



REPLACEMENT AGENDA

COMMITTEE OF THE WHOLE WORKSHOP BOARD OF COUNTY COMMISSIONERS

Board Chambers
Suite 100
Ernie Lee Magaha Government Building - First Floor
221 Palafox Place

September 8, 2016
9:00 a.m.

Notice: This meeting is televised live on ECTV and recorded for rebroadcast on the same channel. Refer to your cable provider's channel lineup to find ECTV.

1. Call to Order

(PLEASE TURN YOUR CELL PHONE TO THE SILENCE OR OFF SETTING.)

2. Was the meeting properly advertised?

3. Fair Labor Standards Act Changes and Impact on Employees of the Board of County Commissioners

(Tom Turner/Jack Brown - 30 Minutes)

- A. Board Discussion
- B. Board Direction

4. FS 381.986 - Compassionate Medical Cannabis Act of 2014 (Compassionate Use of Low-THC and Medical Cannabis)

(Horace L. Jones - 30 min)

- A. Board Discussion
- B. Board Direction

5. Dog-Friendly Dining

(Commissioner Robinson - 10 min)

- A. Board Discussion
- B. Board Direction

6. Appointment of Two At-Large Members to the Committee for the Selection of the Design/Build Entity for the Design and Construction of the New County Correctional Facility
(Jack Brown/David Wheeler - 30 min)
 - A. Board Discussion
 - B. Board Direction

7. Adjourn

Committee of the Whole

3.

Meeting Date: 09/08/2016

Issue: Fair Labor Standards Act Changes and BCC Impact

From: Thomas Turner, Department Director

Information

Recommendation:

Fair Labor Standards Act Changes and Impact on Employees of the Board of County Commissioners

(Tom Turner/Jack Brown - 30 Minutes)

A. Board Discussion

B. Board Direction

Attachments

Fair Labor Standards Act, Dec. 1, 2016 Rule Change

Fair Labor Standards Act (FLSA) of 1938 as amended

December 1, 2016 Rule Change

The FLSA legislated child labor, minimum wage and overtime compensation

The Act indicates ALL position are eligible for overtime (time and one half pay) for all hours worked in excess of 40 hours in a work week UNLESS the job is exempt under the Act.

The exemptions being affected by the December 1, 2016 rule change are the Executive, Administrative and Professional employees as defined at 213(a)(1)

To be Exempt, an employee must be paid a minimum salary and meet a duties test.

The new rule does not change the duty tests BUT increases the minimum pay from \$455 per week (\$23,660 annually) to \$ 913 per week (\$47,476 annually)

Impact on the BCC

Approximately 55 employees who will change from exempt to non-exempt due to the rule change.

Some of these employees are considered unclassified and have been receiving Paid Time off and Management Options Benefits (leave) in lieu of Annual Leave and Sick Leave. These employees will be grandfathered in their current leave program. They will gain appeal rights to the Merit System Protection Board as hourly employees.

A new pay band, 42A will be established at an annual pay of \$47,476, the pay threshold to be considered exempt. Five classifications representing 13 employees will be assigned to this pay band and will maintain their exempt and at will status. The cost of these transitions is less than \$500 annually.

Commissioner Aides remain except under Section 2013(e)(2) of the Act regarding appointees of elected officials and employees of legislative bodies.

The terms classified employees and unclassified employees will be replaced with "hourly employees" and "salaried employees" respectively in the BCC policies and procedures.

Committee of the Whole

4.

Meeting Date: 09/08/2016

Issue: FS 381.986 - Compassionate Medical Cannabis Act of 2014 (Compassionate Use of Low-THC and Medical Cannabis)

From: Horace Jones, Director

Information

Recommendation:

FS 381.986 - Compassionate Medical Cannabis Act of 2014 (Compassionate Use of Low-THC and Medical Cannabis)

(Horace L. Jones - 30 min)

