

**CITY OF ANNA MARIA  
SPECIAL COMMISSION MEETING  
JUNE 29, 2005  
6:00 P.M.**

**CALL TO ORDER**

**PLEDGE TO THE FLAG**

**ROLL CALL:** Commissioner Dale Woodland, Commissioner Carol Ann Magill, Commission Chair John Quam, Deputy Commission Chair Linda Cramer, Commissioner Duke Miller

**Also present:** Ed Chiles, Owner, Sandbar Restaurant / WELD, Inc. aka: Applicant; Ricinda Perry (Counsel: Porges Hamlin Knowles & Prouty representing Sandbar Restaurant/WELD Inc.), Bob Schmidt, AICP (Land Planning Assoc. – Planner for the Applicant); Mike Gallagher (Petersen & Myers, Lake Wales – counsel for the Nalleys); Jan A. Norsoph, AICP (Engelhardt, Hammer & Associates - planner for the Nalleys); Anna Maria City Planner Alan Garrett, AICP; Building Official Kevin Donohue, City Engineer Tom Wilcox (BDI); Mayor SueLynn, City Attorney Jim Dye, Minutes Clerk Sylvie Reichmann

**Press:** Sun, Islander

At the request of Commission Chair John Quam, **there was consensus among the Commissioners to set July 6<sup>th</sup>, 2005 at 6: 15 p.m. as the date for the Negele Shade Meeting to discuss that settlement.** City Attorney Jim Dye said he would like to hold the shade meeting and the final, open, decision-making meeting on the same evening at approximately 7:00 p.m.

**1. PRELIMINARY SITE PLAN APPROVAL – 100 Spring Avenue  
WELD, Inc. – dba Sandbar Restaurant**

Commission Chair John Quam noted that this public hearing was a continuance of the properly noticed hearing that began on May 19<sup>th</sup>, 2005 hearing. He noted that once Preliminary Site Plan approval is granted by the Commission, the Applicant would need to produce evidence of receipt of all required approvals from permitting agencies before receiving Final Site Plan approval.

The Minutes Clerk swore in those wishing to speak at this evening's meeting.

Commission Chair John Quam called for Anna Maria City Planner Alan Garrett to take the floor, and as he came forward, the Chair reviewed the procedure for this evening's meeting.

City Planner Alan Garrett introduced himself and outlined several issues necessitating the site plan approval process:

- 1) Relocation of a cooler from Spring Avenue to the front side of the restaurant
- 2) Structure expansion to accommodate ADA compliant restrooms and handicapped parking

- 3) Approval of a 48 ft. x 35 ft. pavilion located on a parcel adjacent to the restaurant facility.

Mr. Garrett noted that the staff report included six stipulations that the Planning & Zoning (P&Z) Board recommended, by a six to one vote, to accompany approval of the preliminary site plan:

- 1) The pavilion will be used for food consumption and assembly only, and not food preparation
- 2) There shall be no vending, loading or unloading of trucks in the Pine Avenue or Spring Street rights-of-way
- 3) Bicycle parking [it was noted that the Applicant had complied on the latest drawing]
- 4) Time schedule for implementation of the improvements as identified in the site plan, as part of the City Commission public hearing
- 5) Approval of the outdoor pavilion is contingent upon approval of the City's outdoor dining ordinance
- 6) Revision of the site plan to include an off-street loading space in conformance with Section 90-4 (b) of the City of Anna Maria Code of Ordinances

The City Planner noted that there had been a recommendation for approval of the preliminary site plan, without the above-mentioned stipulations – particularly Item (6), that did not pass the vote of the P&Z Board.

Mr. Garrett observed that the site is zoned commercial intensive and that it complies with district regulations.

City Planner Alan Garrett noted, relative to the existing outdoor dining area over which a roof covering is proposed, that the pavilion group would need to be set back ten feet from the alleyway, and that on drawings he had seen to date, the roof had not yet been set back in its entirety. He recommended Commission approval of the preliminary site plan, contingent upon the five remaining stipulations (the third having been previously noted as already having been satisfied by the Applicant).

Relative to Stipulation #6 above, Commissioner Carol Ann Magill asked if any parking already designated for patrons would be affected. Mr. Garrett responded in the affirmative, adding that there was a possibility that some of the handicapped located could be reconfigured to add the off-street loading. He said he had not seen a loading space that would not interfere with the parking circulation. He said a condition could be added that the Commission must review the loading space on the final site plan before it can go ahead.

