**AGENDA REQUEST**

### AGENDA HEADING:
New Business

### COMMISSION MEETING DATE:
February 20, 2018

### AGENDA ITEM NO:
XIV.1.

**BY**
City Attorney

Robert Fournier

City Attorney Fournier

**Originating Department**

**Department Head**

**Presenter**

### SUBJECT:
Presentation and Discussion Re: Changes to Special Events Ordinance street closures proposed by Downtown Sarasota Condominium Association Board of Directors.

### COMMISSION PRIORITIES:
Business Requirement

### EXPLANATION:
Last fall the Downtown Sarasota Condominium Association (DSCA) sent an email to City staff requesting a meeting to discuss a proposal for modification of the rules for City Special Events Street Closure Approval. The Deputy City Manager, City Attorney and Special Events office staff subsequently met with DSCA representatives to discuss their proposal. After that meeting, staff met again separately to further discuss the proposal and agreed to place an item on a future City Commission agenda so that DSCA representatives would have the opportunity to present and explain their proposal to the City Commission.

### ADMINISTRATION'S RECOMMENDATION:
Motion to direct the City Attorney's Office to prepare a draft ordinance incorporating the DSCA's recommendations to be brought back to the Commission for discussion purposes without scheduling a public hearing.

### APPROVAL SUMMARY:

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<th>Required</th>
<th>Date Completed</th>
<th>Completed By</th>
<th>Status</th>
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<tr>
<td>Department Head Approval</td>
<td>Y</td>
<td>02/06/2018</td>
<td>Robert Fournier</td>
<td>APPROVED</td>
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<tr>
<td>City Auditor and Clerk Approval</td>
<td>Y</td>
<td>02/06/2018</td>
<td>Pamela Nadalini</td>
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### AGENDA REQUEST

**ADDITIONAL EXPLANATION:**

**ADDITIONAL ADMIN RECOMMENDATION:**

**FUNDING SOURCE:**

<table>
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<tr>
<td>City Auditor and Clerk - Pamela Nadalini</td>
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<td>City Manager - Thomas Barwin</td>
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<td>City Attorney - Robert Fournier</td>
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<td>Parks and Recreation - Jerry Fogle</td>
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**HOUSING IMPACT (Per House):**

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**AGENDA DISPOSITION**

**COMMISSION ACTION:**

Final Action Motion: ____________________________

Motion By: ____________________________ Second By: ____________________________

Vote: ____________________________

2
DSCA Proposal for City Events Street Closure Rules

Patrick Gannon <pgannon@gmail.com>

Mon 10/9/2017 12:42 PM

To: Deborah Perez <Deborah.Perez@sarasotaFL.gov>; Marlon Brown <Marlon.Brown@sarasotaFL.gov>; Pamela Nadalini <Pamela.Nadalini@sarasotaFL.gov>; Robert Fournier <Robert.Fournier@sarasotaFL.gov>

Cc: Michael Normile <michaelnormile@gmail.com>; Jerry Fogle <Jerry.Fogle@sarasotaFL.gov>

2 attachments (275 KB)

Street Closure Ordinance - DSCA Proposal-20170906.pdf; DSCA Request for Comments on City Street Closure 2017-06-10.pdf;

Ms. Deborah Perez,
Mr. Marlon Brown,
Ms. Pamela Nadalini,
Mr. Robert Fournier,

On behalf of the Downtown Sarasota Condo Association (DSCA), Michael Normile and I are requesting a meeting with you to discuss a proposal for modification of the rules for City Special Events Street Closure Approval.

At the March 20, 2017 City Commission meeting, Attorney Fournier presented 3 options for resident voting on street closures, but no action was taken by the commission, except it conclude with:

"Mayor Shaw noted Commission consensus for the City Attorney's Office to consult with Staff after they have gathered input and information from the stakeholders and to come back before the Commission to present a report at a later date."