A. Board Discussion

B. Board Direction

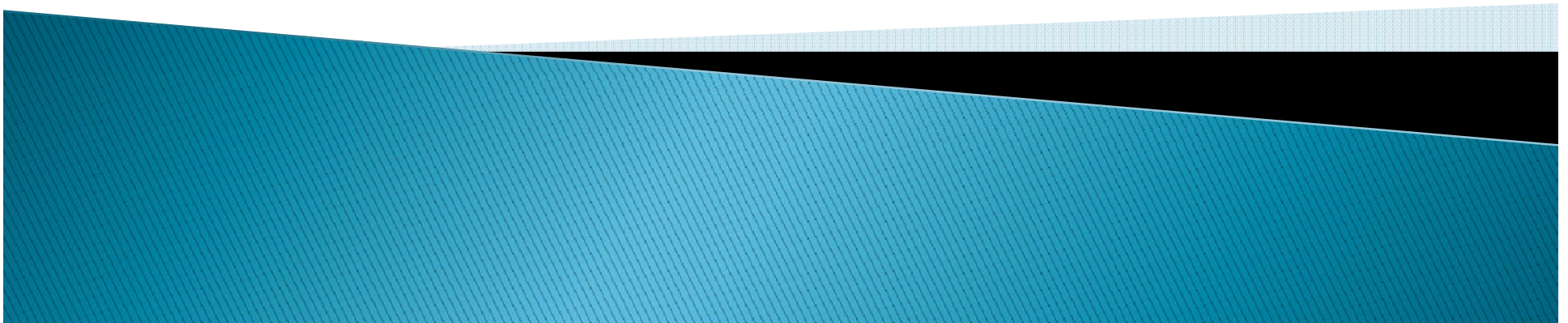
Attachments

Compassionate Use of Low-THC Medical Cannabis

FS 381.986
COMPASSIONATE MEDICAL CANNABIS
ACT OF 2014
(COMPASSIONATE USE OF
LOW-THC AND MEDICAL CANNABIS)

September 8, 2016

Escambia County
Board of County Commissioners
Committee of the Whole



**Florida's Department of Health
Office of Compassionate Use
Florida's Regulatory Agency**

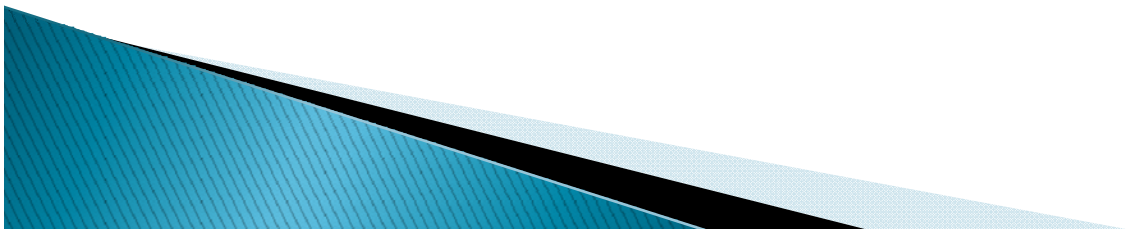
Office of Compassionate Use

(850) 245-4657

Mailing Address:

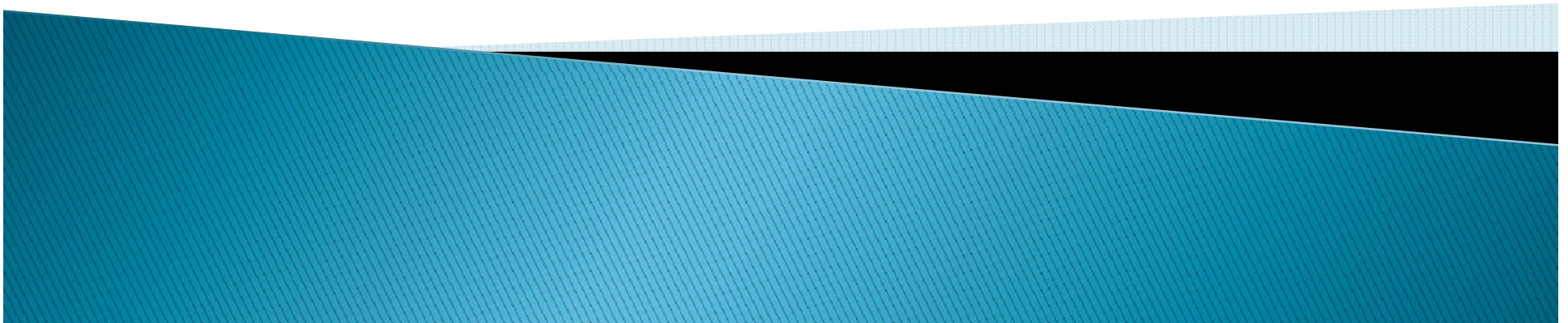
4052 Bald Cypress Way
Tallahassee, FL 32399

