

**PARKING MANAGEMENT ADVISORY BOARD MINUTES
TUESDAY, JULY 28, 2015, 5:30 P.M.
FIRST FLOOR CONFERENCE ROOM**

MEMBERS PRESENT:

Bruce Gimmy
Allen Huntington
Fran Marincola
William Morse
Peter Perri

MEMBERS ABSENT:

William Branning
Gerald Franciosa
Albert Richwagen
Brian Rosen

STAFF PRESENT:

Scott Aronson, Parking Facilities Manager
Randal Krejcarek, Environmental Services Director
Scott Pape, City Principal Planner

STAFF ABSENT:

GUESTS/OTHERS:

Ron Nobili
Cathy Skillas
Jim Farron
Julen Key
Choli Aronson

I. CALL TO ORDER:

The meeting was called to order by Chairperson, Mr. Bruce Gimmy, at 5:30 p.m.

II. APPROVAL OF THE AGENDA:

Mr. Marincola made a motion to approve the agenda, seconded by Mr. Morse. Said motion passed unanimously.

III. APPROVAL OF THE MINUTES:

Mr. Marincola made a motion to approve the minutes of May 4, 2015, seconded by Mr. Morse. Said motion passed unanimously.

Mr. Morse made a motion to approve the minutes of May 26, 2015 with the exception of the engineering conclusion, seconded by Mr. Marincola. Said motion passed unanimously.

IV. OLD BUSINESS:

Mr. Aronson stated that some of the old business items will move forward to be included in upcoming study implementation program.

V. COMMENTS BY CITIZENS: (non-agenda items)

Mr. Ron Nobili stated that the new City Ordinance 05-15 currently allow boat owners who enter into a license agreement with the City to rent a slip at the City Marina are permitted to live aboard their boats and are assigned one parking space per slip. The new ordinance has left boaters like him with no parking option when family and friends visit. The street parking is not being utilized properly as spaces sit empty most of the time. He would like the City to look into this and allow more parking spaces per boat for permanent residents.

VI. NEW BUSINESS:

A. Review a request from Uptown Atlantic for the purchase of In-Lieu of Parking Space.

At this time, Mr. Gimmy reviewed the quasi-judicial rules.

There were no ex parte communications by any board member.

Yolaina Ruiz, Board Liaison, swore in those individuals who wished to give testimony on this item.

Mr. Pape, City Principal Planner, stated that an In-Lieu of Parking Fee request has been submitted for Uptown Atlantic. The property is located on the south side of West Atlantic Avenue. Between S.W. 9th Avenue and S.W. 6th Avenue. This is a mixed use development in the Central Business District (CBD) zoning district consisting of 17,267. square feet of office use; 6,098. square feet of restaurant use; 43,162 square feet of commercial/retail use; and 112 multi-family dwelling units. The CBD allows up to 12 dwelling units per acre "by right" in the West Atlantic Neighborhood; 18 dwelling units per acre are proposed for this development Land Development Regulations (LDR) Section 4.4.13 (B)(4)), which is allowed by conditional use.

The in-lieu fee may be paid in full upon issuance of a building permit or in installments. Applicants for an in-lieu fee which is not paid in full at time of permit issuance must enter into an in-lieu of Parking Fee Agreement with the City prior to or upon issuance of a building permit. Such agreement shall be recorded with the Public Records Office of Palm Beach County, Florida. The obligations imposed by such an in-lieu of Parking Fee Agreement constitute a restrictive covenant upon a property, and shall bind successors, heirs and assigns. The restrictive covenant shall be released upon full payment of the in-lieu parking fees including attorneys' fees and costs. In-lieu of Parking Fee Agreements shall only be made between the City and the Owner(s) of the subject property. If an in-lieu of Parking Fee Agreement is entered into, installment payments shall be made over a three-year time period in three installments. The first installment shall be 50% of the total fee and is to be paid upon signing the agreement. The second installment shall be 25% of the total fee and is due on the second anniversary date of the signing of the agreement. The third and final payment of 25% of the total fee is due on the third anniversary date of the signing of the agreement. There shall be no interest due under this payment schedule.

Staff recommends approval of the in-lieu request in the amount \$96,600 or \$78,200 should the City Commission authorize the additional four spaces for Uptown Atlantic. This is subject to the

condition that if full payment is not remitted at the time of issuance of a building permit, the applicant will enter into an in-lieu of Parking Fee Agreement with the City.

