

**CITY OF ANNA MARIA
CITY COMMISSION/PLANNING & ZONING BOARD WORKSESSION
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, MARCH 4, 2010
7:00 P.M.**

CALL TO ORDER

City Commission Chair John Quam called the Work Session to order at 7:00 p.m.

PLEDGE TO THE FLAG

ROLL CALL:

City Commission Present: Mayor Fran Barford, Commissioner Jo Ann Mattick, Vice-Chair Dale Woodland, Chair John Quam, Commissioner Chuck Webb, and Commissioner Harry Stoltzfus.

P&Z Board Present: Boardmembers Margaret Jenkins, Sandra Mattick, Mike Yetter, Frank Pytel, Jim Conoly, Bob Barlow, and Chair Randall Stover.

Staff Present: City Clerk Alice Baird, City Attorney Jim Dye, Building Official Bob Welch, City Planner Alan Garrett, Public Works Director George McKay, and Minutes Clerk Stacey Johnston.

Press: Sun and Islander.

Also present: Court Reporter not paid by City.

1. **Review of Chapter 90 – INTERNAL TRAFFIC CIRCULATION and ACCESS**
- a. **Presentation of Parking Concepts in ROR.**

Gene Aubry Presentation

Gene Aubry presented his proposed ROR Parking Concept. He informed that his concept was based on the Parking Safety Committee's concern regarding automobiles crossing sidewalks. As a member of the Parking Safety Committee, Mr. Aubry stated that though the Committee really never came to a conclusion, he had presented four drawings showing angled parking, corners, etc.

Mr. Aubry stated that after the Parking Committee dissolved, he received feedback that the drawings he had proposed did not really show what happens. As a result, he then drew a concept showing the street, parcels, proposed sidewalk location, etc. on Pine Ave. He pointed out that Pine Ave. has a 24-ft wide street with a 50-ft right-of-way – that causes a lot of problems. Just outside the property is a 4-ft sidewalk, however, a 5-ft handicap sidewalk is required. Therefore, the entire City of Anna Maria on Pine Ave. is in violation of the ADA. He noted that if the existing sidewalk were to be widened to the required 5-ft, all parking on Pine Ave. would then be eliminated.

Referring to his proposed concept, Mr. Aubry explained that parking is proposed at 60-degrees with 9-ft wide parking spaces, 20-ft deep. Parking is also required for loading. Explanation followed relating to how an Overlay District would be created. The property line would move behind an 8-ft wide sidewalk that would not interfere with what an owner could do on their lot.

Discussion followed relating to:

- Proposed parallel parking in front of Roser Church area for extra parking on Pine Ave.
- Moving of the Public Works maintenance equipment, etc. to the City Hall site and the shuffle boards, etc. (currently located on the City Hall site) to the newly created Central Park area on Pine Ave. Handicap parking would also be created.
- Area on corner lot that would allow an area for pedestrian standing, Segways, etc.
- Creating lighting all the way down Pine Ave.

- Explanation of how the plan would control traffic on Pine Ave.
- Angled parking is typical all over the country.
- Ability to have landscaping on Pine Ave.
- Vehicles would never have to cross sidewalks.

Bob Hunt and Terry Schaefer Presentation

Terry Schaefer, 311 Iris, and **Bob Hunt** presented a proposal that had been prepared by Mr. Hunt for Parking Safety Committee member Terry Schaefer. Mr. Schaefer informed that all proposals submitted by the members of the Parking Safety Committee were reviewed by the City Planner and Building Official to ensure the concepts would work.

Mr. Schaefer felt that the Parking Safety Committee had the opportunity to look at many different lot sizes in the City to visualize what parking could and should be and how options could be accomplished. He did not feel, however, that angled parking as proposed by Mr. Aubry would eliminate the safety issue with regard to backing out into the right-of-way.