<http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/>



Approved 2014 State Legislation § 381.986, Florida Statutes

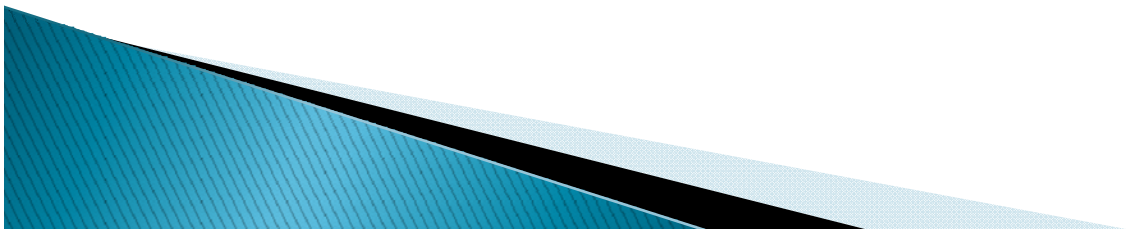
- ❑ Compassionate Medical Cannabis Act of 2014 (Compassionate Use of Low-THC Cannabis)” (SB 1030 [§ 381.986 Florida Statutes])
(Companion Bill SB 1700 [*public records exemption*])
- ❑ “Medical Use” means administration of the ordered amount of Low-THC or medical cannabis. The term does not include the possession, use, or administration by smoking...”
- ❑ Florida Statutes defines “Low-THC Cannabis and Medical Cannabis”
- ❑ Florida Statutes defines who qualifies as a dispensing organization and establishes the parameters for operation, cultivation, processing, dispensing, and administration of Low-THC or medical cannabis.
- ❑ Florida Statutes establish stringent requirements for operation and management of dispensing organizations allowing up to 5 dispensing organizations.
- ❑ Florida Statutes defines “who qualifies to obtain and use Low-THC or Medical Cannabis.”



State's Law Preemption

Florida Statutes § 381.986 (8)

- (a) All matters regarding the regulation of the cultivation and processing of medical cannabis or low-THC cannabis by dispensing organizations are preempted to the state.
- (b) A municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of dispensing organizations located within its municipal boundaries. A county may determine by *ordinance the criteria* for the number, location, and other permitting requirements that do not conflict with state law or department rule for all dispensing facilities of dispensing organizations located within the unincorporated areas of that county.



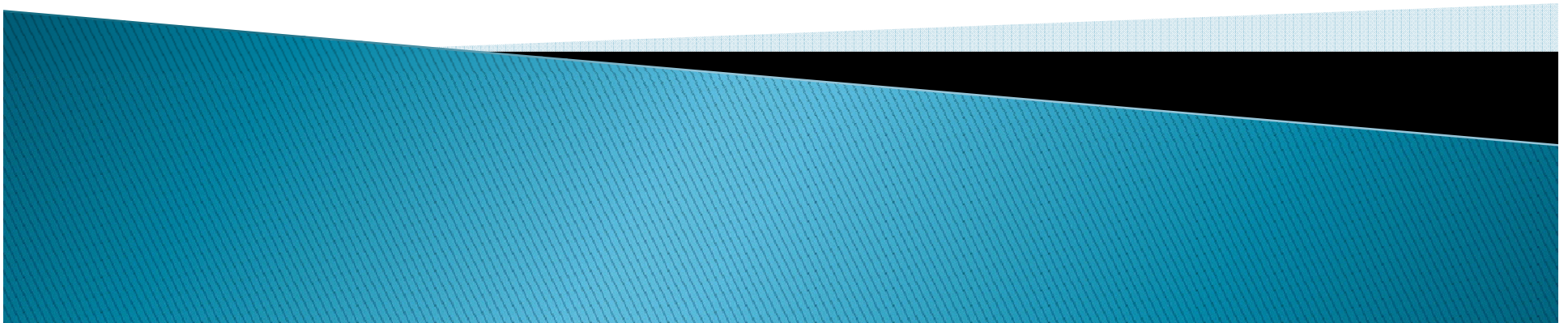
What Can We Do

CURRENT LDC (Land Development Code)

Chapter 3, Zoning Regulations, Sec. 3-1.4 Allowed uses.

