



AGENDA REQUEST

<u>AGENDA HEADING:</u> Legislative Public Hearings	<u>COMMISSION MEETING DATE:</u> March 20, 2017	<u>AGENDA ITEM NO:</u> XII.A.3.		
BY City Attorney	Robert Fournier	City Attorney Fournier		
_____ Originating Department	_____ Department Head	_____ Presenter		
<u>SUBJECT:</u> Public Hearing Re: Proposed Ordinance No. 17-5207 providing for a process for obtaining individual condominium unit owners consent for street closures.				
<u>COMMISSION PRIORITIES:</u> Business Requirement				
<u>EXPLANATION:</u> (see next page for additional explanation) Due to Thunder by the Bay's potential closure of streets providing access to parking for residents of Rivo at Ringling Condominium Association, Marty Goldstein, President of the Board of Directors, raised the issue of individual condominium unit owner consent in a letter dated April 22, 2016. See attached. Mr. Goldstein proposed that 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). This issue was ultimately mooted when Thunder by the Bay moved to the Lakewood Ranch location for the 2017 event. However, the issue of individual condominium unit owner consent was raised again in subsequent City Commission meetings related to large scale special events downtown.				
<u>ADMINISTRATION'S RECOMMENDATION:</u> As determined by the City Commission.				
<u>APPROVAL SUMMARY:</u>				
Approval	Required	Date Completed	Completed By	Status
Department Head Approval	Y	03/13/2017	Robert Fournier	APPROVED
City Auditor and Clerk Approval	Y	03/13/2017	Pamela Nadalini	APPROVED



AGENDA REQUEST

ADDITIONAL EXPLANATION:

On February 21, 2017, the City Commission declined to add additional restrictions to the City Code Section related to street closures for special events. At this same meeting, the Vice Mayor inquired about the signature issue and the City Attorney advised that a separate ordinance addressing this issue would be brought back in one month. Proposed Ordinance 17-5207 contains three alternative options for amending the City Code. Option One would give each condominium unit a separate vote regarding all proposed street closures for a special event whenever the condominium property had frontage on a street proposed for closure. Option Two would give each condominium unit a separate vote regarding all proposed street closures for a special event whenever the proposed closure would impair access to parking for the condo residents. Finally, Option Three would give each condominium unit 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.

ADDITIONAL ADMIN RECOMMENDATION:

FUNDING SOURCE:

AMOUNT:

HOUSING IMPACT (Per House):

NEW CONSTRUCTION:

REHABILITATION:

\$ 0

\$ 0

SUPPORT DEPARTMENTS:

City Auditor and Clerk - Pamela M. Nadalini
City Manager - Thomas Barwin
Police - Bernadette DiPino

City Attorney - Robert Fournier
Public Works - Doug Jeffcoat

AGENDA DISPOSITION

COMMISSION ACTION:

Final Action Motion: _____

Motion By: _____ Second By: _____

Vote: _____

From: Dean <deandrm@comcast.net>
Subject: Downtown Event Approvals
Date: February 26, 2017 at 3:23:43 PM EST
To: Willie.Shaw@sarasotagov.com

Mayor Shaw

I am writing in regard to the City Commissions deliberation on downtown events. As a member of the Rivo on Ringling Condominium, we appeared before the Commission last year on the review of the Thunder on the Bay event. In that forum we expressed neutrality to the pros/cons of Thunder on the Bay event, but rather addressed the primary issue that you must now decide upon, the current policy that accords a condominium such as the Rivo with 106 titled residences one vote in the event approval process.

The direction of the Commission to avoid deciding on the individual merits of events and move to a set of standards prior to allowing an event to proceed is supported. Clear rules, and metrics to enforce the rules are preferred over qualitative assessments of each event. However the rules should reflect an ordered and fair approach for all, impacted residents and businesses, event sponsors and the public. Downtown Sarasota is a mixed use environment including retail, professional business facilities and residential buildings. While highly favorable and attractive in the overall context, such a model for downtown creates challenges when the constituent occupants have different priorities. We encourage you to pursue a set of guidelines that allows all impacted parties a fair voice. Each party that has a registered occupancy in the impacted area of a major downtown event must be accorded full representation and a vote in the major downtown event approval process.