Mr. Schaefer stated that he and Mr. Hunt's proposal was in compliance with Chapter 90 requiring on-site parking. He said when placing the current Ordinance template with regard to handicap parking, loading zones, etc., he did not feel that Mr. Aubry's proposal addressed those requirements.

A revision to the Hunt/Schaefer proposal was presented to the Joint Committee for their review. *Mr. Hunt* informed they had mainly looked at double lots and corner lots. The proposed on-site parking would allow for a 2,400 sq. ft building.

Mr. Hunt stated that Pine Ave. had always been developed individually. He further stated there were many configurations that could be developed on the small lots. Explanation followed relating to the on-site parking proposal.

Mr. Schaefer said their intent was to provide options to provide for on-site parking to minimize backing out. He pointed out that the City Hall had complied with the spirit and letter of the Code by building on-site parking at City Hall.

Mr. Schaefer asked that the City Commission and P&Z Board use the re-design of the Manatee County Kingfish Boat Ramp as an example of the ingress and egress and added safety at that location. It was his opinion that if the City did not implement on-site parking that there would be a critical accident some day.

City Planner Proposal

City Planner Garrett informed that his purpose was to look at taking a lot that backed out directly onto the right-of-way and determine what type of buildable sq. footage could be gained and then if all the parking and maneuvering were on the parcel, what type of buildable sq. footage would be gained. Detailed explanation followed relating to the building size allowed based on the lot size relating to frontage property versus on-site parking.

Based on the comparisons, Planner Garrett explained that the smaller internal lots on Pine Ave. can gain square footage by having parking on-site. The corner parcels, however, would not. However, the side street side-yard setbacks could be amended to 10-ft, also amend to a 9-ft parking width, or allow for those lots where ingress is on the side streets that parking is allowed to egress out into the right-of-way.

City Commission and P&Z Board Discussion

P&Z Boardmember Mattick informed she felt that though there would still be certain technical issues to address, that Mr. Aubry's concept was the most workable and reasonable. The Schaefer/Hunt concept, on the other hand, did not allow for residential parking. She pointed out that their drawings allowed for a mix of backing out and on-site.

Ms. Mattick said she had worked with Planner Garrett on the drawings he presented. She informed that the City requires a minimum of 900-sq. ft for a residence; however, the on-site parking plan where parcels only allow for an 800-sq. ft building would require building up to three-stories in order to comply with the 900-sq. ft requirement – and would then not comply with the Comp Plan trying to encourage building less than the maximum.

Ms. Mattick voiced her concern of having massive parking lots all the way down Pine Ave.

P&Z Boardmember Pytel also supported Gene Aubry's plan and how it would eliminate the driving across sidewalks. His concerns and suggestions, however, included:

- Requiring the use of valuable City right-of-way property.
- Parking rear of the asphalt rather than totally on private property.
- Currently cars and trucks when loading and unloading will stop on the right-of-way. He was concerned that the trucks would park on the road itself.
- Concerned about the zigzag sidewalk being pedestrian friendly. He felt that a straight-line would be more appropriate.

P&Z Boardmember Yetter stated he had observed how the parking was configured in a lot of the cities in Florida. He has seen many of the cities laid out the same as how Mr. Aubry had proposed - and they are very appealing.

P&Z Boardmember Yetter said it was very difficult to visualize the Hunt/Schaefer and the City Planner's plans. He felt it would be helpful to review pictures of other properties that had been developed by cities in the same way. He agreed with P&Z Boardmember Mattick that he would not want to see parking lots all the way down Pine Ave. He was also concerned if an individual were to pull into a full parking lot, they would have no option but to back out of it. Also, placing vegetation along Pine Ave. would severely reduce the visibility of a person backing out of the lots.

P&Z Boardmember Yetter suggested that judgment on all the proposals be withheld until there was an opportunity to hear from the business community and builders. Each plan should be economically and financially feasible to build. He felt it was important not to drive developers away from Pine Ave.

