



Item No. 26

# TOWN OF LAUDERDALE-BY-THE-SEA

## ROUNDTABLE ITEM REQUEST FORM

**Town Commission**

Department Submitting Request

**Commissioner Scot Sasser**

Mayor/Commissioner Name

**Meeting Date / Time**

- April 28, 2010 / 7:00 PM
- May 26, 2010 / 7:00 PM
- June 9, 2010 / 7:00 PM
- June 23, 2010 / 7:00 PM

**Deadline w/o Backup**

- April 21, 2010 / Noon
- May 19, 2010 / Noon
- June 2, 2010 / Noon
- June 16, 2010 / Noon

**Deadline w Backup**

- April 19, 2010 / Noon
- May 17, 2010 / Noon
- June 7, 2010 / Noon
- June 14, 2010 / Noon

**ITEM/ITEMS\*:**

Discussion regarding trial valet for downtown businesses. Proposal submitted via letter to all Commissioners from Joseph Brennen, Secretary/Treasurer, Beach Restaurant, Inc. DBA 101 Ocean. Letter attached to this item request form

**ACTION OR OUTCOME EXPECTED:**

**SPECIAL NOTES:**

**\*ITEMS LISTED THAT WOULD BE GOING TO REGULAR COMMISSION AGENDA REQUIRE NEW AGENDA ITEM REQUEST FORM WITH AMPLE TIME TO PRODUCE BACKUP**



Item No. 2-0

# TOWN OF LAUDERDALE-BY-THE-SEA

## ROUNDTABLE ITEM REQUEST FORM

### Town Commission

Department Submitting Request

### Scot Sasser

Mayor/Commissioner Name

<input type="checkbox"/>	<u>Roundtable Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>	<input type="checkbox"/>	<u>Roundtable Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>	<input type="checkbox"/>	<u>Roundtable Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>
<input type="checkbox"/>	**** **, 2010	***** (**** p.m.)	<input type="checkbox"/>	**** **, 2010	***** (**** p.m.)	<input type="checkbox"/>	**** **, 2010	***** (**** p.m.)
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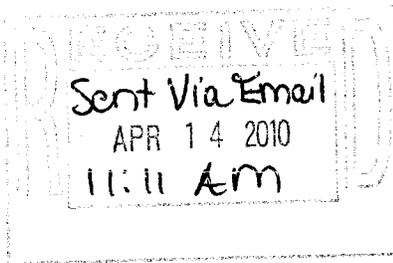
#### ITEM DESCRIPTION:

Discussion regarding trial valet for downtown businesses. Proposal submitted via letter to all Commissioners from Joseph Brennen, Secretary/Treasurer, Beach Restaurants, Inc. DBA 101 Ocean. Letter attached to this item request form.

#### SPECIAL NOTES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town Attorney review required  
 Yes     No



Town Manager's Initials: \_\_\_\_\_

DETRIBUTED  
TOWN COMMISSIONER  
09 APRIL 2010

TO: Town of Lauderdale-by-the-Sea Commissioners  
FROM: 101 Ocean, The Village Grille & Athena-by-the-Sea  
RE: Proposal for a town valet trial at 101 Ocean/Village Grille/Athena  
DATE: Thursday April 8, 2010

**Summary:** 101 Ocean, The Village Grille and Athena-by-the-Sea respectfully ask permission to trial valet parking for a 90-day period starting April 28<sup>th</sup> or 29<sup>th</sup> 2010. Car drop-off and pick-up will take place on El Mar Drive utilizing the existing metered parking spaces directly outside 101 Ocean and The Country Ham and Eggs. Cars will be shuttled a short distance to use parking spaces currently available at the 218-220 Commercial Blvd. The operation will be constantly monitored in order to ensure there is minimal or no negative impact to current traffic flows. The operation will be evaluated after 60-days by the town of Lauderdale by the Sea.

**Valet Operator:** The valet operator will be Demko Parking. The founder of Demko, Janos Demko has been in the business for 11 years and operates valet services for Las Olas Riverhouse, Café Martorano and Levinson's jewelers on Las Olas; they are fully insured and experienced valet operators.

**Valet Hours of Operation:**

Monday: 5:00 -10:00 p.m.  
Tuesday: 5:00 -10:00 p.m.  
Wednesday: 5:00 -10:00 p.m.  
Thursday: 5:00 -10:00 p.m.  
Friday: 5:00 pm -12 a.m.  
Saturday: 5:00 pm -12 a.m.  
Sunday: 5:00 -10:00 p.m

04-09-10P02:14 RCVD

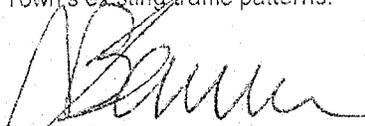
**Cost to Customer:** \$3 for three hours. During the trial period, we will offer free valet parking to any resident with a town parking permit.

**Signage:** A removable sign will be used. The sign will say "Town Valet parking \$3"

**Drop Off:** The service will utilize the two spaces directly outside the Country Ham & Egg. On drop off the cars will head Southbound on El-Mar to Datura, Westbound on Datura directly to the parking lot.

**Pick Up:** On customer pick up, cars head North on A1A and use the alley behind Athena & 101 Ocean back to the two spaces outside Country Ham & Egg.

**Monitoring and Appraisal:** Operations will be monitored daily and changes made as appropriate. It is our intention to offer a quality valet operation at the same time causing little or no disruption to the Town's existing traffic patterns.



Joseph Brennan  
Secretary / Treasurer  
Beach Restaurants Inc DBA 101 Ocean  
(On Behalf of 101 Ocean, The Village Grille & Athena-by-the-Sea)

TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA PROVIDING FOR A PUBLIC HEARING ON A NOTICE OF INTENT CONCERNING PENDING AMENDMENTS TO CHAPTER 30 OF THE CODE OF ORDINANCES

Attorney Trevarthen read Resolution 2009-11 by title.

Mayor Minnet opened the meeting to public comments. With no one wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Commissioner Clotey made a motion to adopt Resolution 2009-11.

Commissioner Silverstone seconded the motion. The motion carried 5-0.

**14. QUASI JUDICIAL PUBLIC HEARINGS**

**15. OLD BUSINESS**

- a. Discussion and/or action on specific location of Adopt-A-Street signage (Mayor Minnet) Tabled at the January 28, 2009 Commission meeting by Vice Mayor McIntee
- b. Discussion and/or action regarding Town sign at Commercial Blvd and A1A (Vice Mayor McIntee) (Tabled at the January 28, 2009 Commission meeting by Vice Mayor McIntee) (Tabled at the February 25, 2009 Commission meeting by Commissioner Dodd)
- c. Discussion and/or action regarding information from Mr. Terri Arthur regarding Green Fest (Requested by Vice Mayor McIntee at the February 10, 2009 Commission meeting) (Tabled at the February 25, 2009 Commission meeting by Vice Mayor McIntee)

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- \* d. Discussion and/or action regarding ~~Valet~~ Parking for 101 Ocean and Village Grill (Vice Mayor McIntee) Tabled at the February 10, 2009 Commission meeting by Commissioner Dodd - Added and Tabled at the February 24, 2009 Commission meeting by Commissioner Dodd

Commissioner Dodd believed the ~~valet~~ parking service would be a valuable addition to the Town.

Mayor Minnet opened the meeting for public participation.

Peggy Mohler submitted pictures that showed traffic backed up on El Mar Drive.

Spiro Marchelos thought ~~valet~~ service was great and wanted his bags back so Athena's Restaurant could do their ~~valet~~ service also.

Guy Contrada paid \$12,000 a year for 14 spots. He said Aruba's did not ask for road closures but are subjected to road closures on Friday and Saturday nights.

Vice Mayor McIntee made a motion to table this item indefinitely. The motion failed for lack of a second.

Louis Marchelos suggested that if cars came into the pier parking lot, went through the back alley, and stopped behind Scotts for drop off and pick up service. He said this would give customers equal distance to all restaurants.

Bill Ciani did not believe that valet parking could happen without backing up traffic.

Mike Abbatt said El Mar Drive was the widest road. He asked only for a chance and stated that if it did not work will he would close the valet service down within 24 hours.

Diane Boutin said there was back up in traffic to some degree when she went to see the Pavilion. She believed valet service should have a chance.

Barbara Cole looked at the situation at night time and in the afternoon and determined that traffic did back up by Aruba Cafe. She thought the Commission should give them the chance.

Dave Gadsby said his and Mr. Abbatt's intention was to ease traffic flow and valet service would get the cars off the roads quicker.

Bob Fleischman avoided going downtown for dinner because it took too long to find a parking spot. He thought they should have a chance.

Peggy Mohler said the pier offered to use their lot for valet. She pointed out that it was not public property and was less than 20 feet away from the restaurants. Ms. Mohler asked the Commission to think about it and wanted to see a traffic study.

Cristi Furth pointed out there was a huge parking lot that sits empty most of the time. She felt that signage was needed to show people where the parking lot was. Ms. Furth felt the Commission should consider the use of the parking lot.

Edmund Malkoon said he drove around one time and if he did not find a parking spot he went elsewhere. He suggested use of the A1A parking lot.

Commissioner Dodd was concerned with a valet scheme at the pier as he thought it would conflict with Aruba's Cafe valet and traffic would back up.

Commissioner Dodd made a motion to approve an initial trial period for 1 month with 24 hour cancellation notice. Commissioner Clotey seconded the motion.

Commissioner Clotey asked Mr. Abbatt why Ocean 101 and the Village Grille did not take up the offer to use the pier parking lot. Mr. Abbatt said it could be a money issue. He added that using the Town parking lots would give additional revenue to the Town.

Commissioner Clotley said she was willing to give them 1 weekend but not a month because too many people objected.

Vice Mayor McIntee reminded everyone that one of the requirements for using the back exit from the pier was the use of the chain to let people out. He added there were a lot of people that used that path to go to the beach. Vice Mayor McIntee believed it would be alright to use for a weekend but wanted to know whether they could lease the parking lots and what the liability would be.

Attorney Trevarthen agreed there were practical issues and she would work with the Town should the Commission decide to go ahead with the concept.

Mr. Abbatt could park off city lots but would rather give the revenue to the Town.

Manager Colon said the Town Attorney and Risk Management needed to be involved and they needed to look at financial issues. She reminded the Commission that this was prime parking and legal documents needed to be in place to safeguard Town assets.

Commissioner Clotley believed that the residents that pay taxes should have the prime parking and valet parking could be done elsewhere in Town.

Commissioner Silverstone suggested the Town put a sign up that pointed to the way to parking for the Entertainment District.

Mayor Minnet spoke about signage for that parking lot before and it was a Department Of Transportation issue. She said she and Commissioner Clotley were working on signage. Mayor Minnet hoped the Commission would take a positive approach to valet service and move forward with it.

Vice Mayor McIntee suggested 101 Ocean use slingers that handed out directions to parking lot.

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- e. Discussion and/or action on the Lauderdale-By-The-Sea Environmental Sustainability Committee (Mayor Minnet)
  - f. Discussion and/or action concerning placing signs directing traffic to the hospitality and business districts on El Mar and Commercial. Can nice unobtrusive signs be placed on medians next to welcome signs, in front of Chamber, and on the pier sign? We need to request help from FDOT but should also consider placing our own signs if possible (Commissioner Clotley) Pulled at the February 24, 2009 Commission meeting by Commissioner Clotley
16. NEW BUSINESS
- a. Discussion and/or action regarding the creation of a Tree Canopy Resolution

# **Staff Review**

**Town Attorney  
Town Engineer  
Development Services**

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**John Olinzock**

**From:** Esther Colon **Sent:** Sat 28-Feb-09 11:58 PM  
**To:** Daniel L. Abbott; Jeff Bowman  
**Cc:** John Olinzock  
**Subject:** RE: Valet Services  
**Attachments:**

Dan and Jeff,

I agree a ordinance is required but I think we need to get Commission direction.

There is mixed emotion on this issue {or at least that what I sensed}.

TY

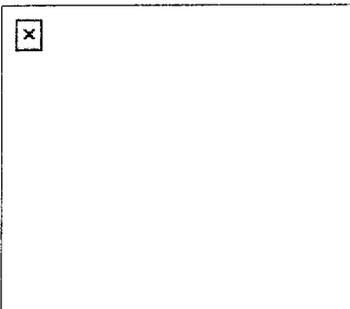
\*\*\*\*\*  
**Esther Colon, Town Manager** **Town of Lauderdale By The Sea** **(954) 776-0576**  
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**From:** Daniel L. Abbott [mailto:DAbbott@wsh-law.com]  
**Sent:** Thu 2/26/2009 1:39 PM  
**To:** Jeff Bowman  
**Cc:** Esther Colon; John Olinzock  
**Subject:** RE: Valet Services

I agree that a valet parking program should be created by ordinance. Do you propose creating a draft one for the Commission to consider?

*ATTACHMENT*



**Daniel L. Abbott, Esq.**  
Partner  
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.  
200 East Broward Blvd., Suite 1900  
Fort Lauderdale, FL 33301  
[www.wsh-law.com](http://www.wsh-law.com)  
Tel: (954) 763-4242  
Fax: (954) 764-7770

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**From:** Jeff Bowman [mailto:jeffb@lauderdalebythesea-fl.gov]  
**Sent:** Thursday, February 26, 2009 1:36 PM  
**To:** Daniel L. Abbott  
**Cc:** Esther Colon; John Olinzock  
**Subject:** Valet Services

Dan,

Agenda item 15B from the January 27, 2009 commission meeting refers to valet parking. This item was tabled and will be on the March 10, 2009 agenda. The item talks about off-site parking for valet parking.

I believe that an ordinance would need to be approved allowing the use (Valet Services) as well.

