

**PARKING MANAGEMENT ADVISORY BOARD MINUTES
TUESDAY, NOVEMBER 22, 2011, 5:30 P.M.
FIRST FLOOR CONFERENCE ROOM**

MEMBERS PRESENT:

Fran Marincola
Mark Krall
Bruce Gimmy
John Gergen
Brian Rosen
Alan Kornblau
Peggy Murphy
Margie Walden
Cecelia Boone
William Morse

MEMBERS ABSENT:

Herman Stevens

STAFF PRESENT:

Scott Aronson, Parking Management Specialist

STAFF ABSENT:

None

GUESTS/OTHERS:

Michael Weiner, Esq.
Chuck Halberg
Alex Ramirez
Adam Robin
David Manero
Trey Vetromile
Richard Hasner
Jay Hasner
Cary Krevoy
Rick Burgess
Joie Krevoy
Gerrard Queen
Rosa Torres Tumazos

I. CALL TO ORDER:

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

II. APPROVAL OF AGENDA:

There was no motion made on the agenda.

III. OLD BUSINESS:

Mr. Aronson advised that the Swinton Spa will be moving forward with a site plan. The City initiated text amendment to eliminate the 30% cap was approved by the City Commission. The request made by Café Luna Rosa to establish a 10 minute parking space will be presented to City Commission on December 6, 2011.

IV. MINUTES:

Ms. Walden made a motion to approve the minutes of October 25, 2011, seconded by Mr. Morse. Said motion passed unanimously.

V. COMMENTS BY CITIZENS:

There were no comments by citizens.

VII. NEW BUSINESS:

A. Review A Request From Breathe Restaurant To Re-establish A Valet Parking Queue at 401 West Atlantic Avenue

Breath Restaurant is opening a restaurant at 401 West Atlantic Avenue and has made a request to operate a valet parking queue in front of the restaurant. The request is to lease the three easternmost spaces on the north side of West Atlantic. The Sake Restaurant had established the queue there in 2006. They have gone out of business. The queue will service all customers. The Atlantic Grove Condominium Association has allowed the valet company to use a property adjacent to Mount Olive Church for parking. Global Parking Services has been retained to operate the valet queue. The queue will operate from 5:00 pm to 2:00 am.

Board members and staff spoke about a litigation matter between Mount Olive and New Urban Communities regarding relocation of the lot.

Mr. Morse made a motion to approve the request from Breath Restaurant to re-establish a valet parking queue at 401 West Atlantic Avenue, seconded by Mr. Gimmy. Said motion passed 10-0.

B. Provide A Recommendation For Assignment Of The Cugini Grille Valet Parking Queue

In March 2011, Mr. Manero from Vic & Angelo's approached the Board with concerns of the queue not being operated within the standards of Delray Beach and requested that it be reassigned to one of the restaurants in the immediate area. An action item was presented to the Board in April 2011 but there was no merit of reassignment of the queue because Cugini Grille was still in business and met all of the requirements of the Parking License Agreement. Shortly after last season, staff was advised that the restaurant would be closing for approximately sixty days. November 2011, staff determined that the property was for sale and there were two potential purchasers and a sale of a lease to operate the restaurant. Staff made it known that the valet queue was not a part of the sale. Mr. Manero wanted the opportunity to operate the valet queue being that Cugini Grille would no longer be in business. Staff recently received a phone call from Mr. Krevoy, owner and operator of Cugini Grille, stating that the sale had not gone through and that he would continue to operate the restaurant with a new business plan. The restaurant would be under construction and would be reopen in January 2012. Staff had not received contact from Cugini Grill since July 2011 and recommends a transfer of the valet parking License Agreement to Vic & Angelo's.

Mr. Weiner stated that the valet queue has not been supervised. Since the license was issued, no one is sure who the license is issued to. There are eight different entities listed on the paperwork and there is no consistency. Cugini Grille has been closed for approximately six months and there have been a number of complaints. The restaurant has been for sale, as well as, the valet parking queue. There has been activity in the restaurant recently which was a reasonable sign that the restaurant would reopen.