P&Z Boardmember Barlow also agreed with the proposal presented by Gene Aubry and felt it would provide the City and developers of the business community with more opportunities for more enhanced landscaping and lighting along Pine Ave. The plan would also allow the City to comply with the ADA sidewalk requirements.

City Commissioner Stoltzfus stated that Comp Plan changes would be required if Mr. Aubry's plan was adopted. He did not feel major legislative changes should be required. Also, the City would be required to acquire rights-of-way.

Commissioner Stoltzfus felt Mr. Aubry's plan would not comply with Policy 1.3.8 relating to minimizing of direct access onto major roads. He stated that the plan would compound the number of major access points - 184 access points on Pine Ave.

Commissioner Stoltzfus said he liked the concept of on-site parking that the City's LDR's require. Maneuvering of the parking is also required on-site.

City Commissioner Woodland suggested that the issues involved safety, traffic flow on Pine Ave. and Gulf Dr., and overflow into the residential areas. Review of a one-way memo from Gene Aubry followed and how it would eliminate the safety issue/concern and that the angled parking would give the driver better visibility.

Commissioner Woodland stated he had the following concerns relating to angled parking on Pine Ave.

- Used the example of wanting to shop on the opposite side of the road being parked on and having to cross the street.
- Having to turn around on Pine Ave. to head the opposite direction.
- Backing onto Pine Ave. would disrupt the flow of traffic and could cause taking alternate routes into the residential district.

Commissioner Woodland suggested that a Pedestrian Coordinator on Pine Ave. with parking on-site be developed in conjunction with any of the other proposals. He suggested that all loading zones be eliminated in the ROR. Commissioner Woodland further stated he was not opposed to head-in parking on the side street.

Commissioner Mattick felt that having a vision of what is wanted on Pine Ave. was important and felt Mr. Aubry had given them that vision. She felt that ideas from all proposals could be implemented; however, she did not want to see 65-ft deep parking lots. She pointed out that the on-site parking lot example of Sun Plaza was on two lots and was a strip mall. The plaza at Bayview was a bigger property with more access to pull in and out of.

Commissioner Mattick stated that most of the lots on Pine Ave. were interior lots. She felt that the Comp Plan was a boiler plate by Consultant Tony Arrant that no one had ever commented on. She noted that no Commissioner or citizens had objected to any of the Site Plans or backing out over sidewalks prior to the November 2009 election. She felt the Comp Plan should be amended if it meant complying with the vision agreed upon for Pine Ave.

Commissioner Webb likes Gene Aubry's concept and suggested that the sidewalks be placed on the City's right-of-way. He felt Mr. Aubry's concept would be more attractive and that the safety issue would be solved.

Commissioner Webb was concerned that placing on-site parking on the interior lots would cut into the green space. He was unable to determine the lot coverage on the Schaefer/Hunt proposal, whereas, Mr. Aubry's proposal would have a reduction of lot coverage. He did not want to see a strip mall effect on Pine Ave.

P&Z Boardmember Barlow asked for clarification relating to isles and driveways as referenced in Sec. 90-3.

Commissioner Mattick pointed out that the on-site parking would eliminate backing out across the sidewalks but would not eliminate the circulation of entering and existing

from the lot of having to drive over the sidewalk. Therefore, would be a safety situation.

P&Z Boardmember Jenkins suggested parallel parking against the building and sidewalk.

Chair Quam said he was impressed with Gene Aubry's concept and how it would eliminate the concern for backing out across the sidewalks. However, a Comp Plan amendment would be required and it could cause for traffic to be diverted to the residential streets. He also felt the plan would increase traffic congestion on Pine Ave., Trolley stops would need to be dealt with, and he felt the six empty lots at N. Bay and Pine Ave. would need to be on-site parking.

He noted that Planner Garrett had suggested the possibility of adjusting the setback to allow for the on-site parking plan. Also, no Comp Plan amendment would be required. He stated that 30-years ago when the setbacks were adopted in the ROR, he felt the vision was for parking on-site.