Jeff Bowman

Development Services Director

Town of Lauderdale By-The-Sea

4501 Ocean Dr.

Lauderdale By-The-Sea, FL. 33308

954-776-3611

954-776-3431

jeffb@lauderdalebythesea-fl.gov

VACET

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INTEROFFICE MEMORANDUM

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TO: ESTHER COLON, TOWN MANAGER  
VIA: JOHN OLINZOCK, ASSISTANT TOWN MANAGER *JO*  
FROM: JEFF BOWMAN, DIRECTOR DEVELOPMENT SERVICES *J*  
SUBJECT: CHAPTER 12-25 CODE REVISION  
DATE: 2/5/2009

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Attached is a proposed code revision. The purpose of this revision is to allow the operation of and provide restrictions and limitations to the following business operations.

~~Strict through~~ = Deleted

Underlined = Added

DRAFT

**Sec. 12-25. Valet Regulations; limitations.**

(a) It shall be unlawful for any person or company to provide, on a continuing basis, a parking service which uses public right-of-way, public or private parking spaces either for pick-up, delivery or storage of automobiles without first obtaining a business tax receipt pursuant to the regulations herein. Any vehicles parked on private property without the property owner's written authorization will be cited.

(b) A business tax receipt may be obtained for the operation of valet parking services at any Town licensed hotel, motel or restaurant.

(c) Valet parking spaces cannot substitute for or be counted as off-street parking spaces as required by the zoning code or other applicable city codes.

(d) Applications shall be made by the owner of the business for which valet parking services are to be provided or by that valet parking company providing the service. The application shall be submitted to the Development Services Department on forms provided by the department. Traffic plan must be submitted with original application detailing route to be followed between the pick up and delivery zones and the storage area.

(e) If off-site parking spaces are located in a private parking facility a written agreement shall be submitted authorizing the use of the parking spaces from the property owner and must be submitted with the application.

(f) The Development Services Director or his designee may inspect the operation of any valet parking service and may issue warnings to the establishment that the service is in violation of the regulations contained herein or is in violation of other provisions of the zoning code. Failure to correct violations may result in the suspension or termination of a valet parking service permit. The Town Commission shall have the authority to review or modify a previously approved traffic plan if there is evidence that the operation is causing a hardship in the vicinity.

(g) The business tax receipt shall be renewed annual and shall expire on the 30<sup>th</sup> day of September of each year. The annual fee shall be \$50.00

(h) Enforcement.

(1) The Town code enforcement board shall have jurisdiction to hear and decide cases in which violations of this chapter are alleged; or

(2) The Town may enforce the provision of this Code by supplemental code or ordinance enforcement procedures as provided by F.S. ch. 162, pt. 2; or

(3) The Town may prosecute violations by issuance of notices to appear for violation of a Town ordinance, in which case, the penalty for a violation shall be as follows:

a. First violation . . . \$100.00

DRAFT

- b. Second violation within 12 months of adjudication of first violation . . . 150.00
- c. Third violation within 18 months of adjudication of first violation . . . 250.00

Each day on which a violation exists shall constitute a separate violation for the purpose of determining the fine; or

- d. The Town Attorney, with authorization from the Town Commission, may bring suit on behalf of the Town to enjoin any violation of this section.



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## TOWN OF LAUDERDALE-BY-THE-SEA

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4501 OCEAN DRIVE • LAUDERDALE-BY-THE-SEA, FL 33308  
TELEPHONE (954) 776-0576 • FAX (954) 776-0578

24 Sep 2007

Mr. William Grady  
Director of Operations  
Beach Restaurants, Inc.  
101 E. Commercial Blvd.  
Lauderdale By-The-Sea, FL 33308

Re: 101 Ocean  
Request for Establishment of Valet Service

Dear Mr. Grady,

I am in receipt of your letter of request dated September 11, 2007, that was given to the Town Commission at that evening's regular Town Commission meeting. In order for this request to be placed on a future Town Commission agenda, it will be necessary for you to comply with the items discussed at the May 30, 2007 meeting held in the Development Services offices, and the items addressed in the correspondence from the Town Engineer.

Please contact my office should you need additional information or have any questions.

Sincerely,

John E. Olinzock  
Assistant to the Town Manager

Cc: James H. Barton PE, Town Engineer  
Frank Rabinowitz, Development Services  
Joe Brennan, Beach Restaurants, Inc.  
Mayor and Town Commissioners

attachments

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# 101 Ocean

September 11th, 2007

Dear Commissioners,

We at 101 Ocean believe the addition of valet parking at Lauderdale by the Sea (LBTS) would be a great asset for all local business. In personal conversations with, Commissioners, Chamber Members, Shop Owners and Managers, Valet is a perfect fit for the new direction of 101 Ocean and the Town of LBTS.

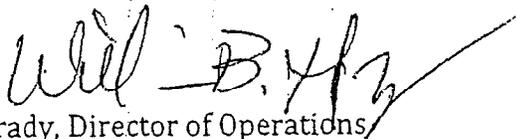
As the demographics of this quaint beach town change, the businesses and the Town's development should move in the same direction. As LBTS grows with million dollar condos, new hotels and new businesses (ie. Kilwin's), Valet would help with this growth. It has been brought to 101 Ocean and The Village Grille that the Town of Lauderdale by the Sea may be interested in providing parking that will not only suit patrons of LBTS but help subsidize parking losses by LBTS. Once we at 101 Ocean reopen after our expansive renovation, this corner of El Mar and Commercial Blvd, will offer a step up in food and community service.

Valet Parking is a great feature to draw many people to our area. Valet parking will be controlled and insured by a professional Valet company. We have contacted several professional Valet companies who have shown great interest in providing an alternative parking situation for all residents and visitors to our community. The parking locations can be provided by the City or parking areas that have been offered by other means.

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We request to be placed on the agenda for the 25<sup>th</sup> of September Town meeting. We look forward to working with you in the future. Thank you for your time.

Sincerely,



William Grady, Director of Operations  
Team 101

---

**101 Ocean**  
Dressed Up Food, Dressed Down Fun

101 E. Commercial Blvd  
Lauderdale-by-the-Sea  
Florida, 33308

PHONE (954) 776-8101  
E-MAIL [team101@101oceanlbts.com](mailto:team101@101oceanlbts.com)  
WEB SITE <http://www.101oceanlbts.com>

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**John Olinzock**

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**From:** James H. Barton [jbarton@chenandassociates.com]  
**Sent:** Tuesday, June 12, 2007 12:40 PM  
**To:** Jim Bell  
**Cc:** joe@battfl.com; [REDACTED] Peter Moore  
**Subject:** RE: Notes from Valet Parking Meeting

Jim,

Please find my DRAFT comments on Valet parking.

From an engineering standpoint, the City Engineer is not opposed to the idea of using public right of way as a valet stand as long as any negative impacts are mitigated. Politically, I have no opinion. The things we would like to review in order to agree to the proposal.

Survey information extending further down El Mar Drive to see what entrances and other features may be affected.

A traffic flow plan indicating how many cars will be waiting in the right of way and where they will wait. This can be pylons set up each night and signs indicating where people are to wait and proceed. No entrances to the alleys or other driveways can be blocked. The Valet agreement should be written such that there will be sufficient staff on hand to keep the number of cars to equal or less than the plan indicates. In no way shall vehicles adversely block lanes.

A vehicle routing plan showing where the parking lots to be used are, plus the routes used to get cars to and from the lots. Each lot suggested shall have backup documentation indicating what required parking is there and how many additional spots are available. Valet parking can not use required parking for off-site lots.

The existing parking spots should be striped and designated to the restaurant. In no way will a car parked there legally during the day be towed if the car owner forgets to move it when Valet starts up at 5pm. Valet parking at those lots must be designated. The restaurant should compensate the Town for the cost of parking in those spots.

Please send me any comments or revisions.

Best regards  
James

---

**From:** Joe Brennan [mailto:joe@battfl.com]  
**Sent:** Thursday, June 07, 2007 9:41 AM  
**To:** James H. Barton  
**Subject:** FW: Notes from Valet Parking Meeting  
**Importance:** High

James,

My notes from the meeting as discussed. Please let me have a complete list of the steps Mulligan's needs to take in order to get valet parking.

Time is of the essence for us on this so your help is much appreciated.

6/12/2007

Regards

Joe Brennan  
954-610-7619  
joe@battfl.com

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**From:** Joe Brennan [mailto:joe@battfl.com]  
**Sent:** Thursday, May 31, 2007 10:18 AM  
**To:** 'MBattTTTT@aol.com'; 'lbts@battfl.com'  
**Subject:** Notes from Valet Parking Meeting

All,

These are the bullet points from the meeting with the City Engineer (James Barton 954-914-8488) and Jim Bell (Development Services) Bill Grady & Myself.

The following main points were made:

- 1) Negative Impact – City engineer will look at flow of traffic from the proposed valet area and what negative impact it may or may not have on the area.
- 2) Parking of cars – Mulligan's need to specify where cars will be parked and route they will take. The parking at El Prada is not available as it is going to be turned into a park (not for 18-24 mths) but the city will not enter into an annual lease.
- 3) Agreement – The city will not allow generalized valet parking for the city. It must be company specific to Mulligan's. This means the contract with the valet company would have to be direct to Mulligan's and all branding would have to be exclusive to Mulligan's.
- 4) Engineer drawings – Mulligan's must provide drawings to show that there would not be any back up of traffic that could potentially block the entrance to the city owned car park next door to Ham & Eggs. The drawing can also cover point 2 above.
- 5) City Preference – The City would prefer that we remove the two meters (and we asked if that could include the bike rack) and stripe paint the road stating it is valet only. Obviously the City would have to be compensated for loss of revenue. 2 meters at 24 hours per day is \$48 = \$8700 PA.
- 6) Assigned Parking – We cannot enter into agreements with other establishments to use their assigned parking. For instance, we cannot use a hotels parking spaces regardless if they are empty or not as they are assigned based on number of rooms etc.
- 7) City Lawyer – All of the above needs to be put in front of the city's lawyer to ensure that it will not be an issue that other businesses are not being deprived of the same opportunity as us.
- 8) To do list – City Engineer is going to provide us with a complete list of all paperwork, drawings and steps to be taken that we need to complete in order for consideration by early next week.
- 9) City Commission – Mulligan's will have to make a full presentation to the city commission at the July planning and zoning meeting.
- 10) Permit – Should the project get the go ahead, we will eventually need a engineers permit.

That's about covers the meeting. They did make it clear that they were not agreeing or disagreeing with the

6/12/2007

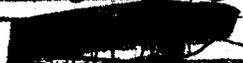
project at this point in any shape or form. The lawyer and city commissioners will basically have the final say on the matter.

Please do not hesitate to contact me should you have any further questions.

Thanks

Joe Brennan  
954-610-7619

6/12/2007

~~22 JAN 09~~ ~~10 FEB 09~~  
~~MEETING~~  


**John Olinzock**

**From:** Peggy2804@aol.com [Peggy2804@aol.com] **Sent:** Fri 23-Jan-09 5:20 PM  
**To:** Roseann Minnet External  
**Cc:** Stuart Dodd External; Birute Ann Clotney; biruteannclotney@lauderdalebythesea-flgov; Jerry McIntee External; mbatt@tagtrvl.com; contact@hamiltonsvaletservices.com; Gadsbythesea@gmail.com; GYZ104@aol.com; esther@lauderdalebythesea-fl.gov; Esther Colon; John Olinzock; Jefflbt@bellsouth.net; lbtsofinzock@bellsouth.net  
**Subject:** Jan 27 Meeting  
**Attachments:**

153  
 10 FEB 09

Dear Mayor and Town Commissioners,

The purpose of this note is to offer our support for Oceans 101. There are concerns we have and feel need to be addressed due to the possible adverse effect on our business this would cause if passed without input from the surrounding businesses. We feel an issue would arise if placement of this service is allowed on the streets that are presently closed due to the scheduled events taking place on Fridays and Saturdays along with the traffic.

We would like to take part in the discussions as we are stakeholders with much to offer in the way of knowing the area. A round table discussion is also something we would be greatly interested in. In our initial opinion, we feel the town's parking lot adjacent to the Ham and Eggs would be a good location for this service to be based. Cars can pull in and be picked up without backing up traffic, along with the Valet key Board and shelter for the valet which is required by law to obtain insurance. We must have a firm and well done game plan before it is voted on. We request the commissioners to have a round table style work shop with all of the business it will impact before it is voted on.