(a) Generally. The uses of land and structures are limited to those identified within the applicable zoning district as “permitted uses” or “conditional uses,” and to their valid accessory uses, unless other uses are secured through applicable vesting and nonconformance or temporary use provisions of the LDC. Uses not so identified or secured are prohibited, and the conducting of any prohibited use is a violation of the LDC punishable as provided by law and ordinance...

- An ordinance is required to add this use and to adopt State’s definitions into the LDC.**



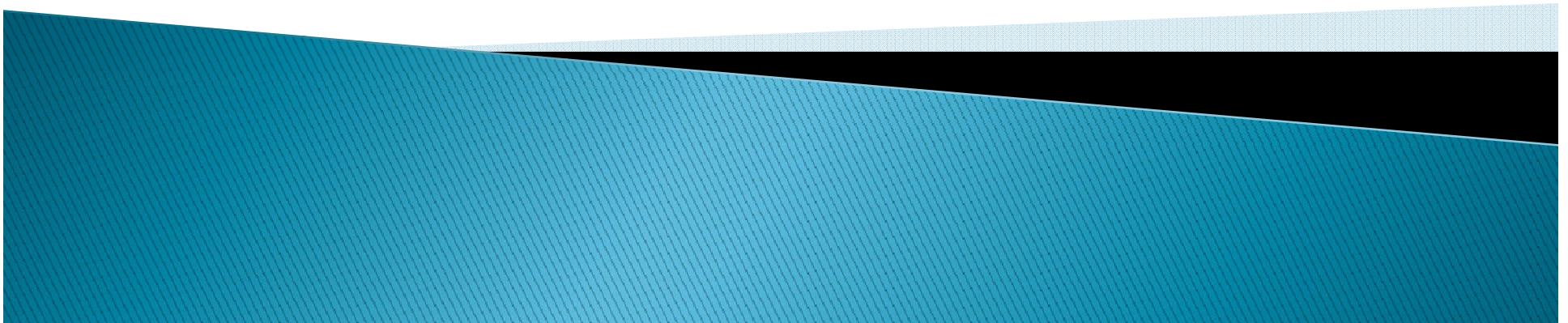
Questions to Consider

Current LDC Definition and Spacing Requirements

- 1) **Should these Dispensing organizations be allowed, as regulated by Florida Statutes in Escambia County's zoning categories that allow for retail sales as defined below OR only in intense Commercial zoning categories per the LDC?**

Land Development Code Chapter 6 - Definition

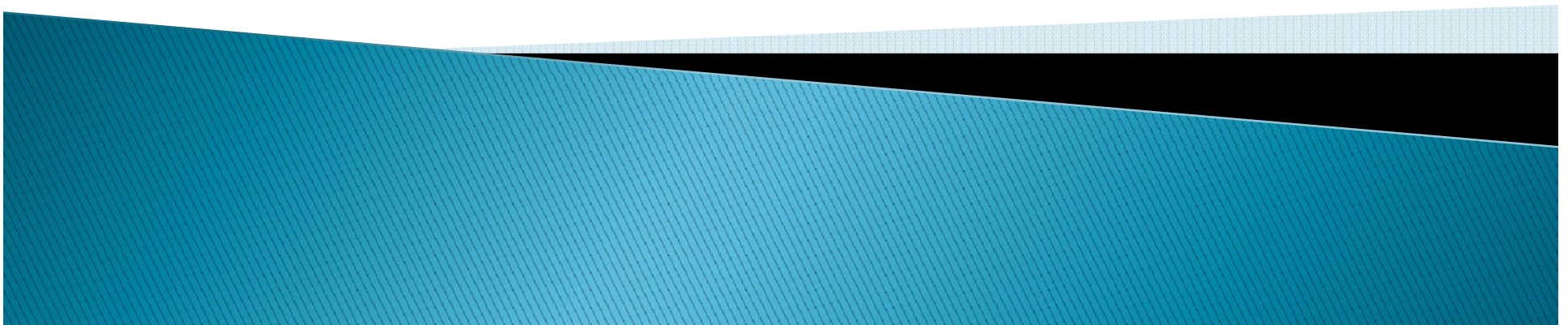
Retail sales. The direct selling or renting of new or used goods or merchandise primarily to the general public for personal or household use or consumption, but also to businesses and other end users, and the provision of services incidental to such sales or rentals. Retail trade is characterized by an establishment that is usually a place of business and engaged in activity to attract buyers, that buys and receives as well as sells merchandise, that sells to customers for their own use, and that may process or manufacture some products incidental or subordinate to the principal selling activities.