P&Z Boardmember Mattick agreed with the six lots at N. Bay and Pine Ave. needing to have on-site parking. She felt an overall vision was needed and any changes needed to be made to the Comp Plan and LDR's should be made. She also had no objection to a mix of parking concepts along Pine Ave.

P&Z Board Chair Stover stated that the issue had divided the City and he felt everyone should step back and realize that everyone could not get what they want - and there needs to be a compromise. He suggested that a compromise be made that would address the issue fifteen years into the future. He did not feel that a person would want to have to walk a long distance just to shop.

Chair Stover suggested that each property owner be given an option and that a mix of concepts is allowed on Pine Ave.

Public Comment

Tom Turner, 815 N. Shore Dr., stated that everyone seemed to be concerned about the setbacks and he did not feel there was any reason the setbacks would have to be mandated as they currently are. He suggested moving the setbacks to 10-feet with parking in the back.

Mr. Turner was opposed to any parking where a person would have to back out onto the street - and felt that all parking should be onsite.

Lizzie Thrasher, S. Bay Blvd., owner of Beach Bums, and the General Store, noted that Anna Maria was very unique and that there were no through roads in Anna Maria. Persons traveling on Pine Ave. are only doing so if they live there or on vacation and visiting.

Ms. Thrasher encouraged that Anna Maria become a safe and viable community and she and her husband did not want to have to move their businesses. She was in favor of Mr. Aubry's concept and likes the zigzag sidewalks. It was her opinion that the idea of fifteen or more parking lots would make the businesses unviable by reducing the visibility of the businesses, would be an inefficient use of space, and would reduce the size of the buildings. She noted that pedestrians would still need to cross a sidewalk where vehicles were traveling in and out of the parking lot.

Diana Milesko, 832 S. Bay Blvd, said since she had lived here there had been an increase of traffic every year, and therefore an issue of possible accidents. Ms. Milesko did not feel that the right-of-way should be utilized for parking and that on-site parking seemed to make more sense.

Micheal Coleman, Pine Ave. stated it seems to be clear that any plan that would encourage mixed-use development and allow development to continue down Pine Ave. will be rejected by certain people. He stated that any plan adopted with on-site parking would immediately stop development on Pine Ave.

Mr. Coleman pointed out that all off-street parking areas (referring to the PAR Site Plans) were located on the subject property and do not need right-of-ways. His interruption relating to the maneuvering issue, driveways, and drive isles followed.

Mr. Coleman made reference to the language in the Comp Plan.

Tom Aposporos, Crescent Dr, reminded that he had served on the Parking and Safety Committee and felt that the Committee was not a wasted effort. He informed that the motion made at the conclusion of their meetings was to advance all concepts discussed to the City Commission and the P&Z Board for their consideration. The only concepts not forwarded on were ones that did not pass City staff compliance review.

Mr. Aposporos questioned how Mr. Aubry's plan would require amending the Comp Plan. He noted that curb cuts are to be minimal and felt that Mr. Aubry had accomplished that goal, whereas, the other proposals had curb cuts. He stated that the design presented by Aubry was very typical of the communities throughout Florida.

Mr. Aposporos informed that the resolution he had put before the Parking Safety Committee was approved on a 4 to 2 vote. Since the disbandment of the Parking Safety Committee, no official report of the Committee had been presented to the City Commission as they had requested. Mr. Aposporos presented the Commission with a copy of the report and findings of the committee that he informed were signed by four of the six members – and not the same four that had voted on the motion. A summary of the Committee's conclusions included:

- There is no safety emergency or legitimate safety issue regarding parking in the ROR district.
- Existing Codes and Ordinances are impractical and inconsistent with current reality and the City's Comp Plan objectives.
- Chapter 90 requires a thorough review in order to correct the inconsistencies.
- The drawings by Gene Aubry are the most practical, esthetic, and equitable way to accomplish the objectives to eliminate cars from crossing sidewalks and complying with the objectives of the Comp Plan.