Thank you

Peggy Mohler  
 Guy Contrada  
 CC. Dave Gadsby  
 Mike Bates  
 Hamilton Souza  
 Ham and Eggs

\*\*\*\*\*  
 From Wall Street to Main Street and everywhere in between, stay up-to-date with the latest news. (<http://aol.com?ncid=emlcntaolcom00000023>)



Item No. 15d

# TOWN OF LAUDERDALE-BY-THE-SEA

## AGENDA ITEM REQUEST FORM

*Van Jerry M. L.*  
Dept Head's Signature

Department Submitting Request

Commission Meeting Dates	Last date to turn in to Town Clerk's Office	Commission Meeting Dates	Last date to turn in to Town Clerk's Office	Commission Meeting Dates	Last date to turn in to Town Clerk's Office
<input type="checkbox"/> Oct 14, 2008	Oct 3 (5:00 p.m.)	<input type="checkbox"/> Dec 16, 2008**	Dec 5 (5:00 p.m.)	<input type="checkbox"/> Feb 24, 2009	Feb 13 (5:00 p.m.)
<input type="checkbox"/> Oct 28, 2008	Oct 17 (5:00 p.m.)	<input checked="" type="checkbox"/> Jan 13, 2009	Jan 2 (5:00 p.m.)	<input checked="" type="checkbox"/> Mar 10, 2009	Feb 27 (5:00 p.m.)
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\* Meeting changed due to Holiday

\*\*Meetings Combined due to Holiday

### NATURE OF AGENDA ITEM

- Presentation
- Report
- Consent Agenda
- Bids
- Resolution
- Ordinance
- Public Hearing
- Old Business
- New Business
- Manager's Report
- Attorney's Report
- Other

### EXPLANATION

STAFF RECOMMENDATION: N/A

DISCUSSION & ACTION

BOARD/COMMITTEE RECOMMENDATION: N/A

VALUOS PARKING FOR 101- AND VILLAGO GALLE

FISCAL IMPACT AND APPROPRIATION OF FUNDS: N/A

- Amount \$ \_\_\_\_\_
- Transfer of funds required
- Bid
- Acct # \_\_\_\_\_
- From Acct # \_\_\_\_\_
- Grant
- Amount represents matching funds

TABLED AT THE JANUARY 28, 2009 COMMISSION Mtg BY Vice Mayor McINTEE TO FEB 10, 2009

TABLED AT THE FEBRUARY 10, 2009 Meeting BY COMMISSIONER DODD TO FEBRUARY 24, 2009

Town Attorney review required  
 Yes |  No

Town Manager's Initials: CL

TABLED AT THE FEBRUARY 24, 2009 MEETING BY COMMISSIONER DODD TO MARCH 10, 2009

## **DRAFT MINUTES FROM THE FEBRUARY 24, 2009 COMMISSION MEETING REGARDING VALET PARKING**

Mayor Minnet explained there were some changes to the agenda. She verified that everyone had received the memorandum regarding draft Ordinances 2009-06 and 2009-03 have been updated. There was the Valet Parking item that was added as Old Business item 15d.

Mayor Minnet explained there were some changes to the agenda.

She verified that everyone on the Commission received the memorandum regarding the draft Ordinances 2009-06 and 2009-03. Mayor Minnet added the Valet Parking item as Old Business item 15d.

Commissioner Dodd proposed a motion to table to the March 10, 2009 Commission meeting. Mayor Minnet wanted to wait to table until the item came up for consideration. Commissioner Silverstone seconded the motion. Mayor Minnet asked Attorney Abbott what the options were. Attorney Abbott said if she recognized the motion it could be tabled. Mayor Minnet wanted to go through the items first and would entertain the motion afterwards. Commissioner Dodd withdrew his motion. Commissioner Silverstone withdrew his second.

Commissioner Clotney pulled New Business item 16b to be placed on March 10th agenda. There were no objections.

Mayor Minnet stated that Manager Colon had requested that once the Commercial Boulevard Pavilion change order was considered that it was placed under consent agenda as item 12f. There were no objections.

\* Mayor Minnet entertained the motion to table Old Business item 15d Valet Parking by Commissioner Dodd and seconded by Commissioner Silverstone. Commissioner Dodd wished to table this item to the March 10, 2009 Commission meeting as the business owners were attending the "Taste of the Beach" event. All voted in favor.

**DRAFT MINUTES FROM THE FEBRUARY 10, 2009 COMMISSON MEETING – OLD BUSINESS ITEM 15B.**

Sunday till 10:00 p.m.

Vice Mayor McIntee ask whether Mr. Batt would be happy with 30 days. Mr. Batt said he would.

Vice Mayor McIntee suggested the business sit down with their own roundtable and work things out. Mr. Batt requested the Commission make a decision and if they did not like the way it was going he would cancel it in one day.

Commissioner Dodd asked for clarification on the 7 spaces on El Mar. Mr. Batt said he as requesting 5 spaces within the car park on El Mar and 2 outside the Ham and Egg. Commissioner Dodd asked if these spaces were currently used by Aruba Beach Cafe valet.

Peggy Mohler said that valet had nothing to do with Aruba. She said there were many issues. Ms. Mohler urged the Commission to think as there was a public safety issue and traffic issues.

Commissioner Dodd suggested the businesses do a roundtable meeting and come back to the Commission in 2 weeks. He proposed a motion to that effect and withdrew his request to table to allow more discussion.

Commissioner Clotey invited Diane Boutin, Paul Novak and Marc Furth to offer their comments. Ms. Boutin had not had time to review and therefore could not say whether she was in favor or not or whether it would affect her business. Paul Novak did not believe it would work. He thought traffic would jam up. William Ciani believed that the retailers would not be inclined to give up 7 spaces for that many hours. He was not in favor of tying up traffic and blocking two ends of the street. Marc Furth wanted to participate in the roundtable.

Manager Colon believed there was a code issue, a liability issue, safety and engineering issues, and pointed out that the current parking the Town had was on private property.

Commissioner Silverstone suggested the Dave Gadsby and Mike Batt get together with the other business owners, and with Town for code issues, and work things out. He believed more work was needed and believed it would work with the right motivation.

Mayor Minnet believed there were a lot of issues that needed to be looked and looked forward to a proposal in the future.

\* Commissioner Dodd made a motion to table to the February 24, 2009 Commission meeting. Commissioner Silverstone seconded the meeting. All voted in favor.



Item No. **156**

# TOWN OF LAUDERDALE-BY-THE-SEA

## AGENDA ITEM REQUEST FORM

*VM Jerry McLee*  
Dept Head's Signature

Department Submitting Request

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\* Meeting changed due to Holiday

\*\*Meetings Combined due to Holiday

### NATURE OF AGENDA ITEM

- Presentation
- Report
- Consent Agenda
- Bids
- Resolution
- Ordinance
- Public Hearing
- Old Business
- New Business
- Manager's Report
- Attorney's Report
- Other

### EXPLANATION

STAFF RECOMMENDATION: N/A

DISCUSSION & ACTION

VALETS PARKING

BOARD/COMMITTEE RECOMMENDATION: N/A

FOR 101 - AND VILLAGE GALL

FISCAL IMPACT AND APPROPRIATION OF FUNDS: N/A

- Amount \$ \_\_\_\_\_
- Transfer of funds required
- Bid
- Acct # \_\_\_\_\_
- From Acct # \_\_\_\_\_
- Grant
- Amount represents matching funds

TABLED AT THE JANUARY 28, 2009 COMMISSION Mtg  
By Vice Mayor McINTEE to FEB 10, 2009

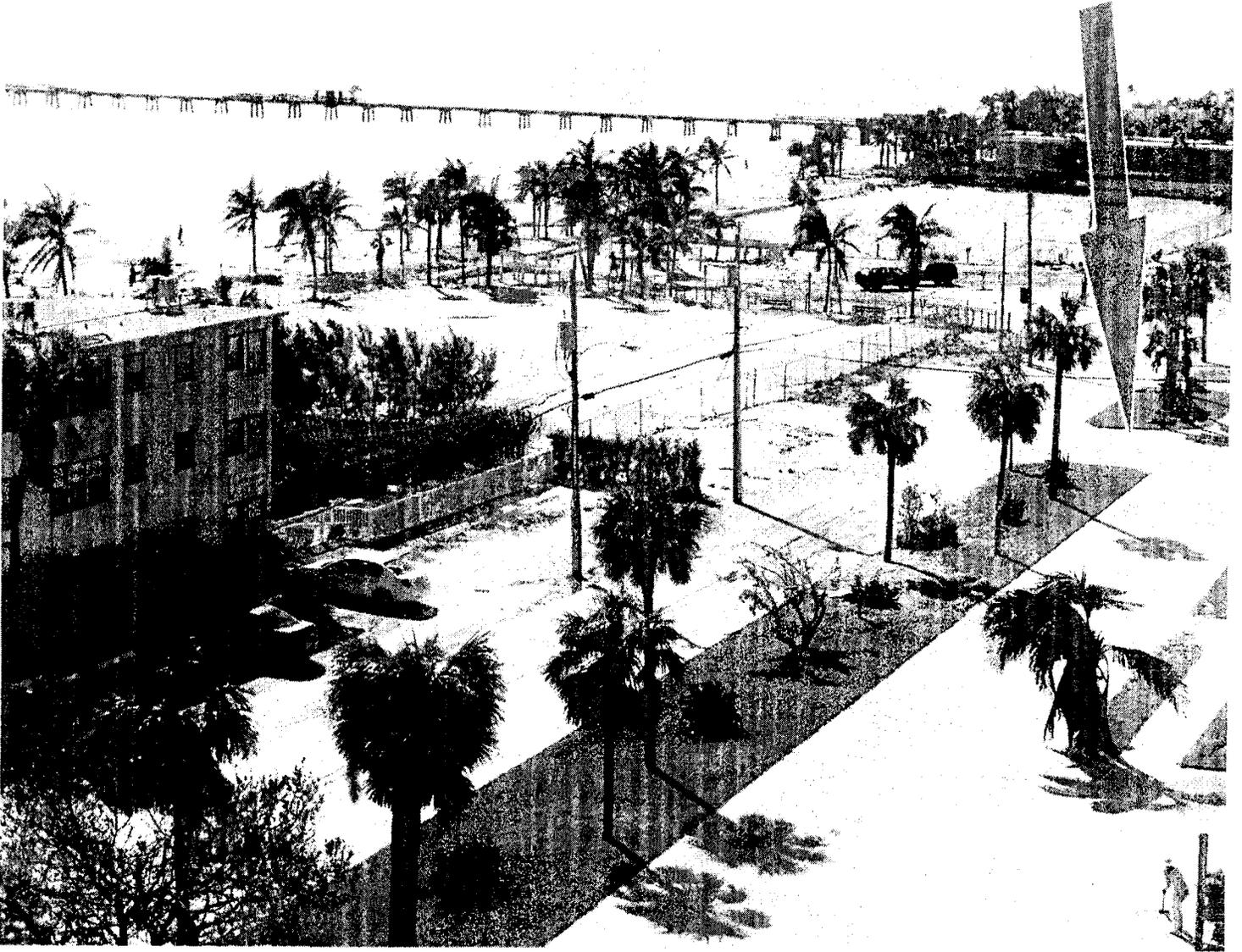
TABLED AT THE FEBRUARY 10, 2009 Meeting By  
COMMISSIONER DODD TO FEBRUARY 24, 2009

Town Attorney review required

Yes | No

Town Manager's Initials: *Q*

This cut in the median existed before Minto replaced it with a solid concrete median. Minto wants to reinstate this cut in the median so their construction traffic can access their site without disturbing neighboring properties. Minto agrees this would be reinstated with Commission approval. Another benefit will be for the July 4th street closures.



*Copy To: June*

*Distributed 2/25/09*

Feb 25<sup>th</sup> 2009

Dear Town Mgr

Can you please give to each Mayor/ Commissioner and add it to the valet  
Information.

Thank you

Guy Contrada

Peggy Mohler

Aruba Beach Cafe

Feb. 25<sup>th</sup>, 2009

To Town Staff and Mayor and Commissioners:

As per the minutes of the meeting conducted on Feb. 17<sup>th</sup>, 2009 concerning the valet parking issue are not correctly recorded. Mr. Brennan failed to record all of the property owners who spoke and what they had to say.

The following property owners and residents who spoke out on this issue were not in the minutes. Paul Novak, "Peanut" Wick, The Trents, the owners of Ocean Riviera, Mark Furth, MaryAnn Warsaw, Guy Contrada, and Frank Scarpace all spoke out against the valet to be located at the busy circle. Comments by Dave Gatsby also stated that the location proposed probably would simply not work. Mike Batts even admitted being selfish by thinking of Ocean 101's concerns rather than looking at the big picture of the town. We were all there to try to come up with a plan that will work for everyone in the Lauderdale -by- the -Sea area. Peggy Mohler added that a parking garage would be a viable long term capital improvement solution. There are companies that would build the garage *and* run it until revenue from the Town was able to pay for it. She also stated that for an immediate short term fix that using the Pier lot for valet parking for 101 Ocean (located 20 yards from their door) would work. Why would the idea of a business making a profit from existing public spots that render income for the Town even be considered? How could we charge a customer \$10.00 for a spot for two hours that would now cost them only \$3.00 presently and on top of that lose badly needed revenue for the Town?? The idea of having only two cars for drop offs and pick ups is preposterous: Traffic would be worse than ever - it would back up El Mar Dr. for sure. As far as the bags over the meters- either put bags on ALL meters to benefit ALL retailers and restaurants in the area or none at all- equality for all sound familiar? We presently pay for 14 spots that we have no access to. Before we start giving spots away why not let those who already pay for them access and be able to use them??

The discussions at the round table meeting held on Feb. 17<sup>th</sup>, 2009 went on and on but no agreement was reached by all who attended. Some of those in attendance were: Guy Contrada, Peggy Mohler, Paul Novack and his son, Frank Scarpace, David Gatsby, "Lucky" and Steve Ray from the Village Grille, Mr. and Mrs. Trent, Ocean Riviera, Christie Furth, Mark Furth, "Peanut" Wick, Athena's, MaryAnn Warlaw, Mike Batts, Jason and Joe from Ocean 101, and several others that at the moment that I don't recall.

We *all* hope that our voices and ideas were heard and considered. We would all like to work *together* to solve this problem with a short *and* long term solution so that tourists and residents can easily enter and exit our community with no problems.

Thank you

Peggy Mohler and Guy Contrada

Town of Lauderdale-By-The-Sea  
4501 Ocean Drive  
Lauderdale-By-The-Sea, Florida 33308-3610

*Handwritten notes:*  
2/23/09  
To: Esther  
From: June  
Re: Valet Parking

# Memorandum

**To:** Esther Colon, Town Manager  
**From:** June White, Town Clerk *ajw*  
**Date:** 2/23/2009  
**Re:** Valet Parking

---

Attached are the documents that were on the February 10, 2009 Commission agenda.