Following that commission meeting, DSCA sent out a Request for Comments from our member condo associations and reached out to the other downtown organizations (DSA & SDMA) to seek a collaboration on how to break the deadlock on the request for individual unit owners voting on street closure requests. This is our effort to provide City Staff with input and information from the downtown stakeholders.

Attached are 2 documents for your review:
- DSCA Request for Comments on City Street Closure 2017-06-10
- Street Closure Ordinance – DSCA Proposal 2017-09-06

The first document is the notice that was sent out to DSCA member condo associations on June 10th with the first draft of Proposed Changes to City Street Closure Process. DSCA received feedback from member condo associations and presented a revised draft to the DSCA Board, which was unanimously approved on July 12 to take forward to begin review with Debbie Perez on City Staff. We subsequently conducted discussions with the Sarasota Downtown Merchants Association (SDMA) Board, which included reps from the Palm Avenue Merchants Association (PAMA).

As a result of feedback from these discussions, the DSCA Board approved a revised proposal on Sept 6th, which we would like to review with you.

https://outlook.office365.com/owa/?viewmodel=ReadMessageItem&ItemID=... 2/3/2018
We look forward to scheduling a meeting at your earliest convenience.

Best regards,

Patrick Gannon
President, DSCA
www.downtownsarasotacondoassociation.com
Downtown.Sarasota.Condo.Assoc@gmail.com
pgannon@gmail.com

We Are Downtown Sarasota – Residential Neighborhood
Downtown Sarasota Condominium Association
Proposed Changes to City Ordinance 17-5207

A. All businesses and residential property owners whose premises are located on a street proposed for an event-related closure of between 6 and 72 hours are deemed "Affected Parties". Concurrent with the filing of an application for street closure, all Affected Parties shall be sent through the mail a "Notice of Proposed Street Closure" setting forth the name of the event and its sponsor, the date(s), and the location and duration of the street closure. The notice will further state that Affected Parties who have opinions on the proposed closure can communicate those opinions to the City Special Events Office within 30 days of receipt of such notice and both a mailing and e-mail address will be provided for that purpose. Public comment will be a significant factor in the decision by the City to approve or deny the closure application.

B. Event-related street closures of any duration that prevent vehicular access, including limited vehicular access, to any residential building are prohibited under all circumstances except where 100% of the Affected Parties who are constrained by that condition have agreed to such closure.

C. Event-related street closures of up to 6 hours that result in limited vehicular access to any residential building are permitted provided that i) such access is managed with mechanical or electronic means, such as stop and go lights, or by an official person charged with that responsibility; or, ii) where the nature of the event is such that reasonable intermittent access is afforded without the need for active management.

D. Event-related street closures of between 6 and 72 hours cannot occur at any given location more frequently than twice in four consecutive weeks and twelve times in twelve consecutive months.

Approved by DSCA Board Aug. 9, 2017; rev Sep. 6, 2017
What?
On March 20, 2017, the City Commission discussed a proposal from the City Attorney for Ordinance 17-5207, which would have provided new guidelines for who gets to vote to approve street closures related to events in Downtown Sarasota. The background material related to that draft ordinance proposal can be found here: http://sarasota.granicus.com/MetaViewer.php?view_id=14&clip_id=8993&meta_id=500615

The public hearing on the proposed ordinance options concluded as follows:
Mayor Shaw noted Commission consensus for the City Attorney’s Office to consult with Staff after they have gathered input and information from the stakeholders and to come back before the Commission to present a report at a later date.


DSCA Actions
The DSCA Board began discussion of this topic at its regular Board meeting on May 3, 2017. At that meeting we engaged in dialog with Ron Soto, President of the Sarasota Downtown Merchants Association (SDMA). Michael Normile (DSCA Treasurer) and Peter Fanning (DSCA President Emeritus) agreed to work on a draft proposal. Below and attached is the DRAFT proposal for a solution to the City Events Street Closure Approval process. The DSCA Board reviewed this draft proposal on June 7, and
unanimously approved to have this proposal sent out to DSCA Member Representatives for review and comment prior to submitting this back to the SDMA and to City Staff.