However, a check to the contractor was returned for insufficient funds and the contractor is no longer working on the property. Vic & Angelo's have a multi-million dollar investment in Delray Beach and know what it takes to operate a valet queue. The valet queue should be transferred so that businesses can be operated properly, the public can be protected and the agreement carried out as written.

Mr. Marincola asked if the letters of complaint were forwarded to staff.

Mr. Robin advised that the letters were forwarded to Mr. Aronson.

Mr. Marincola asked about the parking lot that will be used for operation of the parking queue.

Mr. Robin advised that a parking lot on NE 2nd Street will be used.

Mr. Marincola stressed that the parking lot should be in restaurant's name.

Mr. Weiner advised that the lot will be assigned to the restaurant.

Mr. Krevoy, from Cugini Grille, stated that he discussed the issues of the restaurant with Mr. Aronson. He advised that he had issues with the management there. He noted that the check that was returned was not written by him. It was written by a contractor. The property was listed with a broker and there were some interest. The queue has been in operating since July 3rd. He stated that he was unaware that an owner had to be present. An employee by the name of Ricky has been onsite. The queue is insured and is covered by workers compensation. He does not understand why he is being penalized for being closed while renovating. He has never received notification of any complaints. The new contractor, Mr. Hasner and architect are present. Mr. Krevoy stated that he was unaware that he was in jeopardy of losing the queue nor was he aware of tonight's meeting. He would like to maintain the queue as he has been.

Mr. Marincola asked if there was a contract with Mr. Hasner.

Mr. Krevoy stated that there is a contract and permits have been pulled. The target date for opening is January 15, 2011. He then noted that the bounced check is not his responsibility. However, he is paying the debt. He also stated that no one came to him for validation. He sent a process server to each business with reading material regarding participating in validation. He is willing to validate for the other businesses.

Mr. Aronson stated that he spoke to Ricky and advised him that they would not be able to continue the operation of the queue with the restaurant being closed.

Mr. Krevoy stated that he was not privy of tonight's meeting. He then stated that other restaurants have been under renovation and closed while operating a valet queue. Mr. Krevoy noted that the valet queue was never offered for sale.

Mr. Rosen asked about the asked who the agreement was with.

Mr. Aronson advised that the agreement is between the City and the restaurant.

Discussion ensued regarding the ownership of the queue.

Mr. Aronson stated that he does not want someone in the parking business to manage the valet queue. It's more beneficial if managed by the restaurant. He does not feel as if the queue has been managed properly. Cugini did not validate for other businesses. However, he does like taking the queue from the owner and giving it to someone else.

Mr. Rosen asked if they could request that the restaurant validate for other restaurants.

Mr. Aronson advised that the agreement does not require the restaurateur to solicit other restaurants

Mr. Rosen asked if Cugini's occupational license was in good standing.

Mr. Aronson advised that the license agreement is valid until September 30th. Cugini Grille has been up to date on the payment for the queue and their tax receipt is in order. There was a complaint that they were leaving when business slowed down. It was discussed that they had to stay until all cars have left and they complied. They were the first to raise their fee to \$15.00 but also the first to decrease their fee to \$10.00.

Mr. Jimmy asked about a queue that at one managed by Mr. Manero in the past.

Mr. Aronson stated that the fees were paid on time and made a note that all parking companies receive complaints.

Mr. Marincola asked if it is a breach of contract if Mr. Kevroy attempted to sell the queue.

Mr. Aronson advised that the agreement states that it cannot be reassigned without permission from the City. However, it is contradictory.

Ms. Boone stated that with City approval to reassign, other regulations may apply at that time. She then asked how reassigning the queue would affect the business at Cugini Grille.

Mr. Krevoy advised that the individuals employed to operate the queue would be out of work. He also noted that the complaints were made by personnel of Vic & Angelo's. He never received a complaint from City Oyster. He then said that he would have been fined if he was being managed improperly.