In addition, I have attached documents that were handed out at the February 17, 2009 business valet parking meeting and the minutes of that meeting which was submitted to me today.

The business meeting was held after the agenda deadline date and after distribution of the draft agenda and therefore not placed on this agenda.

This item was tabled at the February 10, 2009 Commission meeting by Commissioner Dodd to the February 24, 2009 Commission meeting.

Thank you.

To Whom It May Concern:

**RE: Valet Parking - 101 Ocean & Village Grille**

Following the Commissioners Meeting on Tuesday 10<sup>th</sup> February 2009, it was agreed that a round table discussion would be held to discuss Town Valet Parking.

The meeting will be held on Tuesday 17<sup>th</sup> February 2009 at 5pm at the 2<sup>nd</sup> floor of The Public Safety Building (next to Town Hall)

Anyone interested in the discussion is welcome to attend.

Please see attached proposal for Town Valet Parking on behalf of 101 Ocean & The Village Grille restaurants.

A Town of Lauderdale-by-the-Sea Commissioner will be in attendance.

Thanking you in advance.

101 Ocean & Village Grille

**MINUTES FROM THE ROUND TABLE  
DISCUSSION ON VALET PARKING**

Minutes from Round Table Discussion on Valet Parking  
Church Hall  
Tuesday 17<sup>th</sup> February 2009

PLEASE NOTE: These minutes represent my interpretation of the discussion. I have not distributed these minutes to the attendees for their sign off.

Meeting opened at 5.05pm

Commissioners Clotey & Dodd left the meeting stating it would invalidate their vote on the subject.

Comments and Introduction from Mike Batt (101 Ocean)

- Stated he had no intention of selling 101 Ocean with or without valet parking
- Reiterated that he did not want valet parking in order to sell the business
- Noted that 101 Ocean now attracted a different type of customer to the old Mulligan's - more consistent with today's Lauderdale by the Sea
- Stated that he and Dave Gadsby wanted valet parking in order to make things easier for customers and take vehicles circling around the town and therefore reduce congestion and make parking in the town easier overall.
- Stated that the valet company were fully licensed, insured and experienced
- Stated that we cannot be certain that traffic will be eased by valet parking and we will not know until we try. We are asking for a trial period only
- Stated that he did not want to do anything that would hurt the town but just wants to increase business in the town overall

Comments from Dave Gadsby (Village Grille)

- Stated that valet parking for the town will help all businesses'
- Valet company have said they believe traffic flow will be eased
- Stated that if traffic problems were worse, 101 & VG would cease the valet operation
- Stated that Mike and he were not in the valet business and did not want to be, which is why they hired Demko

Discussion:

- Bill Ciani stated that he did not want meters bagged on El-Mar
- Mike Batt stated that only two spaces are required on El-Mar for pick up/drop off
- Christie Firth stated that she does not believe the town has a parking problem. She also stated that traffic congestion could increase as not everyone will want to spend \$10 on parking. Further, Christie believes that the town needs better signage to parking and attractions.
- Mike Batt responded – Customer convenience will always come first and again, we don't know the outcome of more or less congestion until we try. A trial is all that is being asked for.
- Spiro/Louis (Athena) stated that they are in agreement for valet parking as they believe it will help the town. However, Louis stated that he did not think it would work on El-Mar and the Pier would be a better location.
- Mike Batt responded by showing large photographs of El-Mar and the width of the road being more than enough to accommodate a lane of traffic and a lane of cars waiting to be parked.

- Peggy (Aruba) stated that she was not against Valet parking however she is concerned about added congestion and she doesn't think downtown is the ideal location. There may be better options particularly at the Pier.
- Peggy (Aruba) then handed out her own proposal of ideas/solutions to parking. Peggy provided a separate document with a number of very good ideas for the town including the possibility of a 3 story car park built close to down town. Another idea was to provide officers to direct traffic at the traffic light on Commercial during peak periods paid for by the restaurants. Mike Batt agreed it was a very good idea but declined to support it financially without the ability to offer Valet Parking. Peggy then stated that she would pay for Police detail on the weekend if it was allowed.
- Spiro/Louis (Athena) stated that in order to solve the problems of valet, use the pier lot.
- Mike Batt responded by stating that 101 and Village Grille customers already use the pier lot.

Meeting adjourned at 6.32pm

Joe Brennan  
Treasurer / Secretary  
Beach Restaurants Inc. DBA 101 Ocean

**HANDOUT  
AT THE ROUND TABLE  
DISCUSSION ON VALET PARKING**

---

Ideas for Traffic Solutions as well as  
Parking Solutions for the  
Lauderdale-by-the-Sea area

---

## Ideas: Traffic and Parking Issues

1) **Traffic Officers- On Friday, Saturday and Sunday Days and Nights:**

We would need three officers to direct traffic: one in the circle and two on Commercial Blvd. and A1A. To be paid for by Aruba, Village Grille, Village Pump, Ocean 101, and the Pier at the rate of \$315.00 each per week. An officer would need to be on duty from 11.00am to 11.00pm at each location.

2) **Light at Commercial and A1A:** Changing the light at commercial going west to stay green longer would allow traffic to move out of the area more efficiently.

3) **Parking Signs:** From Commercial Blvd. to the new lots and also a sign on A1A. We also desperately need a change machine to provide people with quarters so they may take advantage of the limited street parking.

4) **Direct Traffic Flow:** Backed up traffic at the Commercial Blvd. light is a big issue. Perhaps detouring some of the traffic south on El Mar to the intersection of Datura and A1A would help resolve some of the problems. Anyone then heading south could use the traffic light at that location (by 7-11) to get back onto A1A.

5) **Construction:** Get the median cut down in the circle so it is back to letting two vehicles go past side by side. Construction vehicles should not be allowed to park in the street.

6) **Help the Businesses:** The Village Grille, Village Pump, and Ocean 101 would be able to have a sign outside and/or a footnote on their menus explaining the following temporary solution; directing their patrons to park in the Pier lot. The pier parking lot has just been approved by the Town for an exit (from the alley) on the south side of their existing lot. By allowing traffic to exit from there it would alleviate some of the congestion in the circle. The Town may also want to become involved by distributing parking information to Aruba, The Village Grill, Oceans 101, Ham and Eggs, Athena's, ect. to hand out. This would certainly have an impact on the "flow" of things in this wonderful place we share! Let's educate all patrons that come to our community.

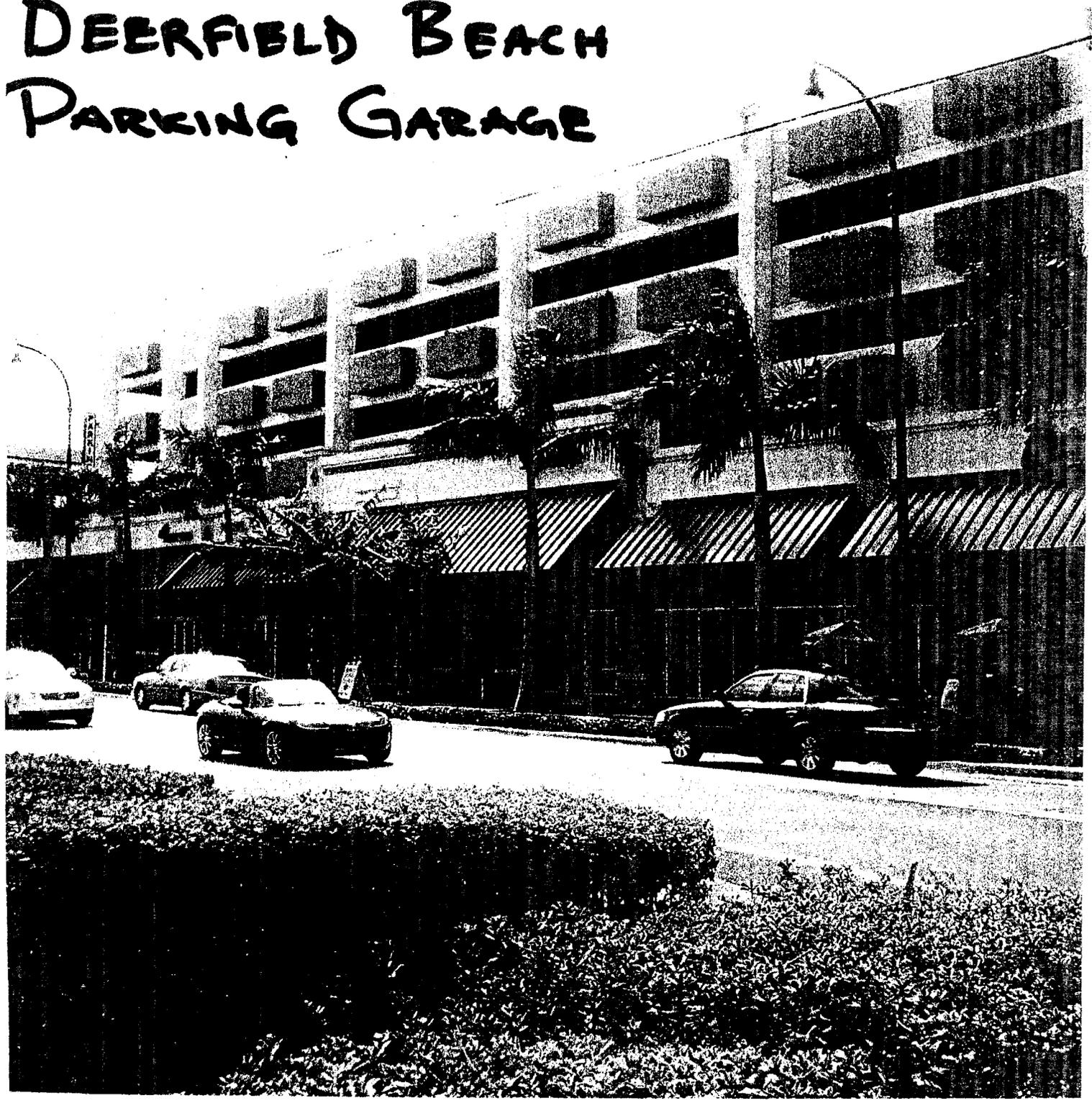
7) **Capital Improvement plan** With the Town- (see photos of the parking garage at Deerfield Beach) in the town of Deerfield Beach, 5 blocks away from the beach.

Presentation prepared by Guy Contrada and Peggy Mohler and Frank Scarpace of Aruba Beach Cafe

Capital Improvement Project  
(with or without retail shops)

Let's fix the Traffic and Parking  
Issues with a firm Capital  
Improvement Plan

# DEERFIELD BEACH PARKING GARAGE







Deerfield Beach Garage  
123 N.E. 20th. Ave  
Deerfield Beach FL.

Fee Computer Number: 2  
Cashier: MARY PAT ID #444  
Transaction Number: 215020  
Entered: 02/16/09 13:11  
Exited: 02/16/09 13:48  
Ticket #27718 Dispenser #1  
Rate: Special Event  
Total Fee: \$3.00  
Cash: \$10.00  
Change: \$7.00