Commission Chair John Quam asked which version of the site plan the Commission was now viewing. City Planner Alan Garrett confirmed that the site plan on the large easel displayed at this evening's meeting was not the same as the

one upon which the P&Z Board and he himself had based recommendations to the Commission. He unfolded for posting and display the version he had actually reviewed.

Ricinda Perry took the floor and introduced herself as counsel for the Applicant. She said that the major change to the drawings on the colored boards was the parallel reconfiguration of a swale. Ms. Perry said that the bicycle racks, as well as the roof setback, both minor modifications, had also been added. She said that, as confirmed with the City Attorney at the P&Z Board hearing, if the Applicant could demonstrate that it had met all the requirements of the City Code relative to the site plan, the Applicant was entitled to receive approval. The Applicant's counsel said that it was her client's contention that they had met all the requirements of the Code, and indicated that she would like to reserve her portion of the presentation for rebuttal.

Ricinda Perry said that she recently had received submissions that the restaurant did not meet Code. She said that all of these submissions had been reviewed before the P&Z Board and there was no foundation to the belief that the restaurant did not comply with Code.

Ms. Perry said that there was no substantial increase in the amount or intensity of use associated with the proposed site plan, which essentially called for expanded ADA compliant bathrooms and the conversion of an existing tent into a permanent hard-topped pavilion.

City Attorney Jim Dye asked, for the record, to mark the unfolded version of the site plan now posted for the Commission, so that the document could be verified.

Bob Schmidt, AICP (Land Planning Associates -- planner for the Applicant) pointed out that the site plan was an improvement in many ways. The planner said that the swap out of the alleyways would improve beach accessibility and parking for handicapped people and the general public. Mr. Schmidt reviewed improvements to drainage in the area, and noted that some of the drainage swales had been moved to Spring Avenue instead of being adjacent to properties.

Relative to moving the encroaching cooler, the Applicant's planner said that the non-conformity of this item would be reduced by moving it as described.

In conclusion, Mr. Schmidt said that he agreed with Mr. Garrett's staff report. Mr. Schmidt described the time frames for the improvements as follows:

- ADA improvements and relocated alleyway would be accomplished first
- The relocation of the coolers and drainage improvements would occur any time from January 1, 2006 to December 31, 2006

- The construction of the pavilion would occur between July 1, 2005 and July 1, 2006. He said that it may be decided that this construction would take place only after the coolers are moved.
- The covered dining improvement would take place between July 1, 2006 and December 31, 2008

He said the Applicant had no objection to providing a loading zone, but the location remained to be determined in cooperation with Mr. Garrett and the Building Department.

Commission Chair John Quam thanked Mr. Schmidt for his presentation.

### **Public Comment**

Mike Gallagher introduced himself as counsel for adjacent resident, the Nalleys, and said he would like to introduce a planner retained by his clients to offer a list of conditions for approval of the preliminary site plan. He asked the Commission to approve the plan with these conditions. Mr. Gallagher requested that Jan Norsoph, AICP to take the floor.

Mr. Norsoph introduced himself and outlined the following recommended conditions:

- Limit truck deliveries to no later 10:00 pm and no earlier than 8:00 a.m.
- Full compliance with noise code, i.e., no outside loudspeakers
- Submission of landscaping plans to protect from headlights and noise
- Control structures to protect properties from swales if they overflow
- Remote parking lots should be on long-term lease to the Applicant
- A solid masonry wall along the Nalley property to protect it from swale overflow
- Relocation of the trash dumpster away from adjacent properties
- Create a turnaround area where parking lots now have cars backing out of a dead end right onto the street
- Enclose the pavilion with a six ft. wall or fence to protect adjacent residents from lights and noise.
- Fencing along alleys that are used for parking traffic circulation

The Nalley's planner told the Commissioners he would be happy to answer any questions relative to his reports. Deputy Commission Chair Linda Cramer asked relative to the dumpster on Lot 4, what type of dumpster it was. Owner Ed Chiles said that this was a small cardboard recycling dumpster, and that is currently not fenced.

Mike Gallagher noted that the noise ordinance allowed for two existing businesses to have amplified live entertainment. He said that outdoor entertainment should not be offered in the pavilion as well as the restaurant, and that this should not be considered a grandfathered use. Mr. Gallagher said that the

temporary tent was not originally on the property, and that the new permanent structure should now be subject to all ordinances, including the noise ordinance.