The general principle we arrived at was to eliminate voting by merchants and condos, and set tighter guidelines for City Staff that eliminates the frequency of street closures. It also prevents the closure of any street that would block access to a residential garage unless 100% of the residents agreed. So, this would likely prevent any condo entrance from being blocked by a City event street closure, but allow a single-family residential neighborhood in the City to block off a street for a local event if all the homeowners on that street agreed.

The proposal is a balanced approach that DSCA hopes will be supported by the SDMA and the Downtown Sarasota Alliance (DSA), so that a unified proposal can be presented to the City Staff, and ultimately to the City Commission for final adoption.

Please send your comments back by June 30, 2017.

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**DSCA Proposed Changes to City Street Closure Process**

A. All business owners and resident property owners whose premises are located on a street proposed for closure for between 6 and 72 hours are deemed "affected parties". No later than [4] weeks prior to a proposed street closure, all affected parties shall receive through the mail a "notice of proposed street closure" setting forth the name of the event, the date(s), and the location and duration of the street closure. The notice will further state that affected parties who have an opinion on the proposed closure can communicate their opinions to the city special events office and both a mailing and e-mail address will be provided for that purpose. Public comment will be a factor in the decision by the city to approve or deny the closure application.

B. Event-related street closures of any duration that prevent vehicular access to any residential building are prohibited under all circumstances except where 100% of the affected parties who are constrained by that condition have agreed to such closure.

C. Event-related street closures of up to 6 hours that result in limited vehicular access to any residential building are permitted provided that i) such access is managed with mechanical or electronic means, such as stop and go lights, or by an official person charged with that responsibility; or, ii) where the nature of the event is such that reasonable intermittent access is afforded without the need for active management.

D. Event-related street closures of between 6 and 72 hours cannot occur on any street more frequently than twice in any 4 week period.
E. The duration of an event-related street closure is determined using a start time no earlier than 9am on the first day of the closure notwithstanding an actual start time that may have occurred at an earlier hour.

Please send your comments to:

downtownsarasotacondoassoc@gmail.com

by June 30, 2017

Thanks again for your continued support.

Sincerely,

Patrick Gannon
President, DSCA

STAY CONNECTED:
RE: DSCA comments on street closure ordinance

Deborah Perez

Tue 1/30/2018 2:39 PM

To: Michael Normile <michaelnormile@gmail.com>
Cc: Patrick Gannon <pgannon@gmail.com>; VICTOR SCULLY <viclscully@gmail.com>; Robert Fournier <Robert.Fournier@sarasotaFL.gov>; Jerry Fogle <Jerry.Fogle@sarasotaFL.gov>; Marlon Brown <Marlon.Brown@sarasotaFL.gov>; Candie Pedersen <Candie.Pedersen@sarasotaFL.gov>; Sheyla Pena <Sheyla.Pena@sarasotaFL.gov>

Good Afternoon Michael,
I just confirmed with Bob Fournier – he is submitting an agenda request and including the DSCA proposal for the February 20, 2018 City Commission Meeting. It will be listed under New Business in the evening so DSCA officers will have the opportunity give a presentation before the Commission about the proposed recommendations. I will attend the meeting that evening to assist with any questions if need be.

I look forward to seeing you then.

Thank you,
Debbie

Debbie Perez
Auditoriums Manager
Special Events
801 N Tamiami Trail
Sarasota, FL 34236
941-954-4152 office
941-366-7761 fax
www.srqauditorium.com
Staff did have the opportunity to discuss the proposal. I will have Debbie share with you how we intend to approach this with the City Commission. Thanks for checking in.