Thank you for choosing  
USA Parking  
Have a nice day

Retail Shops  
1st Floor

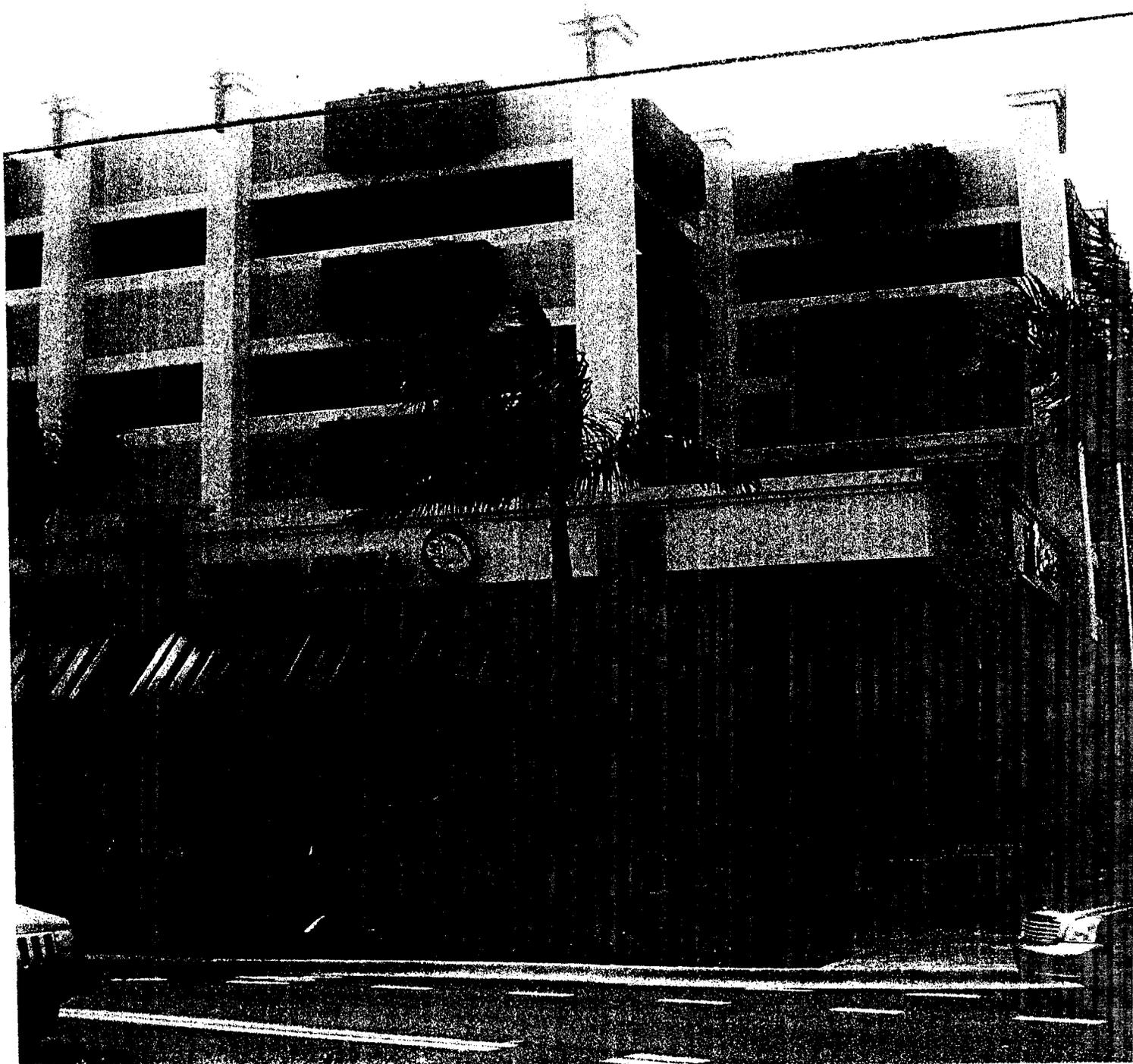
Bar

ROOM

SPORTS GRILL



MOR



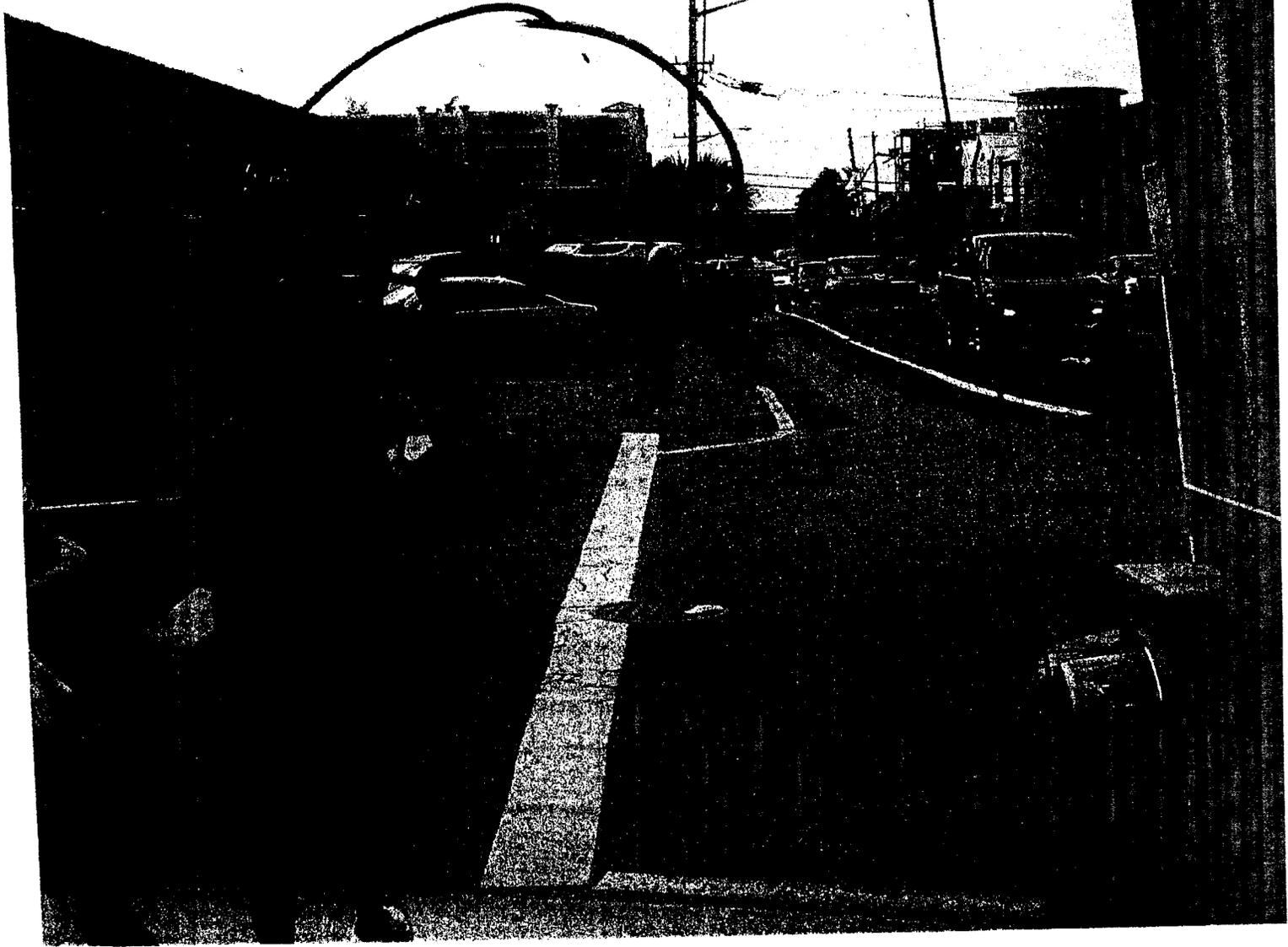
5 BLOCKS FROM THE BEACH

5 Blocks From Beach

Home Store

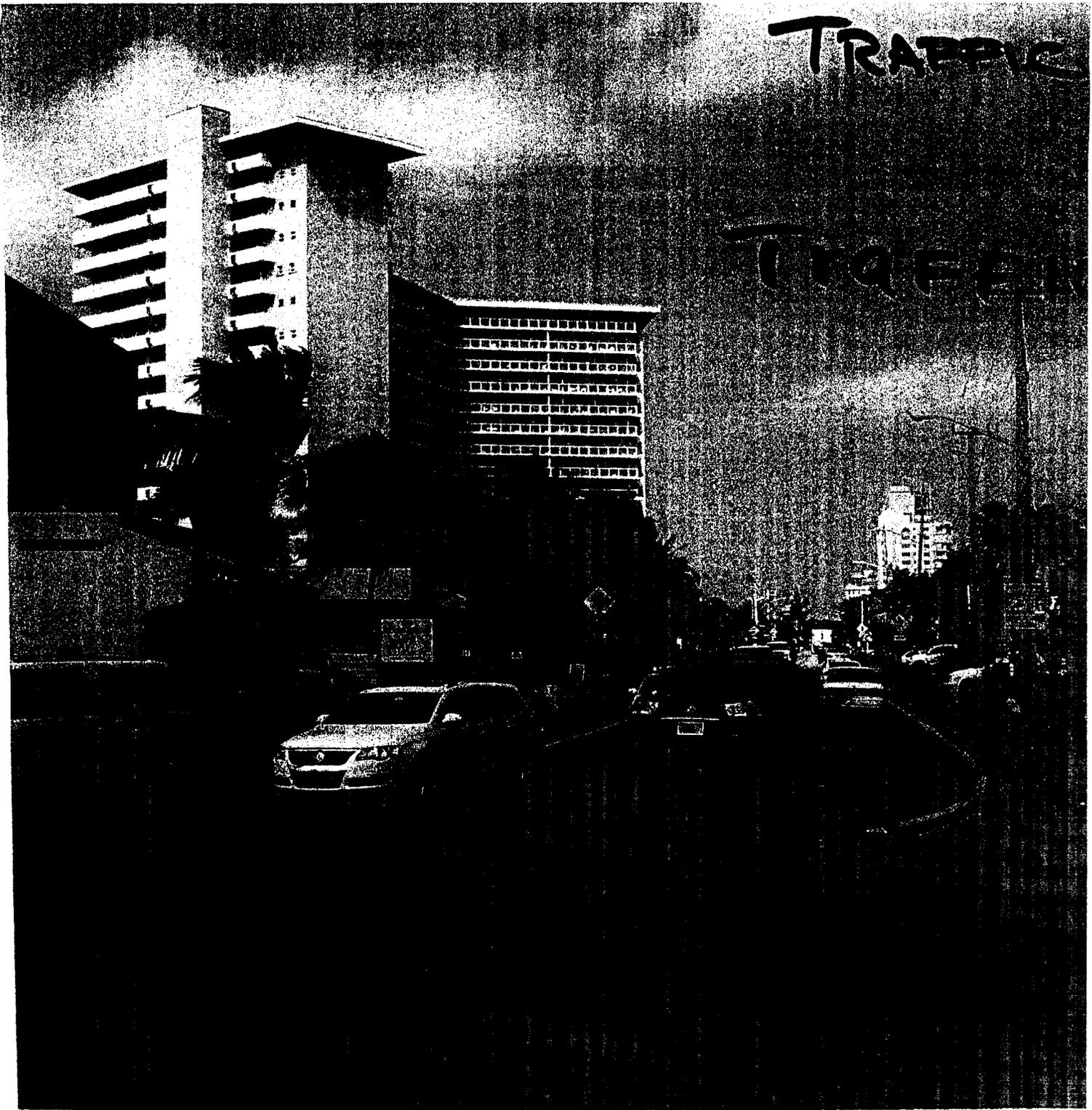


GARAGE FROM T



TRAFFIC

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**DOCUMENTS FROM THE FEBRUARY 10, 2009  
COMMISSION MEETING REGARDING  
VALET PARKING**



# TOWN OF LAUDERDALE-BY-THE-SEA

## AGENDA ITEM REQUEST FORM

*Van Jerry McLe*  
Dept Head's Signature

Department Submitting Request

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- Report
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- Bids
- Resolution
- Ordinance
- Public Hearing
- Old Business
- New Business
- Manager's Report
- Attorney's Report
- Other

### EXPLANATION

STAFF RECOMMENDATION: N/A

*DISCUSSION & ACTION*

BOARD/COMMITTEE RECOMMENDATION: N/A

*VALLOT PARKING FOR 101 - AND VILLAGE GRILL*

FISCAL IMPACT AND APPROPRIATION OF FUNDS: N/A

- Amount \$ \_\_\_\_\_
- Transfer of funds required
- Bid
- Acct # \_\_\_\_\_
- From Acct # \_\_\_\_\_
- Grant
- Amount represents matching funds

*TABLED AT THE JANUARY 28, 2009 COMMISSION Mtg BY VICE MAYOR MCINTEE TO FEB 10, 2009*

Town Attorney review required

Yes |  No

Town Manager's Initials: *QR*

Town of Lauderdale-by-the-Sea  
OFFICE OF THE TOWN MANAGER



January 27, 2008

To: Town Commission

From: Esther Colon, Town Manager *EC*

Re: Off-Site (Valet)

Attached are documents relating to off-site parking that have been located.

cc: Mayor Minnet  
Vice Mayor Jerry McIntee  
Commissioner Birute Clotey  
Commissioner Stuart Dodd  
Commissioner Jim Silverstone  
June White, Town Clerk  
John Olinzock, Assistant Town Manager



1 the owners, heirs and successors and assigns of said owner. When off-site  
2 property is leased or licensed to achieve the minimum number of parking spaces  
3 allowed required in conjunction with a business use, the lease or license  
4 agreements shall include a provision whereby the business owner (lessee or  
5 licensee) acknowledges that the privilege of conduction business in the Town is  
6 contingent on a valid and enforceable lease or license agreement and that  
7 cancellation of the lease or license agreement shall result in revocation of the  
8 privilege to conduct business in the Town, unless alternative parking is provided  
9 to meet the minimum parking space requirement of the Town Code is obtained  
10 within 90 days of notice. All lease or license agreements must be in a form  
11 approved by the Town Attorney and shall be recorded in the public records of  
12 Broward County. A property owner may only rent space to one off-site business.  
13 ~~Leased property may also qualify as owned property provided the term of the~~  
14 ~~lease is for fifty (50) years or more and the owner is also party to the agreement.~~  
15 ~~Substitute agreements may be provided for alternate parking areas at any time,~~  
16 ~~and the initial agreement will be voided. All agreements will be subject to review~~  
17 ~~by the town attorney and recorded in the public records of Broward County.~~

18 **Section 3.** Each and every other provision of the Code of Ordinances of  
19 the TOWN of LAUDERDALE-BY-THE-SEA not herein specifically amended shall  
20 remain in full force and effect as previously enacted.

21 **Section 4.** All ordinances or parts of ordinances in conflict herewith be  
22 and the same are hereby repealed.

23 **Section 5.** Should any section or provision of this ordinance or portion  
24 hereof, any paragraph, sentence or word be declared by a court of competent  
25 jurisdiction to be invalid, such decision shall not affect the remainder of this  
26 ordinance.

27 **Section 6.** Authority is hereby granted to codify said ordinance.

28 **Section 7.** This ordinance shall become effective immediately upon  
29 passage.

30  
31  
32 **FIRST READING** this 11<sup>th</sup> day of September 2007.

33  
34 **SECOND, FINAL READING AND PASSAGE** this \_\_\_ day of \_\_\_\_\_, 2007.  
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Mayor Oliver Parker

	First Reading	Second Reading
Vice-Mayor Yanni	<u>Aye</u>	<u>Aye</u>
Mayor Pro Tem Clark	<u>Aye</u>	<u>Aye</u>
Commissioner Silverstone	<u>Aye</u>	<u>Aye</u>
Commissioner McIntee	<u>Aye</u>	<u>Aye</u>
Mayor Oliver Parker	<u>Aye</u>	<u>Aye</u>

Attest:

  
Town Clerk

4/20/90

LAUDERDALE-BY-THE-SEA PLANNING AND ZONING  
SPECIAL MEETING  
MARCH 25, 1998  
7:00 P.M.