Questions to Consider – Continued

Current LDC Definition and Spacing Requirements

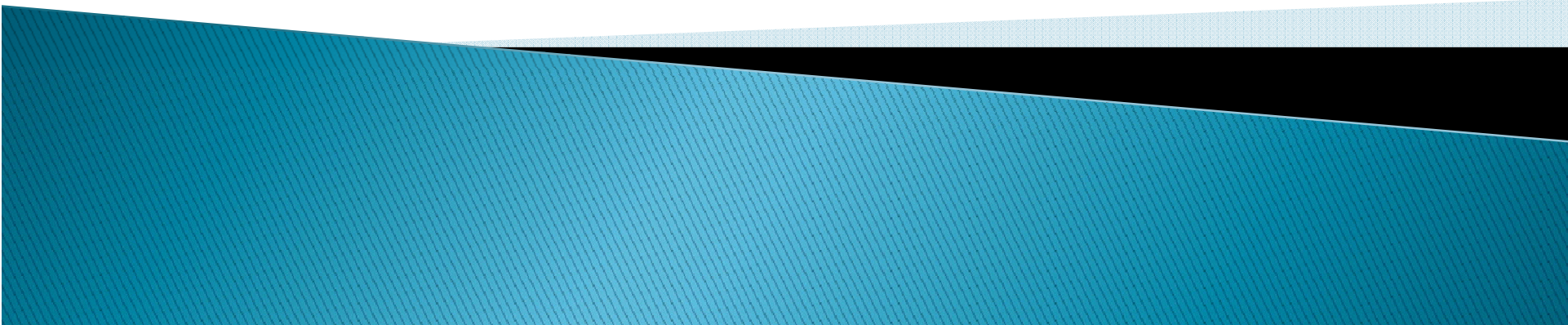
- 2) Should there be a minimum distance requirement of a 1000' from schools and child care facilities as there is for on-premise consumption of alcohol?
- 3) Should the number of establishments and other permitting requirements that do not conflict with State law be regulated?



	PERMITTED USE	CONDITIONAL USE
ZONING DISTRICT		
RURAL MIXED-USE	<i>DRUGSTORE</i> <i>RETAIL SALES</i>	
LOW DENSITY MIXED-USE	<i>RETAIL SALES</i>	
HIGH DENSITY RESIDENTIAL		<i>RETAIL SALES</i>
HIGH DENSITY MIXED USE	<i>RETAIL SALES</i>	
COMMERCIAL	<i>RETAIL SALES</i>	
HEAVY COMMERCIAL/LIGHT INDUSTRIAL	<i>RETAIL SALES</i>	
PERDIDO KEY		
COMMERCIAL PERDIDO KEY	<i>RETAIL SALES</i>	
COMMERCIAL CORE DISTRICT PERDIDO KEY	<i>RETAIL SALES</i>	
COMMERCIAL GATEWAY PERDIDO KEY	<i>RETAIL SALES</i>	
PENSACOLA BEACH		
MEDIUM DENSITY RESIDENTIAL/COMMERCIAL	<i>RETAIL SALES</i>	
HIGH DENSITY RESIDENTIAL/COMMERCIAL	<i>RETAIL SALES</i>	
GENERAL RETAIL PENSACOLA BEACH	<i>RETAIL SALES</i>	
RECREATION RETAIL	<i>RETAIL SALES</i>	
COMMERCIAL HOTEL	<i>RETAIL SALES</i>	