Mr. Jimmy asked Mr. Krevoy about his number of spaces.

Mr. Krevoy advised that he has sixty-six spaces which are 200 yards away from the queue.

Ms. Boone asked whether or not Cugine Grill would be reopening or if another business was taking its place.

Mr. Krevoy stated that the name will be changed but it is under his management.

Mr. Aronson stated that his recommendation was to transfer the queue. He advised that he had already communicated that the queue would be surrendered because Cugini Grille would be sold and Vic & Angelo's would be next in line for the queue. Furthermore, there had been no communication of any updates from Mr. Krevoy.

Mr. Weiner stated that there were complaints the earlier part of 2011 and Cugine Grille was aware that there were difficulties. During the time of June 2011 to date, the business was for sale, permits have

been pulled by King Concepts, a check was returned for insufficient funds and the contractor left. The manager or owner that was to move in is no longer doing so. Now, Mr. Krevoy is no longer selling the business. Past historical records reflect that the insurance was not in the correct name. Mr. Weiner feels that staff's recommendation should stand.

Mr. Marincola asked Mr. Hasner the date of the contract signed between him and Mr. Krevoy.

Mr. Hasner stated that the contract was signed Friday or over the weekend.

Mr. Weiner stated that his client is willing to take on another lot, place the lot in a consistent name and offer validation.

Discussion ensued regarding validation.

Mr. Weiner stated that he will not make a profit from validating for other restaurants or from the operating costs.

Mr. Krevoy spoke of coupons and asked if the customer would incur \$5.00 and the restaurant incur \$5.00 as well.

Mr. Aronson stated that the restaurant uses a \$5.00 coupon and the customer pays \$5.00. The restaurant is welcome to offer two coupons to offset the cost to the customer.

Mr. Gimmy made a motion to transfer the valet queue to Vic & Angelo's, seconded by Ms. Murphy.

Mr. Krall stated that a bad precedent would not be set if the queue is transferred under the circumstances.

At this time, Mr. Marincola disclosed that he spoke to the applicant on several occasions.

Mr. Aronson noted that this is not a quasi-judicial hearing.

Mr. Krall stated that Mr. Marincola would recuse himself if he would benefit financially based on the result of the vote.

At this time, Ms. Cobb called the roll.

The previous motion passed 8-2 with Mr. Kornblau and Mr. Morse dissenting.

VI. COMMITTEE REPORTS ON PARKING RELATED ISSUES:

Board members presented a brief status report of items taking place on their respective Boards. Members agreed due to agendas and minutes available from the Board, there was no need for detailed minutes on this agenda item.

VII. NON-AGENDA ITEMS:

A. Comments by Board Members

Mr. Morse asked about the charrette to be scheduled for the parking study.

Mr. Aronson stated that they are looking for facilitators without a vested interest.

Mr. Gimmy asked if the attendees will have input after recommendations are given by the facilitator.

Mr. Marincola asked if Board members can make recommendations to the facilitator.

Mr. Aronson stated that the point of the charrette is to explain to people what the challenges are in having a parking system.

Ms. Boone stated that a charrette involve breaking into small groups and sharing ideas.

Mr. Marincola spoke about a meeting where merchants were in agreement of having big meters on Atlantic Avenue with one hour free parking during the daytime. Employees will be eliminated because they will not park for one hour.

Mr. Aronson stated that free parking may be offered from 8:00 am to 4:00 pm and metered parking after 4:00 pm.

Ms. Walden asked if it is economically viable to install meters on Atlantic Avenue from 4:00 pm to midnight with that scenario.

Mr. Marincola feels that people will pay to have free parking for one hour.

C. Comments by Staff

None

There being no further business, Chairperson, Mr. Marincola, declared the meeting adjourned at 7:03 p.m.

Venice Cobb, Executive Assistant/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 November 17, 2011, which minutes were formally approved and adopted by the Board on _____.

Venice Cobb, Executive Assistant/Board Liaison

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