We appreciate your consideration

Dean Miller

1771 Ringling Blvd Apt PH 205
Sarasota, FL 34236



17711 Ringling Blvd. Sarasota, FL 34236

April 22, 2016

Mr. Marlon C.J. Brown
Deputy City Manager
1565 First Street
P.O. Box 1058
Sarasota, FL 32430

Subject: Suncoast Charities for Children Special Event Application

Dear Mr. Brown:

Thank you for taking the time to meet with Alan Cohen, Dean Miller and me on April 19 concerning Suncoast Charities for Children's Special Event Application for Thunder on the Bay. We appreciate the briefing on the permit application process you gave us and we will be happy to meet with the Applicant when we are contacted.

Since we have not seen the actual Application, our residents have not formed an opinion on the impact of the proposed event. In the meantime, we have one request.

The Special Event Application and instructions available on-line refer to an Affected Parties List that the City provides to an applicant. The applicant must then obtain the approval of at least 66% of these property owners, on the form entitled Neighborhood Notice of Street Closure/Special Event.

Our building contains 106 residential units. Each is a property with its own recorded deed and each has its own tax account and bill. We request that the City treat our owners individually and list each one on the Affected Parties List. This approach is consistent with the City's notification process for zoning variance requests, which also includes input from affected property owners. Each of our unit owners receives individual mailings from the City giving notice of the variance request and hearing. Each of our unit owners is invited by the City to attend the hearing and express their individual views.

We look forward to your reply so that we can properly respond to the Applicant when we are contacted. Thank you for your consideration of this matter.

Sincerely,

Marty Goldstein

President, Board of Directors Rivo at Ringling Condominium Association
martinvgoldstein@yahoo.com 609-204-9816

ORDINANCE NO. 17-5207

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, 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; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sarasota issues permits to allow the use of City right-of-way for privately-sponsored special events; and,

WHEREAS, special events with street closures lasting seventy-two (72) hours or less must obtain approval of two-thirds (2/3) of impacted property representatives; and,

WHEREAS, condominium associations have historically been counted as one vote when calculating whether a special event sponsor has obtained approval of two-thirds (2/3) of impacted property representatives to close City right-of-way; and,

WHEREAS, the City Commission desires to provide each individual condominium unit owner with a vote when determining whether an event sponsor has obtained approval of two-thirds (2/3) of impacted property representatives; and

WHEREAS, allowing each individual condominium unit owner to have one vote, as opposed to one vote for the entire condominium association, increases the voting power of condominium unit owners; and,

WHEREAS, the City Commission desires to balance the interests of condominium unit owners who would like to have an individual vote, with those of special event sponsors who desire an efficient method for obtaining condominium unit owners approval; and,

WHEREAS, signatures from condominium associations have historically been obtained through contacting the condominium association representative to sign off on behalf of the condominium association members for their one collective vote; and ,

WHEREAS, signatures from businesses have historically been obtained through in-person requests during normal business hours when the property is open to the public; and,

WHEREAS, condominiums, unlike businesses, typically do not have normal business hours when the property is open to the public to facilitate obtaining in-person signatures approving street closures; and,

WHEREAS, many condominiums have a "no solicitation" policy whereby obtaining in-person signatures for approval of street closures from individual unit owners is not possible; and,

WHEREAS, due to the aforementioned difficulties involved in obtaining in-person approval from condominium unit owners, the City Commission desires to have the votes of condominium unit owners acknowledged through responsive Business Reply Mail; and,

WHEREAS, a large percentage of condominium owners are seasonal residents who are not present year-round; and,

WHEREAS, due to individual condominium occupancy rates being low at any given time, requiring two-thirds affirmative signatures from each individual unit owner would be impractical; and,

WHEREAS, the City Commission desires to have the votes of individual condominium unit owners who return responsive Business Reply Mail count towards special event sponsors required two-thirds (2/3) approval of impacted property representatives.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

Section 1. The Code of the City of Sarasota, Chapter 30, Streets, Sidewalks and Other Public Places; Article II, Right of Way Permits and Fees; is hereby amended by the addition of new text to Section 30-21 which, shall provide as follows: (New text is shown in underline format. Deleted text is indicated by ~~striketrough~~.)