Chairman Forrest Rockett called the special meeting of the Lauderdale-By-The-Sea Planning and Zoning to order at 7:10 P.M. with the Pledge of Allegiance to the Flag. Members present were Shirley Russotti and George Reingard. Chris Miller from Town Planner Walter Keller's office was also in attendance.

Chairman Rockett stated the board was called to discuss the site plan for Mulligan's Raw Bar and Grill. He continued the applicant, George Hart, is proposing a restaurant to be located at 101 Commercial Boulevard. The building is currently occupied by the Balee's Fruit Shippers and Vito's New York Pizza. Mr. Hart is proposing to renovate the two existing commercial bays to accommodate the new restaurant. Mr. Hart is also proposing a sidewalk café along El Mar Drive and Commercial Boulevard.

Chris Miller told the board there are basically two issues that need to be addressed.

1. The parking lot proposed to be used by the applicant is not located within four (400 ) feet of the proposed restaurant as required by Section 24.5.156 of the Town's Development Code. Because of this, a parking variance will be required to be approved.

2. The Commission will need to approve a waiver of the Land Development Code regulations to permit the location of the outdoor counter seating areas without a permanent physical barrier.

Mr. Reingard asked the applicant how many tables and chairs are proposed?

Mr. Hart responded there are six tables with four chairs at each table on the Commercial Boulevard side.

The project architect, Don Zimmer added there is a total of forty seats at the sidewalk café.

Mrs Russotti stated she does not believe this barrier issue will create a problem for the pedestrian traffic.

Mr. Reingard said there will need to be lease agreements provided for the off-site parking as stated in Town Code of Ordinances 24-5.155.

Mr. Miller responded that an agreement will need to be entered into between the owner of the land and the town.

Chairman Rockett asked if there were any public comments.

Mr. Robert Polyasko told the board he is concerned about the pick up and drop off for the valet parking because of the proximity to Commercial Boulevard.

4/28/98

# Memo - Urgent

**Date:** 4/27/98

**To:** Mayor Parker, Vice Mayor Fontaine, Commissioner Waller, Commissioner Wessel, Commissioner Yanni, Town Manager Robert Baldwin, Town Attorney Jim Cheroff, Town Planner Walter Keller, Code Enforcement Officer Daniel Stallone, BPW Director Bill Mason, and Town Clerk Karen Polyasko

**Cc:** Al Wolf - SunTrust Banks, Property Services, Margret Hillegas - Adjacent Property Owner, and Don Zimmer - Architect for Mulligan's The Sea Project

**From:** Jim Pollock 4417 Poiciana St. Unit 1

**RE:** Mulligan's By The Beach - Valet Parking

**Priority:** (Urgent)

Margaret Hillegas, the owner of apartment buildings at 4417 Poiciana St., and my landlord asked me to look into why a fence (6 ft. Shadow Box) had not been installed (Site Plan Stipulation) on the south side of her property as she had been told when the bank (Now SunTrust Bank) developed the parking lot to the south of her property.

I conferred with Danny Stallone and he has been unable to locate the site plan, and believes that it may be in Mr. Keller's possession.

I spoke to Alan Wolf of SunTrust Property Services Dept., and he can't recall that being stipulated and doesn't have a copy of the site plan either. Mr. Wolf then said show me where in your code a fence is required and I'll look into it. I tried to explain to Mr. Wolf that his commercial use property abuts residential use property and that a fence would be appropriate there.

Considering that SunTrust is going to be leasing that parking lot to Mulligan's By The Beach, we were hoping that the commission would see there way clear to stipulate that SunTrust installs an appropriate fence there before leasing the parking lot to Mulligan's By The Beach. There is going to be increased traffic noise and head lights during evening hours that would certainly detract from the quality of life of the residences at 4417 Poiciana St.

Even if the Site Plan is recovered and everyone's bad memories clear up and a fence wasn't stipulated. I would hope that the commission would take into consideration that a bank parking lot is only used during banking hours, 9 - 5 Monday through Friday, and closed on Saturday and Sunday. A restaurant/bar valet parking service will be used 7 nights a week until midnight plus. These hours and use probably wouldn't have been taken into consideration upon the filing of the original Site Plan.

This request is not meant to impede the success of Mulligan's By The Beach, because those are the types of businesses we need in Lauderdale by the Sea to draw business to our town, and to offer amenities to our motel/hotel guests. The intent here is to put a workable balance in place between residential and commercial property uses.

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Commissioner Waller stated the trees are not in the middle of the sidewalk and suggested approving it with the provision the applicant guarantee providing three and one half feet of sidewalk area.

Mayor Parker commented the Commission could also delay this item until the next meeting and give Walter the opportunity to go out and verify that there is three and one half feet of sidewalk area.

Commissioner Wessels said he thinks every Commissioner has something to say about the project. He said the applicant needs to know the Commission's concerns. Commissioner Wessels suggested that each member of the Commission take a turn and express specifically what those problems are so he will be able to resolve them.

Commissioner Wessels told the Commission he thought it would be appropriate to table consideration of this site plan until those issues can be addressed. He said this is a project he would like to see move forward, but he has some problems with it he would like to see addressed.

Commissioner Yanni told the Commission another problem he has with the site plan is the valet parking. Commissioner Yanni questioned where people are going to park while they are waiting for the valet to park their car.

Mr. Zimmer responded they won't be able to park. He told Commissioner Yanni one of the things he offered at the Planning and Zoning Board Meeting was leasing the parking meters and spaces in front of their building. Mr. Zimmer explained many cities offer to the businesses the ability to purchase, for the price of the meter, what the meter would earn during the night, a canvas sack to place over the meter. He said those two spaces would then be their pull in valet spot. Mr. Zimmer said the restaurant would be paying what those meters would earn at night.

Mr. Zimmer said this is always a problem with parcels of property that have no parking. He told the Commission when this parcel was developed, it was developed, literally, with no parking on the property. He said, in this instance, a restaurant has the ability to use valet parking. A retail business could not meet the parking requirement.

Mr. Zimmer suggested one of the reasonably easy solutions for the pedestrian problem would be to place monument markers in the sidewalk, instead of a railing, that would denote where the restaurateur could not go out past the line created by those markers. He said it makes a very distinguishable line, and at the same time does not make such a hard barrier to cue the people around with.

Commissioner Yanni asked Mr. Zimmer if he was correct in saying he will not be able to use a railing on the corner.

Mr. Zimmer displayed a blue print of the site plan and showed Commissioner Yanni where their lot line is (Line in red). He said the building, the corner column on the building kisses the lot line. Mr. Zimmer said that while the building was built seven to eight feet back on the El Mar side, there is not much property on the south side other than right-of-way.

Mr. Zimmer said he thought that by putting the counter there with stools, they would be able to let people sit and eat at the counter and at the same time they would not be spilling out on the sidewalk.

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Mr. Zimmer told the Commission that when he looked at the plans for Melvin I Anglin Pelican Square, he saw the way the two grass islands are going to create the curb would create a radius that would effectively physically make that corner feel bigger.

Mr. Keller commented that was true.

Mr. Zimmer said the cars will be swinging much wider at that corner.

Commissioner Yanni said the problem he has with granting an exception for the railing is that in the past the Town has always required restaurants with outdoor seating to have a railing or physical barrier. He questioned whether making this exception would open the Town to litigation.

Commissioner Yanni asked Mr. Zimmer if the applicant has a written agreement with Sun Trust for the use of their parking lot.

Mr. George Hart replied that yes, he does.

Vice-Mayor Fontaine asked the applicant, George Hart, if he was going to sell beer and wine from that counter?

Mr. Hart replied he was.

Vice-Mayor Fontaine told Mr. Hart the last thing he would want to see happen is patrons of the bar pushing into pedestrians as they walk by his establishment. He said for the safety of the pedestrians, he would like to see a barrier placed between the seating and sidewalk.

Mr. Zimmer told Vice-Mayor Fontaine he would be glad to add the railing if he could put it right on the lot line as he has it further up.

Mr. Hart suggested following the railing line of P.J.'s Coffee Shop.

Mr. Zimmer told Mr. Hart if he did so, they would go partially into the right of way.

Mr. Keller told the Commission essentially what was Vice-Mayor Fontaine's concern was his concern. He said normally, if this is a successful restaurant, you would get people crowding around the bar. Mr. Keller suggested perhaps placing a restriction whereby liquor could not be sold from that counter.

Mayor Parker interjected that there would be no way to enforce that.

Mr. Keller said he did not think they could put in a railing on the south side and therein lies the problem.

Mayor Parker suggested putting a take-out counter at the corner.

George Hart said he would delete the four stools.

Commissioner Wessels told the Commission he echoes Vice-Mayor Fontaine's comments. He stated when the sidewalk cafe ordinance was enacted the Commission wanted delineation

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between the patrons and pedestrians. He said they wanted to create a quality look, not a walk-up bar, carryout type affair.

Commissioner Wessels told the Commission he could not support having stools on the south side without a barrier.

Commissioner Wessels said he has grave concerns about valet parking. He said he sees valet parking on the other side of the street where it backs up and jams up traffic in the turn around.

Commissioner Wessels commented that hopefully with the initiative of adding more parking, these problems will take care of themselves to a large extent.

Mr. Zimmer told Commissioner Wessels he can easily add a railing on the east side, but on the south there is absolutely no room and they may just delete the stools on the south side.

Commissioner Wessels told Mr. Zimmer his suggestions may solve the railing problem, but stated he still has a problem with the valet parking.

Commissioner Waller told the Commission he thinks the proposed site plan is a wonderful concept and he wished they had a little more room on the corner.

Commissioner Waller said serving alcohol beverages without the barrier is a concern of his.

Commissioner Waller said he would also like to see the applicant relocate the city garbage disposal.

Mayor Parker said it appeared to him that they would not only have to remove the four stools on the south side but on the east side it looks like they will have to remove the southern most stool.

Mayor Parker told Mr. Zimmer it is his understanding the reason he needs the valet parking is because without he cannot meet the parking requirements.

Mr. Zimmer responded that was correct.

Mayor Parker suggested to Mr. Zimmer that they rent the two parking spaces adjacent to their building permanently so they can have the valet service there.

Mr. Zimmer responded they would need to, to have any kind of drop off. He said there are many instances in other cities where they rent businesses bags to cover the meters with.

Commissioner Wessels told the Commission if he were to reduce the problems the Commission have he could probably say that one of the problems is the seating that has no railing. Commissioner Wessels asked Mr. Zimmer what he intended to do to address that problem.

Mr. Zimmer told Commissioner Wessels he could add a rail on the east side and install that rail on the lot line and it won't affect the four seats on the end. He suggested, if he gets the opportunity to go out there to measure, and he can't get the three feet between the wall and lot line, then they would not put the stools in.

Commissioner Wessels asked Mr. Zimmer what he would do in lieu of having the stools?

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Mr. Zimmer responded he would simply leave the stools out.

Commissioner Wessels asked if he would have a carry out at that location.

Mr. Zimmer responded he would.

Commissioner Wessels said he is not in favor of carry out service. He said in his opinion it is not representative of a classy operation and would promote littering and detract from the ambiance.

Commissioner Wessels suggested to Mr. Zimmer taking down that wall on the south side and placing the tables on the inside, move the bar back and still have that outdoor look.

Mr. Zimmer told Commissioner Wessels he was trying to work with that angle that is already there.

Commissioner Wessels said he would like to see consideration of this site plan postponed or tabled until the next meeting. He said he did not think the problems could be solved tonight.

Commissioner Wessels told the applicant the other issue that needs to be addressed is the effect of valet parking in that area, especially on a Saturday.

Commissioner Waller commented that there are not a lot of businesses who want to move into that area. He said, at this point, he thought valet parking may be a necessity until the parking problem is corrected.

Commissioner Yanni told the applicant he hope the restaurant will be successful. He said he believed all of these issued can be resolved.

Mayor Parker asked if there was a motion to table until the next meeting.

Commissioner Wessels moved to table consideration of the site plan for the proposed restaurant (Mulligan Grill & Raw Bar) to be located at 101 Commercial Boulevard.

The motion was seconded by Vice-Mayor Fontaine and carried unanimously.

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C. Discussion and/or action concerning the following Planning Related Issues:  
(Town Manager Baldwin)

- 1) Parking Study of Business & RM-25 Zoning District
- 2) Department of Transportation overlay of State Road A1A & Commercial Blvd.
- 3) Report on the status of the Melvin I. Anglin Pelican Square Construction RFP

Town Manager Baldwin told the Commission he was happy to bring to them tonight three different items that he believes are going to be important to the Town. He said, past Commissions have clearly indicated the high value on these topics.

Town Commission Regular Meeting Agenda  
April 24, 2007

- F. Discussion and action regarding ten story hotel project Pompano on A1A - Pompano P&Z # 6-1200054 Commissioner Clark to propose resolution in opposition thereof. Items F and G taken out of turn.

Commissioner Clark stated that he objects, not to the hotel project, but to what the project will do as far as parking. He stated that they have 3 10-story buildings and a 600 room hotel and the parking is on the west side of A1A and they plan to do valet parking. He said it was a dangerous situation; he stated that when Pompano's Planning and Zoning had their meeting they were not allowed to consider traffic whatsoever; only the east/west traffic. In addition, he said that they plan to have 28 boat slips on Spanish River, and Terra Mar is across that river. He stated that that will accommodate about 50 boats, which will cause a lot of noise pollution. He stated that the people in Pompano, on the beach area, was opposed to it. He stated that at the meeting he went everyone there supports not having this project go through. He said there will be a 10-story building, but the problem is having it built with an east/west ingress is not a safe thing on A1A when there are only 2 lanes. He motioned to move resolution 2007-08, seconded by Commissioner Silverstone, to advise Pompano Commission that we, as neighbors, are opposed to it.

Attorney Cherof read the resolution by title.