Marlon

From: Michael Normile [mailto:michaelnormile@gmail.com]
Sent: Tuesday, January 30, 2018 10:32 AM
To: Marlon Brown <Marlon.Brown@sarasotaFL.gov>
Cc: Patrick Gannon <pgannon@gmail.com>; VICTOR SCULLY <viclscully@gmail.com>
Subject: DSCA comments on street closure ordinance

Hello Marlon

First, a belated happy new year to you.

You recall that shortly before holidays Patrick Gannon, Vic Scully and I met with you, the City Attorney and staff to discuss the results of the DSCA member survey (which included input from other stakeholder organizations) regarding the proposed event-related street closure ordinance.

I believe it was concluded that your team would consider how to best share that information within the administration and to possibly include DSCA officers in those conversations.

I'm writing to say that we would be happy to assist in any way you deem appropriate. Please feel free to contact Patrick, Vic or myself at any time.

Regards

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. E-mail messages sent or received by City of Sarasota officials and employees in connection with official City business are public records subject to disclosure under the Florida Public Records Act.
not occurred; that the current policy should be continued until the requested information is received from Staff which could prove to be useful.

Commissioner Alpert agreed with the City Attorney and stated that having a list would be useful.

Commissioner Atwell stated that this is leading to legislating behavior and in this case it would be the Commission trying to legislate doggy behavior.

In response to a question from Mr. Shamsey about the possibility of the park listing leading to whether the dog area has to be fenced or not, City Attorney Fournier stated that he is suggesting at the very onset as to whether the Commission wants to broaden the exemptions from the rule for dogs having to be on leash.

In response to a comment and question from Mayor Shaw that the Sapphire Shores Park has a totally different setting which is understood and asked the Director of Parks and Recreation if such areas which have proven track records can become separated from areas which do not have the same track records, City Attorney Fournier stated that the Commission would still have the final say.

Vice Mayor Freeland Eddie stated that this is what she meant when she said non-neighborhood parks versus neighborhood parks; that the safety of people is just as important as the camaraderie of the dogs in the neighborhoods and the communication should not be lost; that the issue is too premature to give direction one way or the other until a clear understanding from Staff is received in terms of how many neighborhood parks are being viewed versus the number of non-neighborhood parks.

Commissioner Chapman stated that she never takes her dogs to the park which can be verified by Mr. Fogle; that the cost of enforcement is going to be huge because people are going to walk their dogs off-leash anyway; that when she told people who were walking their dogs off-leash about the proposed Ordinance coming forth, they said they were going to take their chances; that the issue is the City already has dangerous Dog Ordinances and dogs are not supposed to attack and are supposed to be under their owner's control; that a request is being made to know the cost of enforcement for making normally law-abiding citizens into ticket receivers.

City Attorney Fournier stated that he doubts if many citations have been written; however he will try to get the information.

Mayor Shaw noted Commission consensus to continue the Public Hearing of proposed Ordinance No. 17-5209 to the May 1, 2017, Regular Sarasota City Commission Meeting.

3) **PUBLIC HEARING RE: PROPOSED ORDINANCE NO. 17-5207, AMENDING THE SARASOTA CITY CODE, CHAPTER 30, "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES", ARTICLE II, "RIGHT-OF-WAY PERMITS AND FEES", SECTION 30-21 TO REQUIRE SIGNATURES FROM TWO-THIRDS OF INDIVIDUAL CONDOMINIUM UNIT OWNERS INDICATING NO OBJECTION TO A PROPOSED STREET CLOSURE FOR A SPECIAL EVENT; PROVIDING FOR NOTICE TO PERSONS IMPACTED BY THE STREET CLOSURE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR THE SEVERABILITY OF THE PARTS HEREOF, ETC. (TITLE ONLY) (AGENDA ITEM XII-A-3)**

Mayor Shaw opened the Public Hearing.