Sec. 30-21. Right-of-way usage permits for special events [seventy-two (72) hours or less].

Sponsors of special events which will occur on city streets within the public right-of-way must obtain a right of way usage permit from the office of special events, to permit the closure of the street(s) for seventy-two (72) hours or less. For events requesting street closures for more than seventy-two (72) hours, see section 30-23.

- (a) *Special event that will not occur more frequently than once per year.*

OPTION ONE:

In the event that an applicant desires to conduct a special event within the City right-of-way that will not occur more frequently than once during a calendar year and will last more than six (6) hours, but not more than seventy-two hours or less, then the applicant must obtain signatures from two thirds (2/3) of the impacted property representatives indicating no objection to the proposed street closure. Impacted property owners are those persons who own property, conduct a business, or reside on a section of street proposed for closure; or those on a street ~~which has its~~ with their sole means of vehicular ingress and egress on a section of street proposed for closure; or those whose private parking access is on a street proposed for closure. In the event that a signature is obtained from an impacted property representative who conducts a business, then the signature shall be obtained from the proprietor or manager of the business establishment. A list of impacted property representatives may be obtained from the office of special events. ~~Where impacted representatives are members of a condominium association an association representative shall sign on behalf of the residents~~ the owners of each unit shall have one vote per condominium unit. Signatures from condominium unit owners shall be obtained through business reply mail. The business reply mail shall contain a "Notice of Proposed Street Closure," the condominium unit number, a signature line and a check box indicating whether the unit owner(s) have an objection to the street closure or not. The address for the return mail shall be the City special events office. Only those replies with a box checked that are returned within four (4) weeks of mailing shall be counted to determine whether the two thirds (2/3) approval requirement has been satisfied.

OPTION TWO:

In the event that an applicant desires to conduct a special event within the City right- of-way that will not occur more frequently than once during a calendar year and will last more than six (6) hours, but not more than seventy-two hours or less, then the applicant must obtain signatures from two thirds (2/3) of the impacted property representatives indicating no objection to the proposed street closure. Impacted property owners are those persons who own property, conduct a business, or reside on a section of street proposed for closure; or those on a street ~~which has its~~ with their sole means of vehicular ingress and egress on a section of street proposed for closure; or those whose private parking access is on a street proposed for closure. In the event that a signature

is obtained from an impacted property representative who conducts a business, then the signature shall be obtained from the proprietor or manager of the business establishment. A list of impacted property representatives may be obtained from the office of special events. Where impacted representatives are members of a condominium association an association representative shall sign on behalf of the residents; except that when a proposed street closure would deprive the residents of vehicular ingress to or egress from parking, then the owners of each condominium unit shall have one vote per unit. Signatures from condominium unit owners shall be obtained through business reply mail. The business reply mail shall contain a "Notice of Proposed Street Closure," the condominium unit number, a signature line and a check box indicating whether the unit owner(s) have an objection to the street closure or not. The address for the return mail shall be the City special events office. Only those replies with a box checked that are returned within four (4) weeks of mailing shall be counted to determine whether the two thirds (2/3) approval requirement has been satisfied.

OPTION THREE:

In the event that an applicant desires to conduct a special event within the City right- of-way that will not occur more frequently than once during a calendar year and will last more than six (6) hours, but not more than seventy-two hours or less, then the applicant must obtain signatures from two thirds (2/3) of the impacted property representatives indicating no objection to the proposed street closure. Impacted property owners are those persons who own property, conduct a business, or reside on a section of street proposed for closure; or those on a street ~~which has its~~ with their sole means of vehicular ingress and egress on a section of street proposed for closure; or those whose private parking access is on a street proposed for closure. In the event that a signature is obtained from an impacted property representative who conducts a business, then the signature shall be obtained from the proprietor or manager of the business establishment. A list of impacted property representatives may be obtained from the office of special events. Where impacted representatives are members of a condominium association an association representative shall sign on behalf of the residents; except that when a proposed street closure would deprive the residents of vehicular ingress to or egress from parking, then a separate vote shall be taken of the impacted property representatives on that block to determine whether two thirds (2/3) of the impacted property representatives on that block object to the proposed street closure and the owners of each condominium unit shall have one vote per unit. The block shall not be closed unless two thirds (2/3) of the impacted property representatives indicate they have no objection to the closure. Signatures from condominium unit owners shall be obtained through business reply mail. The business reply mail shall contain a "Notice of Proposed Street Closure," the condominium unit number, a signature line and a check box indicating whether the unit owner(s)

have an objection to the street closure or not. The address for the return mail shall be the City special events office. Only those replies with a box checked that are returned within four (4) weeks of mailing shall be counted to determine whether the two thirds (2/3) approval requirement has been satisfied.

(b) Special event that will occur more frequently than once per year.

Text of this section is intentionally omitted because these events do not require signatures from impacted property representatives but may be approved by the City Commission at a public hearing.

(c) Notice of Proposed Street Closure

The notice required by paragraphs (a) and (b) above shall be entitled "Notice of Proposed Street Closure" and shall identify the street(s) or segment of the street(s) that are the subject matter of the request for closure and shall further identify the applicant, the nature of the special event for which the street closure is requested and the dates, times, duration and frequency of the street closures requested. If the street closure is approved, then no material alteration to the nature of the special event, dates, times, duration or frequency may be made thereafter.

Section 2. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. Severability. Should any section, sentence, clause, part or provision of this ordinance be held or declared invalid or unenforceable by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part held or declared to be invalid.

Section 4. This ordinance shall apply to all applications for special events that require street closures that are filed after September 30, 2017.

PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this ___ day of _____, 201__.

PASSED on second reading and finally adopted this ___ day of _____,
201__.

City of Sarasota, Florida

Willie Charles Shaw, Mayor

ATTEST:

Pamela M. Nadalini, MBA, CMC
City Auditor and Clerk

- _____ Mayor Willie Charles Shaw
- _____ Vice Mayor Shelli Freeland Eddie
- _____ Commissioner Liz Alpert
- _____ Commissioner Suzanne Atwell
- _____ Commissioner Susan Chapman

cityatty/Ord17-5207Ordinances-CondoOwnerConsent/jcm/mam/03/13/2017



NOTICE OF PUBLIC HEARING

Notice is hereby given that the **CITY COMMISSION** of the City of Sarasota, Florida will meet on **Monday, March 20, 2017, at 6:00 p.m.** in the Commission Chambers, City Hall, 1565 First Street, Sarasota, Florida. **Starting at 6:00 p.m. or as soon thereafter as possible, the Commission will open the scheduled Public Hearings in the order they appear on the Agenda.** The following ordinance will be considered at the above scheduled meeting:

ORDINANCE NO. 17-5207

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, 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; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING AN EFFECTIVE DATE.

Said proposed ordinance is on file in the Office of the City Auditor and Clerk at City Hall at the above address for public inspection from 8:00 a.m. to 5:00 p.m. Monday through Friday.

Interested persons are welcome to attend and may register to speak in respect to the above-proposed ordinance.

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990 and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in such public hearing should contact the Office of the City Auditor and Clerk at (941) 954-4160 at least two (2) business days prior to the date of the public hearing as to the nature of the aid and/or service desired. Reasonable auxiliary aids and services will be made available to qualified disabled individuals to the extent that no undue financial or administrative burden results. For the benefit of individuals utilizing hearing aids with a T-coil, the City Commission Chambers and SRQ Media Studio are outfitted with a Hearing Induction Loop for enhanced hearing assistance.

CITY OF SARASOTA

By: Pamela M. Nadalini, MBA, BBA, CMC
City Auditor and Clerk / Chief Audit Executive

Legal Date: March 10, 2017