Robin Wall of 112 Palmetto Avenue, said that she would be directly affected by the proposed changes. She itemized several concerns relative to the pavilion that were described in a letter from her legal counsel, based on City of Anna Maria Ordinance #05-634, Section 2, Outdoor dining requirements, which became effective March 24, 2005. She said that the grandfathering clause in the ordinance did not protect the pavilion, since it did not exist at the time the ordinance was adopted. She asked that, at the very least, over-amplification be prohibited from the pavilion.

Marie White of 111 Spring pointed out that the Sheriff's Department is aware that a safety hazard exists in the leased parking lot that makes a dead end on the south side of Spring. She suggested that this could be resolved by putting in a circular turnaround there. In addition, Ms. White said that on some Monday mornings, the cardboard gets piled high outside the dumpster. She asked who would be supervising the parking lots and the drainage. Ms. White said that the tented pavilion had added large numbers of people to the area, creating chaos.

Mayor SueLynn said that the City Engineer would monitor drainage.

Thomas Ricci introduced himself as a professional building code consultant and ADA expert. He said that a lot of the information relating to this project had been mischaracterized. He reviewed aspects of the ADA lawsuit that had been brought against WELD, Inc. and said that he felt the Applicant was now using the ADA as a vehicle for making a major alteration that was not necessary. Mr. Ritchie characterized action based on misinformation as harmful to people with disabilities and clarified that the ADA was designed to help those with disabilities, not to harm owners or tenants of establishments as a consequence of their compliance. The speaker said that ADA did not require destruction and reconstruction of existing structures, but simply required compliance to the maximum extent feasible within the confines of the structure. He indicated that a lavatory is in this case not required in the ADA compliant bathroom stall since this was not a new construction, thus obviating the need to push the walls of the structure out into the now vacated alleyway.

Commissioner Carol Ann Magill pointed out that the proposed number of people expected to be served had been analyzed by the Building Official relative to the number and configuration of ADA required fixtures. Mr. Ritchie explained his opinion that 'potty parity' applied to new construction.

Commission Chair John Quam verified with City Attorney Jim Dye that the Commission decision needed to be based on what the Commission hears at this hearing.

Christopher Collins, said he lived at 103 Willow Avenue, four blocks south of the Sandbar. He described how he regularly heard the music from the Sandbar inside his house and outside on his deck. Mr. Collins said that a permanent structure with amplified music would make this problem more intense for him and his neighbors. He recommended allowing an open structure with no sound systems or outside entertainment, or allowing a closed structure so that sound would not escape from it. He said that apart from the noise of cars and trucks, the noise contributed to the neighborhood by the pavilion was deteriorating the quality of life of adjacent residents.

The Minutes Clerk swore in those remaining unsworn who now wished to speak.

Georgia Van Cleave asked if SWFWMD approval was required for this project. Commission Chair John Quam noted that before receiving the final site plan approval, the Applicant would need to produce approval from all the governing and utility agencies. Ms. Van Cleave asked if the City had the right to lease out alleyways. She recalled that the City had already granted use of parking spaces in this manner. The resident also asked who would be responsible for maintenance of items existing in the alleyway.

City Attorney Jim Dye said it would be a good idea to have a maintenance agreement for anything to be put in the alleyway but did not think a lease would be appropriate.

Sandy Oldham of 307 Pine Avenue noted that the residents near the Sandbar lived in the commercial zone. She objected to the Commission putting any more restrictions on a business owner than it would put on a resident in the commercial district.

Nicki Hunt of 303 Pine Avenue said that Mr. Chiles' establishment had existed at the same site for over twenty years, and therefore residents should not be surprised by the inconvenience of living in a commercial zone. The resident said that she felt the Applicant had made important concessions and had shown the utmost consideration for resident neighbors.

Joseph White of 111 Spring said that when he built his house, his lot was residential, and the restaurant was just a bar. He said that in the last ten or fifteen years, violations in the area had not been enforced, producing an increasingly frustrating situation where he lives.

Applicant's counsel Ricinda Perry took the floor and said that the preliminary site plan was relatively simple, and that she was upset by the number of the issues that had come to play this evening. She in particular objected to statements made by the ADA expert during public comment, who, she said, had attempted to destroy the Applicant's credibility.

Ricinda Perry said that creation of a hardtop pavilion, equipped with drop cloths, was intended to decrease the emanation of sound. Ricinda Perry said that a new, state-of-the-art directional sound system, supervised by a DJ hired by WELD, Inc., would contain sound in the pavilion so that it does not mix with the deck music and other sounds. Ricinda Perry noted that Mr. Chiles had informed her that he actually could make more money with just a tent, but that he desired to be a good neighbor to those living nearby.