Terry Schaefer, 311 Iris, informed that the written report submitted by Mr. Aposporos was not required nor was it agreed upon by the Parking Safety Committee. He stated that Mr. Aposporos had later agreed that the report was not necessary. The Committee did conclude, however, that Chair Albert would address the City Commission in a narrative form.

Mr. Schaefer informed that he objected to the letter and its conclusions presented by Mr. Aposporos that evening. He suggested that anyone interested in reviewing the results of their meetings should read their meeting minutes.

Gene Aubry said prior to starting the drawing proposed that evening, he was asked to check all aspects of the drawings for compliance with the City Attorney, Building Official, and City Planner. He was advised that the street is a right-of-way and that an Overlay District could be accomplished and that no Comp Plan amendments would be necessary. The property line would be behind the sidewalks and the sidewalks would be located on City property. As a result, there ends up being more green space than any of the other plans show.

Mr. Aubry stated that Terry Schaefer had indicated that he (Aubry) was an agent of PAR. Mr. Aubry asked to go on record stating he was an agent of Gene Aubry.

PAR Attorney Valerie Fernandez said she was surprised to hear that Mr. Aubry's plan would require a Comp Plan amendment and asked that the City Attorney and City Planner explain where the conclusion came from.

Robin Wall, 112 Palmetto, said she and the majority of citizens who voted for the most recent Commissioners want to keep Anna Maria the way they found it when moving here. She referenced the owner/occupancy language removed from the LDC the previous year and how many citizens did not want to see that language removed.

Ms. Wall stated that there is now a proposal to move the parking from the on-site parking requirement onto the public right-of-way and how she objected to that change. She said she would like to see Pine Ave. lined with Palm trees and not cars and that she was in favor of the on-site parking.

Janet Aubry, 410 Spring Ave., said she worked for PAR, said she likes all the plans, and that they were each independent in their own ways. She was in favor of a mixture of parking on Pine Ave. and to adjust the Codes to make it work.

Parking Safety Committee Chair Larry Albert, 711 Gladiolus, felt that the parking on both Pine Ave. and Gulf Dr. needed addressed. He was also in favor of a mixture of parking concepts, but did favor on-site parking. He noted that his plan proposed parking in the rear with the sidewalks left where they are.

Nicky Hunt, 303 Pine Ave, was opposed to back-out parking. Reference was made to the Sarasota Main St. parking that shows angled parking and encourages an intense commercial district. However, according to the Sarasota Director of Developing, the concept has been unsuccessful and there has not been enough parking. Also, the speed limit must be reduced down to 10 to 20 m.p.h.

Ms. Hunt suggested that Sanibel be used as an example of a successful commercial district with on-site parking.

Nancy Deal, 203 56 St, Holmes Beach, said she and her husband road bicycles and frequented the City Pier via Pine Ave. Ms. Deal stated there was no bike lane on Pine Ave. and felt that the seventeen angles for the sidewalks, as presented on Mr. Aubry's proposal, would be very difficult for bicycles to maneuver. She also questioned how close the proposed sidewalks would be to the stores.

City Commission/P&Z Discussion

Commissioner Webb questioned what the Pine Avenue's current level of service was and how much traffic there currently was. He would like to have a traffic study completed.

ACTION: On a straw vote of the Commission, it was a three to two vote that the P&Z Board would meet for the purpose of developing a long-range twenty-year traffic flow plan in the ROR and Commercial areas of the City and would forward their recommendations to the City Commission for their consideration.

b. Review of Chapter 90 Language.

The review of Chapter 90 will be placed on the March 11, 2010 Work Session agenda.

Chair Quam called for a ten-minute recess at 9:06 p.m.

Chair Quam re-adjourned the meeting at 9:14 p.m.

c. City Commission Discussion Only -

Temporary Moratorium for Building Permits Referencing Chapter 90 and/or Site Plan Hearings in ROR District.