Ms. Choli Aronson made a brief presentation of the project on behalf of the applicant.

At this time, the board had a brief discussion. Mr. Marincola asked why there was a difference of four (4) spaces. Ms. Aronson stated that the difference between what the project provided to what was requested was fewer amounts of spaces for in-lieu. Mr. Gimmy asked if the site would be able to provide parking spaces if density changed in the near future. Ms. Aronson stated that it would.

Mr. Marincola moved to approve the request from Uptown Atlantic for the purchase of twenty one (21) in lieu of parking spaces. The motion was seconded by Mr. Morse and passed 5-0.

B. Review a request from No Go Booting to modify City Code of Ordinances Section 71.030 “Immobilization Regulations”.

Mr. Aronson stated that a request was submitted by No Go Booting to increase the device removal fee from \$50.00 to \$80.00. He stated that operating expenses caused a hardship in operating the business.

Ordinance 35-99, enacted October 1, 1999, established Section 71.030 of the Traffic Code in Title 7 of the City Code of Ordinances, regulated the immobilization of cars illegally parked on private property. At that time the cost for removal of the immobilization device was \$25.00. Ordinance 26-03, approved on August 19, 2003, amended the original code provision increasing the removal of the immobilization device fee to \$50.00.

It is noted; towing illegally parked vehicles from private property is regulated through the Florida State Statute Title XL, Chapter 715 Section 715.07 and is within the property owner’s rights to have illegally parked vehicles towed. While staff prefers cars illegally parked on private property to be immobilized rather than towed, the cost of releasing vehicles remains a concern. Immobilizing under the related circumstance is nothing more than a punitive action, and does nothing to make the parking space available for “preferred users”.

The Development Services Management Group, at its meeting of July 23, 2015, determined there is no formal process for a privately initiated amendment to the City Code of Ordinances. However, direction was provided to schedule the item for City Commission consideration, with a recommendation from the Parking Management Advisory Board.

Staff is seeking the Board’s discretion regarding this matter.

At this time, the board had a brief discussion. Mr. Perri stated that price increase would encourage people to park and utilize the parking garages. Mr. Morris stated that making it inconvenient to people would stop illegal parking on private lots.

Mr. Perri moved to approve the request from No Go Booting to increase the device removal fee from \$50.00 to \$80.00. The motion was seconded by Mr. Marincola and passed 5-0.

VII. PARKING STUDY UPDATE:

Mr. Aronson stated that the City Commission did not support the Parking Management Advisory Board parking meter program. The City Manager instructed staff to move along with the other component of the parking study and provided a brief update.

Combination sticker and hang tag system

- All employee cars must have employee sticker affixed to auto.
- Hang tags sold to business owner for distribution.
- Hang tags to have as much shift information as possible.
- Day of week and time of day.
- Full time dedicated staff hang tag to have vehicle information.
- Weekend only.
- \$20 per monthly hang tag.
- Monthly hang tags tracked back to each business.

Parking areas for program

South County Courthouse Garage – 363 spaces

- Daily use 3:00 p.m. to 4:00 p.m.
- Predominantly for full time staff.

Library Parking Lot / (Portion not used by valet) – 90 spaces

- Used for overflow when needed.
- Remains closed until garage fills.
- Opened by attendant once garage is full.
- Sign to place at corner directing employees to City Hall if necessary.

City Hall North lot for overflow – (weekends and seasonal evenings) 150 spaces

- Used for overflow when needed.

Associated Costs:

- Staffing \$71,000.
- Revenue Loss \$23,000.

VII. COMMITTEE REPORTS ON PARKING RELATED ISSUES:

None.

V. NON-AGENDA ITEMS:

A. Comments by Board Members

None.

B. Comments by Staff

There being no further business, Mr. Gimmy, declared the meeting adjourned at 7:00 p.m.

Advisory Board Liaison

The undersigned is the Secretary of the Parking Management Advisory Board and the information provided herein is the minutes of the meeting of said Parking Management Advisory Board on July 28, 2015, which minutes were formally approved and adopted by the Board on August 25, 2015.

ATTEST:

CHAIR

Advisory Board Liaison

NOTE TO READER: If the minutes you have received are not completed as indicated above, this means they are not the official minutes of the Parking Management Advisory Board. They will become official minutes only after review and approval, which may involve some amendments, additions or deletions.

S/City Clerk/Boards/Parking Management Board/minutes