Ricinda Perry said that residents in a commercial district should not complain about the negative impact of business owners conducting commerce. She said that Comprehensive Plan Policy 1.2.2 states that commercial land use areas should be protected from the encroachment of other land uses. She pointed out that the Nalleys were participating in a non-conforming residential use, and that the Code called for none of the fencing and other barriers outlined by the Nalley's planner.

Ricinda Perry noted that Mr. Norsoph had included inaccuracies in his statements. She said that the suggestion of a ten-year lease for the parking lots was outrageous. She noted removing seats, as well as other options, could be employed to come into compliance should one or more of the lot owners decide it no longer wished to rent the property to the Sandbar, and that it would in any case be the Applicant's choice as to how to comply.

Ricinda Perry clarified that the Applicant had in fact submitted a landscaping plan.

Ricinda Perry said that her client was willing to work with the City and nearby residents and that she believed the Applicant had done everything necessary to meet the requirement of the Code for approval of this preliminary site plan.

City Planner Alan Garrett took the floor for final comments, and said that he would like to propose the following four additional stipulations:

- 1) Maintenance agreement between the City and the Applicant relative to improvements in the right-of-way shall be approved prior to final site plan approval
- 2) The site plan shall not approve any improvements not on the Applicant's property or property outside the Applicant's control
- 3) The wood deck in the alley northwest of the proposed pavilion shall be removed unless properly permitted
- 4) The phasing schedule based on the schedule presented at the Special City Commission Meeting of June 29<sup>th</sup>, 2005 shall be firmed up prior to final site plan approval

City Attorney Jim Dye said if the deck is permitted, he would withdraw the stipulation. Commission Chair John Quam confirmed that if permitted, a stipulation could be added clarifying that it could remain.

Commissioner Carol Ann Magill referred to a letter from the County dated February 3, 2005, indicating that they may require the decking to be removed, and asked for City Attorney Jim Dye's explanation. The City Attorney said, as with the parking spaces being designated for the Waterfront Restaurant's use, that he was trying to clarify that the City would avoid setting aside the public right-of-way for a private person or entity's exclusive use, which would not be legal.

Commission Chair John Quam declared the public hearing closed.

**MOTION: At 7:38 p.m., Deputy Commission Chair Linda Cramer moved to recess the meeting for a seven-minute break, seconded by Commissioner Dale Woodland.**

**Vote: All Ayes. Motion carried.**

Commission Chair John Quam called the meeting to order at 7:47 p.m.

Commission Chair John Quam noted the noise factor associated with the pavilion had been a big issue among residents. He asked if the restaurant would consider additional buffering of sound. Ed Chiles said that his company had spent \$4,500 for a sound system specifically designed to keep the sound within the pavilion. Mr. Chiles said that one gentleman had designed the system, installed it, and now would be responsible for operating it and ensuring that volume regulation is controlled. He said that he and his employees would continue to be vigilant about protecting the quality of life of adjacent and nearby residents.

Commissioner Dale Woodland asked City Engineer Tom Wilcox relative to drainage, what the terms 'swale' and 'pond' referred to. The City Engineer said that the drainage swales would be basically dry retention ponds that would only fill up during a rain event. He said that as the water percolates, it would eventually leave a dry pond.

Deputy Commission Chair Linda Cramer asked City Engineer Tom Wilcox about the parking lot materials that were planned, and whether one material was going to be used overall. City Engineer Tom Wilcox said that the crushed shell is not appropriate, and that the surface would be graded to bring the water toward the swales.

Commissioner Dale Woodland asked City Planner Alan Garrett relative to the lack of turnaround pointed out by Marie White. City Planner Alan Garrett said that the parking regulations of the City Code did not address this. He said the parking lots as shown on the site plan met all existing Code requirements. City Planner Alan Garrett said that if there is a safety issue with the right-of-way, the

Commission could ask the Applicant to make modifications. Commissioner Dale Woodland said that he would like to see an option used for cars other than backing out onto Spring Avenue.

Commissioner Dale Woodland told Mr. Chiles that the sign on Gulf Drive between Magnolia and Spring could be made more useful. Mr. Chiles said that some attempts had already been made in the past, but he would be happy to work with the City in this regard. Building Official Kevin Donohue noted the City's current sign ordinance prohibited off-site advertising, and said that this ordinance was to be given to City Planner Alan Garrett for review, and that he would include the Commissioner's recommendation in his notes to the Planner.