Commissioner Stoltzfus stated that in light of the recent Site Plan approval made by the P&Z Board, and due to having a lot of language problems with the LDR's, he felt that a moratorium should be implemented. *Commissioner Stoltzfus* felt that language in Chapter 70 needs to be addressed. He then referenced the FL Statute relating to driving upon a sidewalk or bicycle path and stated that the City needed to resolve what constitutes a driveway in the City. It was his opinion that Anna Maria has been approving illegal parking and that the driveway definition needed changed. He felt that parking should be placed on-site where egress and ingress to the parking is via the driveway.

Referring to maneuvering when entering a parking space, *Commissioner Stoltzfus* noted that City Attorney Dye has advised that the 216 Pine Ave. Site Plan as presented was legal. *Commissioner Stoltzfus* explained how he felt the Site Plan did not comply with the Code regulations. He stated that an individual could not get into the parking space without going into the right-of-way.

Commissioner Stoltzfus stated there were three more Site Plan applications currently in the pipeline, with similar configurations like 216 Pine Ave, and unless the City buys some time, the City will end up with three more Site Plans that he considers non-compliant. *Commissioner Stoltzfus* said he was in favor of implementing a moratorium effective immediately.

Commissioner Mattick said it was her opinion that a moratorium was not warranted and could not be justified under the present circumstances. She explained that in the State of Florida, a moratorium must show that what is being proposed would have substantial detrimental impact on the health, safety, and welfare of the citizens, and the decision should not be arbitrary. In her review, health, safety, and welfare are understood to mean public services. Examples followed.

Commissioner Mattick stated that *Commissioner Stoltzfus* had called for a moratorium based on his personal opinion that there is an emergency safety issue. She noted that neither the City's chief law enforcement officer nor the Parking Safety Committee had concluded there was a safety emergency. She felt if the City were to proceed to enact a moratorium that it would be considered to be arbitrary by the courts and not based on the facts as they currently exist.

The following suggestions were made by *Commissioner Mattick* for improving safety on Pine Avenue:

- Establish diagonal parking.
- Create a “pedestrian friendly zone” in the ROR/Commercial district, and reduce the speed limit in those areas.
- Place crosswalks at each of the north-south intersections on Pine Ave. which would further slow traffic and increase pedestrian safety.

Commissioner Mattick suggested that the financial exposure of the City be considered prior to proceeding with a moratorium. She felt the course proposed by Commissioner Stoltzfus puts the City in great financial peril. She asked that prior to a binding vote, that the City seek counsel from a legal representative of the Florida League of Cities with regard to the financial risks inherent in such an undertaking.

In answer to *Chair Quam's* questions, *City Attorney Dye* agreed that approving a moratorium for the purpose of updating the Codes to be consistent with the Comp Plan would be valid if the Commission found it to be dire.

In suggesting a moratorium, *Commissioner Woodland* felt that:

- Parking was an important issue to the City.
- Lack of clarity in the Code allows decisions to be made based on what an individual wants - rather than the intent of the Code.
- There's no agreement on the Code language.
- It is important to the divided City that the parking issues should be dealt with immediately.
- A moratorium was needed for the purpose of clarifying the existing codes.

Commissioner Webb's opinion was that a moratorium was unwise for the following reasons:

- Chapter 90 does meet the Comp Plan.
- The issue was not the subject of an appropriate moratorium.
- A moratorium must be based on a health, public safety, or welfare issue.
- Would result in a taking and the City would be looking at in excess of \$400,000 if they were to lose.

Public Comment

P&Z Boardmember Mattick asked if a moratorium would affect any of the Site Plans currently in process. She suggested that it be limited only to those plans that have not yet been submitted. She stated she was opposed to a moratorium, felt it would cost the City a lot of money, and asked that Commissioner Stoltzfus state what he felt the dire need was to impose a moratorium.