City Attorney Fournier stated that proposed draft Ordinance No. 17-5207 is for providing for a process for obtaining individual condominium unit owners consent for street closures as the result of Thunder by the Bay's potential closure of streets providing access to parking for residents of Rivo at Ringling Condominium Association; that Marty Goldstein, President of the Board of
Directors, raised the issue of individual condominium unit owner consent in a letter dated April 22, 2016 included in the Agenda backup material; that Mr. Goldstein proposed instead of the current practice of allowing one vote for an entire condominium association, that each individual condominium unit owner be given a vote on whether to allow the street closure(s); that the issue was moot when Thunder by the Bay moved the 2017 event to Lakewood Ranch; however, the issue of individual condominium unit owner consent was raised again in subsequent City Commission Meetings related to large scale Special Events held Downtown; that at the February 21, 2017, Regular Sarasota City Commission Meeting, the Commission declined to add additional restrictions to the City Code Section related to Street Closures for Special Events and Vice Mayor Freeland Eddie inquired about the signature issue and the City Attorney advised that a separate Ordinance addressing this issue would be brought back in one month.

City Attorney Fournier continued that the primary concern was the access to parking and the impairment to the access of parking or egress from parking which made this proposed street closure different from the others; that at the present time the City does not have a Special Events Coordinator, since Toni Welicki retired last summer and her replacement resigned in January 2017; that action today should only be applicable to Special Events applications filed after the next fiscal year to avoid overburdening the Special Events Office as the result of having no available personnel; that the Commission is reminded of the additional condominium units which would certainly inflate the current two-thirds number of required signatures; that the Commission attempted to address this by saying the condominium units who do not vote either way would not be counted in the 100 percent for purposes of calculating the two-thirds.

City Manager Barwin stated that proposed draft Ordinance No. 17-5207 contains three alternative options for amending the City Code as follows; however two additional options have been added for Commission consideration as follows:

Option One:
Each condominium unit will be given a separate vote regarding all proposed street closures for a Special Event(s) whenever the condominium property had frontage on a street proposed for closure. A total of 52 votes would be required.

Option Two:
Each condominium unit will be given a separate vote regarding all proposed street closures for a Special Event(s). The condo association would still only have one vote as the result of Central Avenue closing and the segment of First Street.

Option Three:
Each condominium unit will be given a separate vote regarding only the closure of a particular block whenever the proposed closure (of that block) would impair access to parking for the condo residents. The condo association would still only have one vote as the result of Central Avenue closing and the segment of First Street.

Option Four:
Take no action.

Option Five:
Afford businesses a separate vote regarding all proposed street closures for a Special Event(s).

Deputy City Manager Marlon Brown, City Manager’s Office, came before the Commission, and stated that the issue as related to Five Points Plaza which are First and Second Streets have never been blocked-in as the result of a Special Event because of the Rivo and Indian Place.

In response to a comment and question from Vice Mayor Freeland Eddie that the current Ordinance does not say notices have to be mailed and asked what would prohibit notices from
being delivered electronically to owner(s) which places the onus on the owner(s) to opt in to receive emails and to be responsible for their tenant(s); that this would also show whether or not the mailing addresses are correct and cut costs, City Attorney Fournier stated that he does not see any reason why it cannot be done this way and although the proposed draft Ordinance does read by business reply mail; however time needs to be afforded to Staff as the result of not having a Special Events Coordinator.

City Manager Barwin stated that for clarity the Special Events Office does not secure signatures which is the responsibility of the event sponsor(s), and City Attorney Fourier stated that the Special Events Office does provide the list of property owners for the universe of the 100 percent in order to achieve the two-thirds signature requirement by doing the math.

Commissioner Atwell left the Chambers at 8:16 p.m.

The following people spoke:

Chris Volker, Owner of State Street Eating House located on the corner of Lemon Avenue and State Street, indicating the street access to her business was closed off from her business and was told this was the result of the organizer having the required two-thirds signatures.

Commissioner Atwell returned to the Chambers at 8:20 p.m.