Zoning Districts that Allow for Retail Sales

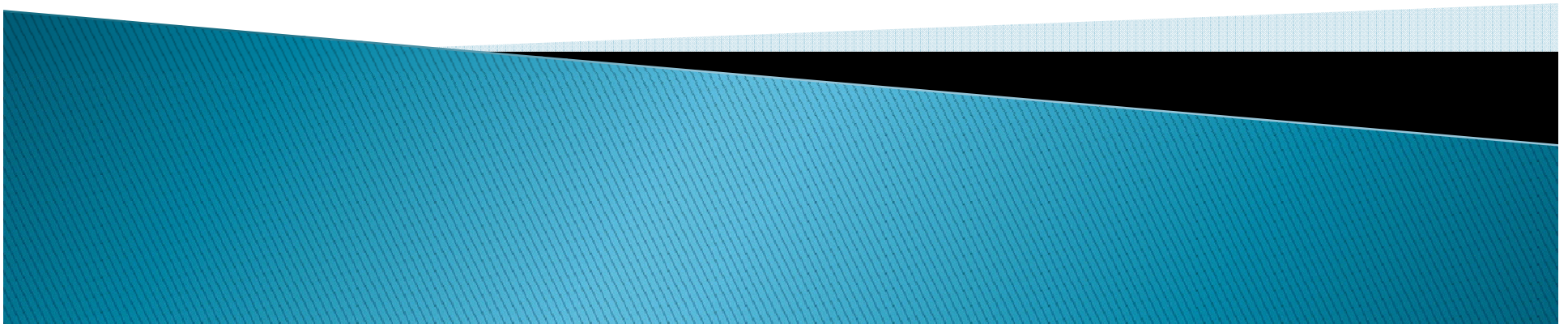
Although not listed on the adjacent chart, intense farming operations and agricultural retail sales are allowed in the AG District.



Zoning Districts that Allow for Retail Sales – Cont. (Pharmacy/Drugstore Use)

- ❑ A drugstore is a permitted use in the Rural Mixed Use Zoning Category; however, the term “pharmacy” is not mentioned in any of the zoning categories of Chapter 3 of the LDC.
- ❑ Staff would consider a “pharmacy and a drugstore” as an allowable use within the zoning categories that allow for “retail sales establishments” (*see definition of retail sales*).

NOTE: The size of the building (gross floor area) for the retail sales is determined and specified by the zoning categories that allow for retail sales.



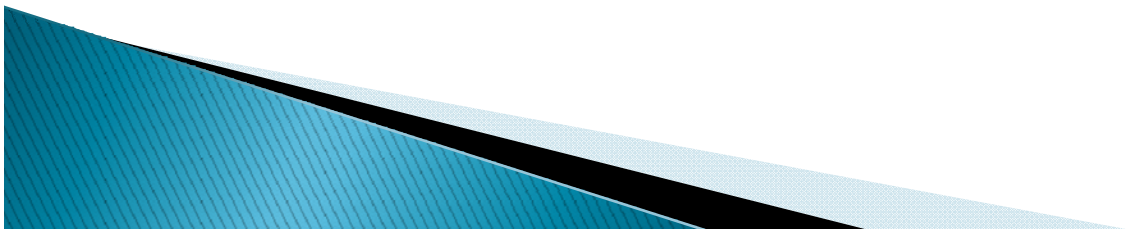
Possible Associated Risks

Allowing compassionate use of low-THC cannabis as a “permitted use” where retail sales are allowed could result in associated risks, including:

- ❑ Many of the existing zoning categories that allow for retail sales are in close proximity and/or adjacent to single-family dwellings and neighborhoods.
- ❑ Within Escambia County, there are single-family dwelling neighborhoods with a mixed use zoning category and higher. NIMBY (Not in my backyard syndrome).

Risks Could be minimized by:

- ❑ Requiring Conditional Use approval through the Public Hearing process
- ❑ Distance requirements from child care facilities and schools
- ❑ Existing Locational Criteria reducing the possibility of the placement of dispensaries on local roads within existing neighborhoods and subdivisions



Options for Consideration by the BCC

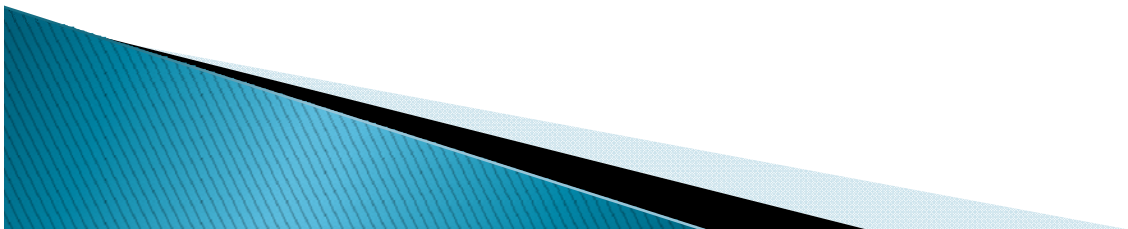
That the Board of County Commissioners (BCC) direct staff to:

- 1) Draft an ordinance that would allow for medical marijuana dispensaries distributing low-THC and medical cannabis as a “permitted use” within **all** zoning categories that allow for retail sales with a minimum distance of 1000’ from child care facilities or schools **and to limit** the number of establishments within Escambia County

OR

- 2) Draft an ordinance that would allow for medical marijuana dispensaries distributing low-THC and medical cannabis as a “permitted use” within **all** zoning categories that allow for retail sales with **NO** minimum distance from child care facilities or schools **and NO** limit on the number of establishments

OR

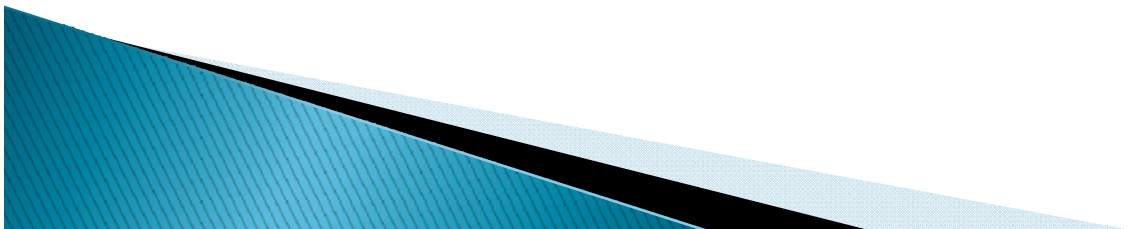


Options for Consideration by the BCC – Cont.

- 3) Draft an ordinance that would allow for medical marijuana dispensaries distributing low-THC and medical cannabis as a “conditional approval” from the Board of Adjustment” within **all** zoning categories that allow for retail sales with **NO** minimum distance from child care facilities or schools **and NO** limit on the number of establishments

OR

- 4) Draft an ordinance that would allow for medical marijuana dispensaries distributing low-THC and medical cannabis as a “permitted use” within the zoning categories that have a Commercial zoning designation **only**, such as Commercial (COM), Heavy Commercial and Light Industrial (HC/LI); Industrial (Ind), along with those on Perdido Key and Pensacola Beach with **NO** minimum distance requirement **and no** limit on the number of establishments. *AG does allow for intense farming operations.*



What's Next

- ❑ Draft Ordinance for Planning Board
- ❑ At Least One (1) Planning Board Public Hearing
- ❑ Requires Two (2) BCC Public Hearings



Committee of the Whole

5.

Meeting Date: 09/08/2016

Issue: Dog-Friendly Dining

From: Grover Robinson, District 4 Commissioner

Information

Recommendation:

Dog-Friendly Dining

(Commissioner Robinson - 10 min)

A. Board Discussion

B. Board Direction

Attachments

Letter from Carrie Young to Commissioner Robinson

Dear Grover Robinson,

I am requesting you to add the Dog Friendly dining to the agenda for the next county commissioner meeting. I have spoken to the county public forum on August 4, 2016. The online petition is at 8676 supporters for the permit to be passed. The city already passed the ordinance I am asking the county to also pass it so every business can be compliant. Please feel free to call me or stop by Gulf Coast Brewery to discuss this matter.

Thank you,

Carrie Young
General Manager
850-313-6795

RECEIVED

AUG 22 2016

COUNTY COMMISSIONER

Committee of the Whole

6.

Meeting Date: 09/08/2016

Issue: Selection Committee for the Design/Build Entity for the New County Correctional Facility

From: Jack Brown, County Administrator

Information

Recommendation:

Appointment of Two At-Large Members to the Committee for the Selection of the Design/Build Entity for the Design and Construction of the New County Correctional Facility

(Jack Brown/David Wheeler - 30 min)

- A. Board Discussion
 - B. Board Direction
-

Attachments

No file(s) attached.
