

TOWN OF GRANT VALKARIA, FLORIDA
PLANNING AND ZONING BOARD WORKSHOP
MONDAY, JULY 26, 2010 AT 7:00 P.M.
TOWN HALL BUILDING, 4240 HIGHWAY US1, GRANT VALKARIA, FLORIDA 32949

The Planning and Zoning Board Workshop of July 26, 2010 was called to order at 7:00 p.m. by Chairperson Whitehouse, followed by the Pledge of Allegiance, and roll call to the Members with the following present:

Chairperson Don Whitehouse
Vice Chairperson Dan Robino
Board Member Denni Burr
Board Member Christine King
Board Member Ron Jenkin
Board Member Bob Thiem
Board Member Allen Webb
David VanAsdale (Alternate 2)

Town Administrator Richard Hood
Administrative Assistant Jessica Williams

Chairperson Whitehouse read Alternate Board Member Alfred Strandgard's letter of resignation to the Board which was effective as of July 19, 2010.

AGENDA ITEMS

1) Discussion of Pain Management Clinics

Town Administrator Hood explained that the attached ordinance was prepared by Town Attorney Bohne. Mr. Hood explained that the concerns regarding Pain Management Clinics were brought to Council by the Space Coast League of Cities. Mr. Hood explained that Council directed staff to create an ordinance regulating Pain Management Clinics within the Town. Mr. Hood stated that South Florida has begun creating restrictions which has forced these Pain Management Clinics to try to find new locations. Mr. Hood explained that this issue has caused many of the cities within Brevard County to create ordinances to ensure that these clinics do not open on every corner. Mr. Hood stated that he has spoke with the Town Attorney about creating a distance requirement between these clinics and he agreed that we could place limitation of this nature on the clinics.

Chairperson Whitehouse opened the discussion to the public with no public comment.

The Board Members had the following comments:

Board Member Robino explained that he was concerned that the requirements of reporting may violate the Health Insurance Portability and Accountability Act. Town Administrator Hood explained that he brought this concern to Town Attorney Bohne and Mr. Bohne explained that this would not be a violation since they are not asking patient information just the doses disbursed, number of prescriptions written, method of payment and state of residence.

Board Member Webb explained that he was against regulating this because these clinics are run by licensed professionals.

Board Member Thiem asked Town Administrator Hood how this ordinance would be enforced. Town Administrator Hood explained that the clinics are required to report daily and if they do not they would be in violation. A violation would only occur if the clinic does not submit the

daily report, is open after the said hours, or becomes a cash only clinic. Town Administrator Hood explained that it would be the same as regulating the required food sales for an alcoholic beverage license. In the event that the ordinance is violated it would become a code enforcement issue and the Sheriff's Department would be contacted. Town Administrator Hood explained that the State also has controls over these clinics.

Board Member Burr explained that she understood that they had to report and agreed that there should be a requirement for the zoning and distance between the clinics.

Board Member King explained that she believed that any reputable pain management clinic would be willing to comply with the requirements. She explained that in a situation where a physician follows protocol and finds that there is a legitimate problem causing pain these clinics are necessary; however the clinics that are being referred to are those where anyone can walk in and acquire pain medication.

Town Administrator Hood explained that the reason that this is coming out as an issue now is because Pain Management Clinics are fairly new and this sets up rules and regulations for this type of business.

It was the Board's Consensus to place Pain Management Clinics in the General Retail Commercial, BU-1 zoning description and required that the clinics be placed at least 2500 feet apart. Board Member Webb stated that for the record he opposed regulating Pain Management Clinics; therefore he was not counted towards the consensus.

Chairperson Whitehouse asked Town Administrator Hood if he had an update on the Comprehensive Plan status. Town Administrator Hood explained that he had received the final form last week and he was proofreading the final chapter to ensure that all of the errors were corrected. He explained that he was also waiting on the maps and once they were received he would be ready to schedule the public hearings. Chairperson Whitehouse then asked about the status of the Land Development Regulations. Town Administrator Hood explained that staff has been doing a underline strike through version for Council and once that is complete it will be ready to go before Council. Town Administrator Hood stated that a Council Member had mentioned doing a few eight hour Saturday Workshops to ensure that it was completed in a timely manner.

Motion by Vice Chairperson Robino, second by Board Member King and vote unanimous to adjourn the Planning and Zoning Workshop at 8:00 p.m.

(signature on file)

Don Whitehouse, Chairperson

ATTEST:
(signature on file)

Jessica Williams, Administrative Assistant