Commissioner Dale Woodland noted that the majority of the discussion had been about the pavilion and noise; he suggested considering a requirement for a police officer to be reserved for duty on-site for pavilion events. Commission Chair Quam questioned whether or not law enforcement could be included in site plan approval, and the City Attorney said that such a measure would more appropriately be linked to approval of a special use permit. He pointed out that while the use of amplification may have been grandfathered in for the site, the noise levels allowable would be the levels currently allowed in the Code as it exists today.

Commissioner Dale Woodland asked City Planner Alan Garrett if the Commission approved the site plan without having the setback on the canopy shown, if this would in effect be granting a variance. City Attorney Jim Dye said that the Code does not allow site plan approval to relax any code requirement.

A revised additional stipulation was read aloud by City Planner Alan Garrett:

“Parking lots located on lots 8 thru 10, Block 33 shall be redesigned prior to final site plan approval so that cars do not have to back out into Spring Avenue.”

Deputy Commission Chair Linda Cramer, relative to offloading, noted that many businesses in the city did not have such a dedicated space. The Applicants said that they would address this prior to site plan approval. She confirmed that times stipulated for deliveries would not be a problem for the Applicant. Deputy Commission Chair Linda Cramer recalled that the Commission was going to review seating and parking requirements for restaurants after reviewing the Waterfront Restaurant site plan. Ed Chiles said that 8:00 a.m. to 8:00 p.m. would be fine with him for deliveries to his business.

Commissioner Duke Miller said he thought this site plan was a great improvement to the area, but that he had some questions to ask. He suggested that the pavilion be constructed after all the other things on the plan are done. Commissioner Duke Miller confirmed with Building Official Kevin Donohue that the Applicant would be allowed to put the cooler across two lots. Relative to F.S. 561-01,

Commissioner Duke Miller asked if the pavilion would be licensed to sell alcohol. City Attorney Jim Dye said that the City permits alcohol consumption in the commercial zone. He said there was an application process through the State to get properly licensed, and the City gets asked if the applicant's premises is properly zoned for alcohol consumption. He said that he believed the overall use of the property would be for restaurant purposes, and the City allows restaurants to serve alcohol. **There was consensus to change the stipulation to read 'food and beverage consumption'**. Commissioner Duke Miller confirmed with City Attorney Jim Dye that facilities having live music on the date the ordinance was passed had been grandfathered in. Commissioner Duke Miller asked if since the pavilion was not a permitted structure at the time the ordinance was passed, if it was included in the grandfathering of amplified music. The City Attorney said he would need to look into this.

Commissioner Carol Ann Magill recalled that during discussion of the outdoor dining ordinance that the Pier and the Sandbar had been acknowledged to have had amplified music for many years. She said that when she voted for this entertainment, it was her understanding that it was for the Sandbar and Pier outside decks only. The Commissioner said she would like the City Attorney to look into the grandfathered status of the pavilion for amplified music. Commissioner Carol Ann Magill noted that the pavilion was located on a separate parcel with a different ID number, co-located with the office, and was really an accessory to it, and asked for clarification. City Attorney Jim Dye said the City relied heavily on parcels in defining uses. He said the parcel ID number is just a record-keeping tool for the property appraiser and the tax collector. The City Attorney said that it is difficult to come to a conclusion as to the predominant and subordinate uses of the office and the pavilion. He noted that under the City's Code, the site plan ordinance allows a project to be looked at as one development permit, regardless of how the parcels are identified.

City Planner Alan Garrett said that Robin Wall's counsel's letter referenced the definition of parcel, and Mr. Garrett noted that the definition of 'use' within this definition is not limited to one activity.

Commissioner Carol Ann Magill said that she felt she needed some time to process the information that had been given to her. She described observing the appearance of the tent and tables, with no notification to the City as to the owner's intent. She said that she had not been aware, when voting to approve the noise ordinance, that she was approving amplified music at an additional location on the Sandbar property.

Relative to the other dumpster (not used for recycling), Commissioner Carol Ann Magill confirmed with Ed Chiles that it would remain where it now is, but once the project is completed, he intended to revisit the waste pickup logistics with Waste Management. Commissioner Carol Ann Magill said it was offensive to have the dumpster out on a beach access.

Relative to the swales, Commissioner Magill expressed concern that the drainage along the parking lots may not be able to be done, since these lots are leased. Ed Chiles assured her that he has the approval of the owners of the lots for the work proposed.