The motion passed 4-1 with Commissioner McIntee dissenting.

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Commissioner Clark stated that in the resolution he expressed common interest and that is why they were proposing that resolution.

Commissioner McIntee stated that he agreed with the theory, but disagreed with interfering with another municipality's government.

- G. Review of special events permit application process (John Olinzock - Municipal Services)

Commissioner motioned to extend the permit for the Village Grille's Friday Night Jazz festivities until the next meeting where the Commission could formally address the issue.

Commissioner Silverstone stated that Mr. Gatsby submitted all of his permits and just wanted an extension.

Dave Gatsby, Village Grille 4400 El Mar Drive, spoke and stated that the paper work had been sent in a long time ago.

Mayor Parker asked why they would do it twice.

Commissioner Silverstone indicated that they had not seen it yet.

Mr. Olinzock stated that item 13 G is not about that item and secondly there was not a glitch. He stated that according to the ordinance, he is allowed 60 days to process these through the two agencies and 4 departments that review this and give him the recommendations that he needs to put the item together for the Commission for approval.

Mayor Parker suggested that Commissioner Silverstone make the motion to extend the permit for 90 days.

Town Commission Regular Meeting Minutes  
March 22, 2005

Commissioner Yanni asked when work would begin on this project. Mr. Mason replied that work would commence quickly as he had already obtained the necessary quotes. He indicated that he would have the Public Works Department erect the necessary signs. Vice Mayor Kennedy asked that Assistant Manager Ward advise the County of the Town's plans.

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C. Discussion and/or action concerning Parking Study (*Walter Keller, Development Services*)

Town Planner Walter Keller described how the parking study had been conducted and what recommendations were cited. He advised that due to the parking deficiencies in Town, the Town should acquire additional property which could later be used for a parking garage if the parking deficiencies continued to rise. Planner Keller also recommended raising the cost of hardship permits to \$350 which would be more consistent with surrounding cities.

Commissioner Wessels expressed concern that the increase in price for the hardship permits might be unreasonable. Commissioner Yanni asked if developments providing valet parking had to meet parking requirements. Planner Keller replied affirmatively. He explained that there was currently a significant amount of parking on private property; however, he indicated that if these property owners opted not to permit this use, the Town would find its parking deficiencies to be extraordinary.

Vice Mayor Kennedy stated that part of the problem was that the study did not show the number of people who left the Town because of the lack of parking availability. He felt that the Town was currently experiencing a loss in that area.

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D. Discussion and/or action relative to possible scheduling of Fire workshop (*Vice Mayor Kennedy – requested by Volunteer Fire Department*)

Vice Mayor Kennedy stated that he had had an informal gathering with the board of directors of the LBTS Volunteer Fire Department, Inc. He indicated that the members had requested a workshop to meet with the Commission in an effort to obtain guidance on what requirements the Town wished the Department to meet before it could take over fire suppression townwide. Vice Mayor Kennedy stated that since the Mayor was not in attendance at tonight's meeting, the actual meeting date should not be chosen at this time.

Commissioner Yanni expressed concern with allowing improperly certified firefighters to provide fire suppression services. Some discussion followed concerning liability and actual certification compliance.

Manager Baldwin introduced Battalion Chief Don King, with the Broward Sheriff's Office Fire-Rescue Department. He explained that there had been some miscommunications concerning the certification process and which Volunteers met the minimum State

Town Commission Workshop Meeting Minutes  
June 17, 2006

the Charter allowed for the same height to be rebuilt; however, it did not override the setback requirements which may be changed.

Mr. Townsend referenced the adoption of the Zoning map. Commissioner McIntee asked if there was any contention against leaving RS-4. Mr. Townsend stated that the direction provided by the Commission was to allow RS-4 to remain the same, with changes only to the setbacks.

Mayor Parker asked if there were any properties that fell under R-5 designation. Mr. Townsend replied affirmatively and depicted the area on the map. He explained that R-5 was a County designation specifically for a motel. There were no objections to allowing the RS-5 and R-5 designations to remain the same.

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Mr. Baldwin asked what uniformed changes had been made to Town owned properties, including parking facilities. Mr. Townsend stated that he was trying to change the designation from RM-25, as follows: Town Hall as a community facility; Washingtonia Park and Municipal Park as parks; and the church as a community facility. Mayor Parker asked if this issue would have to be placed on a referendum as the use, technically, would be changed. Attorney Cherof stated that he was researching that possibility. Commissioner McIntee asked why it had to be changed at all. Mr. Baldwin explained that the Town's parking facilities were currently zoned RM-25, when the legal use was B-1. Attorney Cherof stated that the Town's official zoning map should truly reflect what uses were designated to individual properties. Brief discussion followed, with the Commission agreeing that no changes would be proposed until the attorney's research was completed.

Vice Mayor Yanni asked about off-site parking, stating that due to the limited parking areas within Town, perhaps the 400 foot limit should be increased to provide additional options for business owners who needed more parking. Mr. Townsend stated that the parking issues were understood by staff and alternative options should be considered. Attorney Cherof agreed, stating that this was a policy decision that needed to be considered as parking became more difficult. He indicated that safety also needed to be reviewed in cases where valet parking was provided, balanced with having individuals running across State Road A1A. Attorney Cherof stated that in allowing such an off-site use, the character of the area could also be compromised. Brief discussion followed, with the Commission agreeing that this item would be further discussed during the second meeting of July.

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There was lengthy discussion concerning the proposed changes for the dock and navigational areas. Attorney Cherof stated that this issue was not only one of how large a dock could be constructed nor the space allowed for navigation, but also one of view. Mayor Parker suggested that this section be reconsidered with separate definitions for boats so to ensure they are not included with the definitions for boatlifts and docks. He added that "navigable channel" should also be defined. Commissioner McIntee did not

MINUTES OF THE REGULAR MEETING OF THE TOWN COMMISSION HELD ON NOVEMBER 24, 1987

The Workshop scheduled for 7:00 P.M. Terminated at 8:00 P.M. at which Mayor Kilday called the regular meeting to order with pledge of allegiance to the Flag. Present were Commissioners Barbara, Davis, McKane and Vogeney. Also, Town Manager John Forrest and Town Attorney Ken Mikos.

Minutes of the regular meeting held on November 10th, copies of which were mailed to each of the Commissioners prior to this meeting were unanimously approved with one correction. Commissioner Barbara asked that in paragraph 3 of page 2, the phrase be added that she suggested the current dish be grandfathered, and that any additional equipment should be installed on the ground.

The Clerk read financial statement for the period of Nov. 10th thru Nov. 24th. Commissioner McKane moved that statement be approved and bills in the amount of \$14,846.58 be paid, which motion was seconded by Commissioner Vogeney and carried.

As a result of the Workshop this evening, on motion made by Commissioner McKane, seconded by Commissioner Barbara and carried, the Town Manager and Town Clerk were directed to review the billing with Mr. Manzella of Seacoast Sanitation which will include sales tax, having now been determined that it is the Town's obligation to pay their portion of this tax.

On motion made by Commissioner Vogeney, seconded by Commissioner Davis and carried, the Town Manager was directed to execute extended agreement with Town Planner, Walter Keller to complete the Comprehensive Plan which is mandated by State Law.

Prior to discussing the Cineco proposal, Mayor Kilday gave a background of what has transpired and ended by stating that the Corp. is now asking that the leasing of vacant lot east of the Benihana parking lot be considered for their use in valet parking 25 cars for proposed restaurant, as well as 13 spaces directly across the street from their property on West Tradewinds Ave., making a total of 38 spaces which would give adequate parking for 1800 sq. ft. of customer service planned. He said that he had learned today from Building Inspector, Ed Hardy, that the lot would have to be owned and encumbered on the same deed - not leased in order to use it for parking.

Mr. Richard Coker, Attorney for Cineco stated that they are willing and attempting to come up with a reasonable settlement agreement. He concurred that there would need to be a site plan approval and possible variances involved for unity of title, but again stressed the point that they are trying to make a settlement offer rather than continue with litigation which is now pending concerning the filling in of the yacht basin. It was also mentioned that an attempt is being made to purchase the Calahan property which would provide the necessary area for parking without involving variances, etc. Mayor Kilday was not receptive to any of the proposals as presented and continues to feel that no action should be taken until the matter has been settled in Court on whether or not the yacht basin may be filled in. Commissioner Vogeney is not in favor of restaurant construction at this site, but would be receptive if there would be adequate parking and stressed his objection to the basin ever being filled in. Commissioner Davis is against granting too many variances, something he feels could set a precedent and Commissioner Barbara was merely concerned about the lack of parking on the owners property - is against any other arrangement unless it can be provided.

Mayor McKane asked the Commission if they wanted to establish a policy of raising fees incrementally each year?

Vice-Mayor Parker said if the Commission raised the resident permits from \$10 yr. to \$10.50 yr. residents will be less likely to complain than if they were raised after five year to \$20 yr.

Commissioner Pollock suggested asking the Town Manager prepare an incremental plan of raising the fees two and one-half percent a year.

Vice-Mayor Parker suggested five percent.

Mayor McKane asked if it was the consensus of the Commission to do the same with Tennis Court Fees?

The Commission agreed.

Commissioner Pollock commented on Occupational License Fees for Valet Parking Fees and suggested rating the companies on their driving practices. He said they are rated based upon their conduct and are charged a lower fee based upon their safety rating.

Vice-Mayor Parker told the Commission some of the businesses in Fort Lauderdale are able to lease the parking meters in front of their business during off-peak hours. Vice-Mayor Parker suggested the Commission consider leasing parking spaces.

Commissioner Pollock concurred.

Vice-Mayor Parker, said in regard to utility fees, he felt they should be left alone.

Mayor McKane mentioned, the Town currently does not have a utility tax on pagers and cellular phones and said he thinks the Town should look into implementing one.

Commissioner Fontaine and Commissioner Yanni concurred.

With regard to the Sea Ranch Fire Contract, Mayor McKane told the Commission he feels the Town should not reduce what the Town's initial proposal was.

Town Manager Baldwin told the Commission he was only suggesting using the actual budget figures which would give a slightly lower rate than was proposed initially.

Commissioner Fontaine stated he thought the Town should not expend any time on this item, unless the Village of Sea Ranch Lakes approached the Town.

Vice-Mayor Parker expressed his concerns with having the City of Fort Lauderdale provide a service north of the Town.

Commissioner Yanni stated he felt the Town should not approach the Village of Sea Ranch Lakes until their contract with the City of Fort Lauderdale has expired.

Commissioner Wessels asked Mr. Cherof what situation does this currently put them in until a decision is made.

Mr. Cherof said he did not think there was any citation issued and he was not clear on provision of the code that would be cited under. Mr. Cherof said he did not think anything was going to happen between now and then.

Mayor Parker asked the Clerk to call the roll.

The motion carried unanimously.

D. Discussion and/or action concerning a parking lease for Aruba Beach Café to allow for off site parking. (Bill Mason, Municipal Services Director)

Mr. Mason told the Commission that Mr. Beck apparently needs to lease parking spaces not in the downtown district but off-site. Mr. Mason said Mr. Beck would like to reserve public parking spaces during different time periods. On weekdays the spaces are needed between 5:00 P.M. and 12:00 A.M., however on weekends spaces would be needed between 11:00 A.M. and 12:00 A.M.

Commissioner Wessels said he has some concerns about Bougainvillea Drive and Poinciana Street as you get more into the residential area by the tennis courts. Commissioner Wessels said at night most of the spaces between El Prado and A1A are empty. Commissioner Wessels said he did not have a problem with leasing some of those spots there. Commissioner Wessels said there are 56 spots there.

Mr. Mason said on weekends that could be a problem. Mr. Mason said there are 20 to 30 spaces in the vacant lot.

Commissioner Wessels asked if this would be valet parking.

Mr. Mason responded yes.

Commissioner Wessels said he had a problem with valet drivers and putting that kind of traffic in that area, especially near the children's park.

Mr. Mason said it is illegal to park past 9:00 P.M. east of A1A.

Commissioner Yanni said he did not think there was a problem after 4:00 P.M. on El Prado but there would be a problem on the weekends. Commissioner Wessels asked Mr. Beck if had considered some of the small plazas west of A1A. Commissioner Yanni said no one parks in those plazas on Sunday.

Mr. Beck Sunday is not a problem, only Saturday.

Mayor Parker suggested to Mr. Beck that he talk to SunTrust Bank.

Mr. Beck said they are not interested.

Commissioner Yanni suggested to Mr. Beck that he speak with someone at Villas By The Sea about renting spaces in their private parking lot.

Mayor Parker called for a motion to empower the administration to enter into an agreement regarding the El Prado parking lot after 5:00 P.M.

Commissioner Yanni asked to go over the rates.

Mayor Parker said the cost would \$1.75 per night per space for however many spaces are authorized. Mayor Parker asked Mr. Beck if he understood he would be paying for the space whether it was used or not.

Commissioner Wessels asked Mr. Mason if Mr. Baldwin had seen this.

Mr. Mason said that Mr. Baldwin had met with Mr. Beck.

Commissioner Wessels said if Mr. Baldwin finds this equitable, it was good enough for him.

Commissioner Waller motioned to empower the Town Administration to enter into an agreement that would allow Aruba to lease seven days a week, after 5:00 P.M. the spaces on El Prado and during the week up to thirty spaces during the daytime but on the weekend no spaces during the daytime between A1A and El Mar. Commissioner Yanni seconded the motion.

Mayor Parker asked for further discussion.

Commissioner Wessels asked if the Commission was giving the administration any flexibility at all.

Mayor Parker asked the Clerk to call the roll.

The motion carried unanimously.

Mayor Parker recessed the meeting at 10:20 P.M.

Mayor Parker reconvened the meeting at 10:30 P.M.