Marty Goldstein, Owner and residing at Rivo at Ringling Condominium, read from a prepared statement, indicating one property, one vote is supported, however the concept is not unusual as related to the Special Event Application process.

Alan Cohen, residing in Unit No. 1111 at 1771 Ringling Boulevard in Downtown Sarasota, Florida, read from a prepared statement, indicating the Commission is thanked for considering individual votes for condominium unit owners as it relates to street closures for Special Events, the belief is each condominium unit owner falls within the definition of impacted property representative as defined in the Ordinance and recommends the Commission retain the original language in the Ordinance as it pertains to the length of Special Events.

Dean Miller, residing at Rivo at Ringling Condominium, indicating he nor his neighbors have ever had a view of the Thunder by the Bay event and one was never expressed, the Commission is urged to find a way as past practice has shown of keeping Downtown a vital and growing area and to think carefully about the approach to be taken.

Patrick Gannon, provided the City Auditor and Clerk with printed material for distribution to the Commission and for the record, and read from printed material, indicating he objects to any event in the City being given permission to close a street block for more than six hours which would deprive the condo residents of all vehicular access to their parking garages, the Commission is urged to delay any decision.

Pamela Mones, Community Representative representing the Condo Association and residing in Renaissance Condominiums located in the Rosemary District, read from a prepared statement, indicating the one vote, one unit option is supported and not the building or the association voting on behalf of those residing in condominiums.

Lisa Charnicharo, Owner of PJ's Boutique located on Main Street, indicating a shift of bringing the events from a particular section of Main Street where businesses are located and moving them to places where office buildings are located with no retail is a problem, as the result of Thunder by the Bay, the City literally took it away from the street where it was benefiting retailers and moved to an area which blocked the entrance of a condominium.
Darci Jacob, Owner of Panache' located on Main Street, read from a prepared statement, indicating Downtown Sarasota, Florida has changed over the years and has grown tremendously, part of the reason is the rebirth of the Downtown area new businesses and part of having a thriving Downtown is bringing visitors in for the events in order to develop and grow the businesses, and visitors are needed.

Ron Soto, Owner of Soto Opticians located on Main Street for over 60 years and President of the Sarasota Downtown Merchants Association (SDMA), showed the Commission a blank Special Events sign-off sheet and read from a prepared statement, indicating the SDMA had done quite a few events Downtown for several reasons, merchants are dependent on bringing people from South Gate and Longboat Key to Downtown, like the old saying goes "If it ain't broke, don't fix it" but right now what is being done is not broke and the condominium association complaining the most has never been impacted by any events.

Paul Thorpe indicating he moved to Sarasota, Florida in 1969 and hosted his first event Downtown in 1974, the Downtown streets resembled some of the pictures hung in the Chambers on display which show no trees, flowering plants hanging from the poles or brick sidewalks, and the amenities seen today Downtown are loved by everyone, he was asked "Do you think things look better Downtown then they did before?" and he replied, "You're damn right they do!"

Dan Lobeck, a new unit Owner of Rivo at Ringling Condominium within the next three weeks, indicating the proposed draft Ordinance should be changed to prohibit a street closure which would block people from getting in and out of their homes.

Aliki Gable, manages Evelyn & Arthur located in the heart of Downtown, indicating she agrees with the City Attorney about the logistics of going door-to-door being ridiculous which would be an undue burden to any event organizer(s) who wants to come Downtown, the point of having events Downtown is to make Downtown a destination, to reach out to areas beyond the city limits, and to get people Downtown in order to maximize the City's growth.

Peter Fanning, representing himself but was President of his condominium association for six years and President of the Sarasota Downtown Merchants Association (SDMA) for four years, read from a prepared statement, indicating he has always tried to cooperate with the City in expressing a view which would improve the quality of life of residents, visitors and businesses Downtown, the City cannot have a condominium inaccessible to the residents which can be done by simply not allowing any street to be closed which would prevent them from getting into their residence.