Commissioner Carol Ann Magill verified with City Engineer Tom Wilcox that the swales would likely only flood in an extreme event. He said that typically the Island has tremendous percolation capabilities, in places up to 20 ft. of water a day. City Engineer Tom Wilcox said that the swales would need to be maintained to keep them efficient. Commissioner Carol Ann Magill expressed concern that the shell surface of the parking lots would make the water continue to pond. City Engineer Tom Wilcox said that the swales would be engineered to percolate as quickly as possible. Commissioner Carol Ann Magill said that she felt a berm should be put in place to protect adjacent properties. Commissioner Carol Ann Magill continued with several questions for City Planner Alan Garrett.

Deputy Commission Chair Linda Cramer asked if an enclosure could be put around the commercial dumpster, since this appears to be called for in the Code. Ed Chiles said that he would have no problem with putting an enclosure around his recycling dumpster.

Commissioner Duke Miller asked Ed Chiles if an additional tent would be added to the pavilion and if more than one wedding would be scheduled at one time. Ed Chiles said that if the party is for more than 100 people, the Sandbar would apply for a Special Events Permit, as it had done in the past.

Commissioner Carol Ann Magill noted that the sign behind Bortell's was for one-way traffic and was pointing the wrong way. Ed Chiles said that this road was one way going east. City Attorney Jim Dye clarified that the only street in the City that is dedicated to one-way traffic is Tuna.

Commissioner Dale Woodland, relative to Stipulation #2 and vendor loading and unloading, asked if this had been properly thought out. **Commission Chair John Quam said he would strike #2 but leave #9, and there was consensus to do this.**

Commissioner Duke Miller said he would like to see everything else completed before the pavilion is scheduled. Building Official Kevin Donohue confirmed that a certificate of occupancy for the pavilion could not be issued by him until all the work on the site is completed.

**Commissioner Dale Woodland said that based on this information, he was inclined to eliminate Stipulation #6 and there was consensus to do so.**

City Planner Alan Garrett asked to read his final list of stipulations so that the Commissioners could discuss them.

Commissioner Duke Miller asked if a stipulation was necessary relative to the drop curtains that were mentioned for the pavilion to mitigate the noise. City Planner Alan Garrett recommended that this be put on three sides, instead of all four. He recommended language to the effect that these devices would be used when amplified music is used. Ed Chiles said that three sides would not work because of ingress and egress problems Building Official Kevin Donohue suggested language to the effect of 'up to two sides to maximize buffering'. Commission Chair John Quam suggested that language relative to use during episodes of amplified sound should be included.

Commissioner Duke Miller reviewed the noise ordinance violation procedure.

**MOTION: Deputy Commission Chair Linda Cramer moved to approve the preliminary site plan for 100 Spring Avenue applied for by WELD Inc. dba Sandbar Restaurant, with the following seven stipulations attached:**

- 1) The pavilion shall be for food and beverage consumption and assembly only and there shall be no on-site food preparation.**
- 2) The site plan shall be revised to indicate an off-street loading space in conformance with Anna Maria Code of Ordinances Section 90-4(b)**
- 3) Prior to the City Commission hearing, the plans shall be revised to indicate the required bicycle parking**
- 4) A maintenance agreement between the City and the Applicant regarding improvements in the right-of-way shall be approved prior to final site plan approval.**
- 5) The site plan should not approve any improvements not on the Applicant's property or property under the Applicant's control**
- 6) The wood deck in the alley northwest of the proposed pavilion shall be removed unless properly permitted.**
- 7) The parking lots located on Lots 8 to 10, Block 33 shall be redesigned prior to final site plan approval so cars do not have to back out into Spring Avenue.**

**The motion was seconded by Commissioner Dale Woodland.**

**Roll Call Vote: Commissioner Dale Woodland: Aye; Commissioner Carol Ann Magill: Nay; Commission Chair John Quam: Aye; Deputy Commission Chair Linda Cramer: Aye; Commissioner Duke Miller: Aye. Motion carried four to one.**

**PUBLIC COMMENT**

No additional comment offered.

**PRESS COMMENT**

None offered.

**ADJOURNMENT**

**MOTION: Deputy Commission Chair Linda Cramer moved to adjourn the meeting, seconded by Commissioner Carol Ann Magill.**

**Vote: All Ayes. Motion carried.**

The meeting was adjourned at 9.19 p.m.

Respectfully submitted,

Alice Baird  
City Clerk

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Date