Chair Quam said he would stipulate a moratorium being implemented for anything in Chapter 90 that would come before the Commission.

City Attorney Dye pointed out that most of the discussion had related to Pine Ave. and that anything requiring a Site Plan could also involve Gulf Dr.

City Attorney Dye explained the policy issues and the legal standards that the Commission may want to take into account prior to approving a moratorium.

P&Z Boardmember Barlow felt that the City's efforts should be at solving problems with Chapter 90 and not spending taxpayer dollars for enacting a building moratorium.

Janet Aubry, 410 Spring Ave, said she was working on a project on Pine Ave. with Lizzie Thrasher by moving certain cottages in Anna Maria and creating a Historic Village. She did not feel that a moratorium was fair to all others on Pine Ave. trying to make a tremendous value to the history of Pine Ave.

P&Z Boardmember Pytel questioned how long the moratorium would be in place and felt than any longer than ninety days could cause some financial impact.

Chair Quam estimated at least two months and no longer than ninety days.

P&Z Board Chair Stover agreed with comments made by both Commissioner Stoltzfus and by Micheal Coleman. He suggested that each side needs to address the Code language and determine an interpretation. It was his opinion that the City needed new code language that could be interpreted by all - and is what the City wants.

PAR Attorney Valerie Fernandez informed that there are certain requirements for a valid moratorium and that certain requirements must be met after the Ordinance is adopted. It must be adopted on good faith and not discretionary. She stated there was evidence on the record that the only reason a moratorium is being proposed is that Commissioner Stoltzfus has realized that Chapter 90 cannot be amended in time for the PARs projects already in the pipeline – which she stated was discriminatory.

Attorney Fernandez informed that PARS Site Plan applications were already in the pipeline prior to Commissioner Stoltzfus bringing up the idea of a moratorium - so they will not apply to those plans.

City Attorney Dye cautioned that stating that everything in Chapter 90 would be included would be very board and would basically include everything in the City. He suggested determining what would specifically be affected while the regulations were being reviewed.

Mike Selby, 812 N. Shore Dr., did not feel that developer Micheal Coleman would have a problem with a 90-day moratorium since he wants to be a good neighbor.

Robin Wall, 112 Palmetto, said she would like to see a moratorium for the purpose of the City clarifying the Code relating to backing out across the sidewalks in the ROR - and correcting the deficiencies in the Code. Once corrected, it would be for the health, safety, and welfare. She reminded that in the future additional properties will be developed on Pine Ave.

Ms. Wall suggested limiting the moratorium to ninety days or before and that it not affect any residential, repairs, remodeling, etc. - only affect any commercial development on Pine Ave.

Micheal Coleman, Pine Ave. stated that PAR has had the ability to build three-story buildings with 60% coverage – however, have only built two-story buildings with only 33% coverage. He explained that a lot of money had been spent pursuing the completion of the projects.

Mr. Coleman stated that there was never an issue prior to the November 3, 2009 election. He voiced opposition to placing someone out of work for a 90-day period and made reference to the businesses that are currently thriving on Pine Ave. He felt there was no basis for implementing a moratorium.

Commissioner Stoltzfus responded to Attorney Fernandez comments by stating that a moratorium was first suggested no later than late November 2009.

ACTION: Chair Quam announced that a Special City Commission would be held on Thursday, March 11, 2010 to discuss whether or not to proceed with a moratorium.

City Attorney Dye explained that an Ordinance could not be ready for First Reading at the March 11, 2010 Special meeting. A moratorium is a Land Use Ordinance requiring two advertised public hearings before the City Commission. Also, under the City's Codes, the P&Z Board must also have one advertised public hearing. City Attorney Dye agreed that the process would cost the City a lot of money.

Public and Press Comment on agenda items – None.

Adjournment

On motion made by Chair Quam and seconded by Commissioner Woodland, the meeting was adjourned at 9:50 p.m.

Alice Baird, CMC, City Clerk