John Vetri, Property Manager at Plaza at Five Points representing the commercial owners of the plaza, the landlords for Fifth Third Bank, Sotheby's and other tenants in place, indicating Downtown has quite a few events and the belief is Plaza at Five Points has never said no to an event taking place on Main Street, however people who pay their rent every month lose business because they cannot access their front door which is located on Main Street, the Commission is also urged to consider the residents as well.

City Attorney Fournier stated that the logic of having a prohibition against depriving the residential condos access is understood; that the most practical effect of Options Two or Three would be a deterrent to event sponsors asking to close off segments of streets which would block access because they would not want to go and seek permission.

City Manager Barwin stated that Staff will be bringing Ms. Welicki back for a short-term; that the belief is the working assumption has been within each condominium who has been conducting votes or to somehow establish rules within their units in order to determine whether 51, 66 or even 75 percent are in favor of the rule to be applied.
City Attorney Fournier stated that knowing that Ms. Welicki will be coming back temporarily will prove to be very helpful as the result of historical knowledge and experience; that having the condos provide feedback to Staff will be beneficial along with Staff reviewing the proposed draft Ordinance for housekeeping changes which is arguably inconsistent with the way this has been administered.

Commissioner Alpert stated that the belief is the solution is a very simple one and the best way to handle the matter is for the City to tell the event sponsors they are not to have any closures which people are not allowed to have ingress and egress to their parking garage.

Commissioner Chapman stated that businesses which should be closed during the event(s) should not be entitled to vote at all, and provided the example of a Law Office which is generally closed on Saturday.

Deputy City Manager Marlon Brown, City Manager’s Office, came before the Commission, and stated that as related to the comment made by the Owner of the State Street Eating House located on the corner of Lemon Avenue and State Street; that yes they are impacted; however signatures are not obtained for roads which are necessarily impacted but for roads which are actually going to be closed.

Vice Mayor Freeland Eddie stated that part of the conversation should include defining an impacted person which is part of the analysis in determining whether or not there is an impact and what the word “impact” means; that some discussion should also take place as related to street closures as the result of construction and impact people as the result of construction resulting in a street closure, and Deputy City Manager Brown stated that Thunder by the Bay was moved because of construction which was more of a general impact rather than the streets being closed.

Discussion ensued about events originally being moved from Downtown as the result of construction and imposing a Moratorium on Special Events held on Main Street by adoption of a Resolution, the current Moratorium expiring on September 30, 2017 as the result of being extended last year, extension of the Moratorium again is not known, however if nothing is brought back to the Commission before October 1, 2017, the Special Events can be held in the western end once again.

Commissioner Chapman stated that the number of events is also driving the conversation; that having one seasonal event is one thing but to have one event a week during season is another, and City Manager Barwin stated that Staff will gather information to present before the Commission.

Mayor Shaw closed the Public Hearing.

Mayor Shaw noted Commission consensus for the City Attorney’s Office to consult with Staff after they have gathered input and information from the stakeholders and to come back before the Commission to present a report at a later date.

4) **PUBLIC HEARING RE: PROPOSED ORDINANCE NO. 17-5201, AMENDING THE ZONING CODE OF THE CITY OF SARASOTA, ARTICLE IV, DEVELOPMENT REVIEW PROCEDURES; DIVISION 15, DEVELOPMENT AGREEMENTS; SECTION IV-1502, APPLICATION REQUIREMENTS; TO PROVIDE THAT AN APPLICATION FOR APPROVAL OF A DEVELOPMENT AGREEMENT MAY BE ACCOMPANIED BY A GENERAL DEVELOPMENT PLAN IN PLACE OF A SITE PLAN UNDER CERTAIN CIRCUMSTANCES AS MORE FULLY SPECIFIED HEREIN, ETC. (TITLE ONLY AGENDA ITEM XII-A-4)**

Mayor Shaw opened the Public Hearing.