake. He stated the recommendation from staff regarding this ordinance is for approval. Mr. Carroll stated the ordinance provides for the following:

- Defines the terms necessary for regulation; these amendments will be reflected in Chapter 2 of the Land Development Regulations, "Definitions and Interpretations".
- Contains language that prohibits the production of medical marijuana within all zoning districts of the Town; these amendments will be reflected in Chapter 5 of the Land Development Regulations, "Zoning District Regulations".
- Provides for the dispensing of Medical Marijuana in the Heavy Commercial (HC) zoning district as a Special Exception Use (SEU).
- Defines the criteria which must be satisfied to qualify as an appropriate location to establish a medical marijuana dispensary in the Heavy Commercial zoning district as a Special Exception Use (SEU); this language will be reflected in Chapter 6 of the Land Development Regulations, "Conditional Uses and Special Exceptions".

Mr. Carroll reviewed Ordinance No. 2014-05, Exhibit "A" *Definitions and Interpretations*, Exhibit "B" *changes to Chapter 5, Section 5-4 of the Land Development Regulations*, and Exhibit "C" *Special Exception Use*.

Mr. Carroll stated the Town Commission reviewed draft of Ordinance No. 2014-05 at their regular meeting on June 16, 2014 and reached a consensus to move forward with the ordinance. The minutes of that meeting were attached for review.

A synopsis of House Bill 843/Senate Bill 1030 was also provided, as well as a copy of the enrolled SB 1030. The Town's regulations would be ancillary to the measures provided in the bill.

Mr. Carroll stated regardless of the outcome of that legislative action, the Town would like to have some criteria defined in advance, should the referendum pass in November. He stated the Town could potentially exercise a moratorium for a year until that is figured out as well, which was suggested at the last meeting with the Town's attorney. Mr. Carroll stated this establishes criteria that, should medical marijuana be approved, the Town would have specific areas where dispensaries would be allowed to establish themselves. He stated most of the Heavy Commercial areas are along the Highway 441 corridor and a couple on the Highway 466 corridor, and all other buffers would be run as well. He stated there are churches along Highway 466 and schools on Rolling Acres, and just because it is Heavy Commercial, those other criteria would be exercised, but it does provide some locations where these dispensaries could be established.

Mr. Carroll stated the Town Commission will review the application for Ordinance No. 2014-05 at their regular meeting on Monday, July 21, 2014 at 6 p.m. Mr. Carroll asked if there were any questions.

Member Pierson asked if it would allow them to grow or not to grow items.

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Mr. Carroll replied that it does not. He stated under prohibited uses under each zoning designation, you can see that industrial cannabis farms are prohibited. He stated it provides for the dispensaries in the Heavy Commercial district, and under *expressly prohibited*, the non-medical and the cannabis farms are prohibited in the Heavy Commercial.

Member Pierson clarified that it is strictly medical marijuana that has been purchased somewhere else.

Chairperson Gauder asked if anyone in the audience had any comments or questions. There were no questions or comments.

Upon a motion by Vice Chairperson/Member Sigurdson, and a second by Member Monteleone, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2014-05 to the Town Commission for consideration by the following roll call vote.

<i>MONTELEONE</i>	<i>YES</i>
<i>PIERSON</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

CHAIRPERSON/MEMBERS' REPORT:

There were no comments or reports.

ADJOURN:

With nothing further to discuss, the meeting was adjourned at 6:33 p.m.

Julia Wolfe, Staff Assistant to Town Clerk

John Gauder, Chairperson

Minutes transcribed by Julia Wolfe, Staff Assistant to Town Clerk