E. Discussion and/or action concerning Broward County Ordinance 2000-05.  
(Commissioner Wessels)

Commissioner Wessels said this would allow the inspector to issue a Notice To Appear under certain circumstances. Commissioner Wessels said he believes this is just another tool the inspector can use to bring people into compliance.

Mayor Parker asked Commissioner Wessels if he was proposing the Town Attorney to come back with a Town variant of Ordinance 2000-05.

Mr. Cherof said the Commission does not need to do it, it is already in the code. It was adopted in November 1996; it's just never been used.

May, 5, 1998

*the effect, during the coming season, of the three measures already enacted, by the end of which time you may also be closer to implementing a preferable, permanent parking solution.*

If you *still* perceive a need for additional temporary measures, which you feel certain must be implemented at once, we suggest that you consider the following:

- 1) **Lower parking fees on El Prado Avenue to increase usage and possibly also revenue:** Lowering the hourly parking fee on El Prado Ave. from \$1.00 to \$0.75 would create a positive incentive for all downtown shoppers, as well as short-term beach-goers, to park on El Prado rather than downtown. Depending on the price elasticity of the demand for parking, such a reduction could actually increase revenue from El Prado parking spaces. (An increase of only one-third in usage of El Prado parking meters at \$0.75/hour would be revenue-neutral; anything more than that would actually *increase* revenues.)
- 2) **Initiate "Park & Shop Tram Shuttle" Service along El Mar & Possibly Commercial:** A tram-shuttle service between El Prado and Commercial would not only serve as an incentive for shoppers to park on El Prado, but would also advertise, by its highly visible existence, the availability of the parking on El Prado. Alternatively, the service could be operated along the entire length of El Mar Drive, not only to encourage use of parking on El Prado (and the other beach-access points), but also to encourage patrons of the motels and time-shares along El Mar (including the two large resorts at either end) to patronize the downtown shops. (A shuttle along Commercial might also be considered, to bring shoppers downtown from parking in the west end, and possibly also to increase access to the shops along Commercial west of A1A.) Merchants could be asked to contribute to such service through voluntary contributions or a special taxing-district arrangement.
- 3) **Dedicated Parking Arrangement on El Mar for Patrons and Staff of Mulligan Grill:** In light of opposition to ~~valet parking~~, effective use by Mulligan patrons of the Sun Trust parking lot appears problematical, with a resulting increased demand on downtown parking. Preferable to all parties could be an agreement between Mulligan and the Town under which an appropriate number of parking slots on El Prado would be leased for the use of restaurant patrons (and staff) during specified hours, when the meters would be appropriately covered and marked. The 3- to 4-minute walk along El Mar from El Prado would certainly seem preferable to the longer walk from Sun Trust, crossing A1A, and the agreement would bring increased usage of (and revenue from) El Prado parking spaces during currently underutilized evening hours, while reducing downtown congestion.

Gentlemen, we still believe *it would be preferable to do nothing, rather than provide additional on-street parking on El Mar;* to "do nothing" would therefore be a "positive" rather than a "negative" decision. We believe the Commission has already taken positive action to improve the downtown parking situation, and that *you should evaluate the effect of recent measures before any decision on additional on-street parking.* Finally, *if you feel you absolutely must "do something" now, we have suggested three proposals which we think would not be detrimental to the quality of life in the Town.* Thank you for your continued attention to our concerns.

Sincerely,

  
John B. Thompson

  
Ingrid I. Thompson

- a. Discussion and/or action concerning drafting a referendum for a Charter change to take effect after the next election in 2010 to prevent a conflict of interest ever occurring between employment with a public safety provider for the Town of Lauderdale-By-The-Sea and that of an elected official (Tabled at the December 1, 2008 Commission meeting by Vice Mayor McIntee) Pending 1/13/09 Workshop

**16. NEW BUSINESS**

- a. Discussion and/or action on specific location of Adopt A Street signage (Mayor Minnet)
  - a. Town Hall
  - b. Town Parks
  - c. Designated Locations
- b. Reward Program for residents and business energy efficient improvements or purchases (Mayor Minnet)
- c. Commemorative Tree Policy (Mayor Minnet)
- d. Discussion and/or action regarding valet parking for 101 Ocean and Village Grille (Vice Mayor McIntee)
- e. Commission consideration for a Lauderdale-By-The-Sea Environmental Sustainability Committee (Mayor Minnet)
- f. The pier parking lot should be allowed emergency access to the walkway north of the Oriana project until the pavilion is completed (Commissioner Clotney)
- g. Discussion and/or action regarding a referendum on funding lifeguards on the beach (Commissioner Clotney)
- h. Discussion and/or action concerning the use of Jarvis Hall for profit generating activities by non-residents or for-profit organizations not having a physical presence in LBTS (Commissioner Clotney)

**17. TOWN ATTORNEY REPORT**

**18. FUTURE AGENDA ITEMS**

February 10, 2009

5/12/98

Richard Gosier, 4337 El Mar Drive, addressed the catch basins that do not properly perform. Mr. Gosier stated that water remains ankle deep two days after it rains. Mr. Gosier said draining would be a bigger problem with the removal of the green area. The green area helps to absorb the water. Mr. Gosier stated that 90 degree-angled parking is unsafe for both residents and pedestrians.

Ruth Schwartz, 263 Capri Avenue, announced the Broward Chapter of the Red Cross has extended an invitation for volunteers for the Air and Sea Show this coming weekend. Mrs. Schwartz also asked the public to keep an open mind in reference to the proposed parking improvements.

Everett Sorenson, 275 Codrington Drive, stated relief is needed for parking in the downtown area, and if he were in the Commission's position he would vote for the proposed parking alternatives, if they were temporary.

Mr. Sorenson asked the Town Attorney Cherof if it is proper for a motel manager's husband to be able to vote on the parking issue.

Town Attorney Cherof stated he could not respond to Mr. Sorenson. However, he would advise the Commissioner (off of the record) that he should not vote if there is a private or monetary benefit that directly affects him.

B. Consideration of Site Plan for a proposed restaurant (Mulligan Grill & Raw Bar) to be located at 101 Commercial Boulevard (Town Planner Walter Keller)

Mayor Parker stated the Commission has received a letter from an individual that owns property adjacent to the SunTrust Bank property. In the memo, the adjoining property owner stated when the SunTrust site plan was approved, a wall was to be erected between the two properties. The owner further stated that the wall was never built. The owner urges the Commission to impose a condition to erect a wall between the two properties if the site plan for Mulligan's Grill & Raw Bar is adopted and valet parking is permitted from the SunTrust parking lot. Mayor Parker stated this could become an active parking lot in a residential area of town.

Town Attorney Cherof swore in persons wishing to speak on the proposed site plan. Town Attorney Cherof instructed these people to state their names, addresses, and if they have special qualifications to testify when they approach the microphone.

Town Attorney Cherof stated documents contained within the agenda package are a part of the record. Town Attorney Cherof said if other documents are to be presented, please identify them and submit them to the Town Clerk to be entered into the record.

Town Planner stated the applicant submitted a revised site plan. Town Planner Keller stated the major changes are:

- 1) The counter is pushed more into the restaurant such that a railing could be put around the stool counter area to meet the requirements of the code.
- 2) The railing on the east side of the restaurant has been moved further into the property so that the sidewalk can be maintained at five feet.
- 3) A reduction in the outdoor seating has reduced the parking requirements. Mr. Keller said he still recommends approval subject to the conditions outlined in his memo.

Mayor Parker asked was the line on the drawing a fence.

Town Planner Keller responded that is the rail. Mr. Keller stated the drawing depicts the railing on the property line. Mr. Keller stated the applicant has not provided anything relative to how the valet parking is going to work. Mr. Keller said a recommendation was made to the Commission to consider granting spaces to some of the business owners to allow them to lease parking spaces. Mr. Keller said this would allow the valet parking to work easier.

Mayor Parker asked if it would be difficult to lease some of the existing spaces.

Town Planner Keller responded he believes the Commission approved this portion of the recommendations. Mr. Keller said a percentage of the parking spaces, in the business district, would be made available for use by the business owners.

Mr. Keller stated this type of application would be necessary for Mulligan's Grill and Raw Bar to have valet parking.

Mayor Parker asked Mr. Keller if he has recommended four conditions subject to approval.

Mr. Keller responded yes, along with a proposed development order.

Mr. Keller referred to his recent letter of April 24, 1998.

Town Attorney Cherof stated for the benefit of the Commission it is page 4 of the hand out this evening, with a fax date of April 28, 1998.

Mr. Keller read the four conditions.

Mayor Parker asked Town Planner Keller to explain the last condition; No.5

Town Planner Keller said the code requires a 50-year lease, and a variance would have to be made.

Mayor Parker asked how long of a lease.

Town Planner responded a year to year lease. Mr. Keller said this coincides with the permit requirements for an outdoor cafe', with annual renewals.

Mayor Parker asked if they failed to renew the lease, would they fail to have an outside cafe'.

Mr. Keller responded yes, the applicant would also loose a lot of parking requirements.

Town Attorney Cherof questioned the wording in condition No. 4., "the applicant will need to demonstrate that the use of valet parking will not interfere". Town Attorney Cherof asked demonstrate to whom.

Town Planner Keller responded to the Commission.

Mayor Parker asked Mr. Keller if he is recommending that item 4 requires the applicant to obtain Commission approval of the valet parking plan before the building permit is issued.

Mr. Keller stated if the Commission was to approve 2 parking spaces to be made available to the applicant for valet parking.

Mayor Parker asked Mr. Keller when he says demonstrates, if he means to the Commission.

Town Planner Keller responded yes, or if the Commission likes the Town staff.

Town Attorney Cherof stated he recommends it be demonstrated to the Town Planner and that the Town Planner provides the Commission indication of his approval.

Town Planner Keller said it is subject to whether the Commission elects to grant a percentage of the parking spaces to some of the business owners. Mr. Keller stated if that does not occur, the applicant has to come in with a plan.

Mr. Keller suggested the condition be modified as follows: As part of the compliance review, when the applicant comes in with a corrected site plan that addresses any of these conditions, that the applicant submit a valet parking plan, a circulation document that says how the valet parking will be accomplished, and if in the review by the Town Planner, or Town Manager and other officials of the Town staff have a problem with plan, it will be brought back to the Commission.

Mayor Parker stated he thinks condition No. 4 should read : " demonstrate to the Town Commission the use of valet parking. Mayor Parker stated he believes the Commission should decide on this important issue.

Commissioner Yanni stated he has done a study. Commissioner Yanni stated he has pictures showing traffic backed up around the Aruba Beach Cafe' to El Mar Drive. Commissioner Yanni showed pictures of cars lined up from the corner El Mar Drive and Commercial Blvd. down in front of the High Noon Resort. Commissioner Yanni stated the traffic was heavily backed up and cars cut through the median to go back the other way. Commissioner Yanni stated the way some of the valet attendants drive, if there are two valet services, someone could get killed.

Town Planner Keller stated this requirement was added based on the last meeting.

Mayor Parker stated to the applicant that he does not know if the Commission will approve the plan. However, if it is approved, it will be subject to the conditions that Mr. Keller has outlined.

Mayor Parker asked Town Attorney Cherof, if the Commission approves subject to these conditions, with No. 4 reading, the applicant will need to demonstrate to the Town Commission that the use of valet parking will not interfere with other traffic on either Commercial Blvd. or El Mar Drive , is he correct in assuming if the site plan is approved with that condition, before the applicant could obtain a building permit, the applicant would have to come before the Commission and convince the Commission that he has a valet parking plan that is safe.

Town Attorney Cherof stated that is correct.

Mayor Parker stated he would like consensus from the Commission that standard condition No. 4 read that the applicant will need to demonstrate to the Town Commission the valet parking will not interfere with other traffic on Commercial Blvd. or El Mar Drive.

Town Planner Keller suggested the Commission hear the applicant's presentation. Mr. Keller stated based on the presentation, the Commission may wish to modify any of the conditions.

Mayor Parker asked the petitioner to come forward and state his case.

Mr. Don Zimmer, Architect of 701 E Broward Blvd, Fort Lauderdale, introduced himself. Mr. Zimmer stated parking has been secured at the SunTrust Bank. Mr. Zimmer stated that valet parking does not have to be at the bank location. Mr. Zimmer said there are two metered spaces in front of the restaurant where canvas bags can be put over the meters. Mr. Zimmer stated these spaces could be used for a drop off and pick up point for valet parking. Mr. Zimmer also has stated that he would be happy to be allowed permission to erect signage to direct his customers to the SunTrust Bank for parking.

Mr. Zimmer stated the counter was pushed back per comments of the last Commission meeting which allows room for the railing. Mr. Zimmer said he has added the Pelican Square improvements to the drawing corner at 1/4 inch scale, to show the restaurant in relation to the square. Mr. Zimmer said landscaping has been moved further out to the corner to enhance the area.

Commissioner Yanni asked where the valet stand would be located.

Mr. Zimmer stated the two meters in front of the restaurant; the southern most spaces to the corner.

Mr. Zimmer stated per the Commission's request, he has moved the trash bin near the walkway.

Mayor Parker asked about the location of the valet stand.

Mr. Zimmer responded near the trash bin, close to the pizza stand.

Commissioner Wessels asked if the new proposed railing is on Mr. Zimmer's property.

Mr. Zimmer responded yes, it is 2 feet west of his property line.

Commissioner Wessels asked Mr. Zimmer if he is saying he does not have to have valet parking.

Mr. Zimmer stated that is correct, directional signage could be used to direct customers to the SunTrust Bank.

Mayor Parker said if Mr. Zimmer is allowed to park at the Sun Trust Bank, without having valet parking, the Commission is saying Mr. Zimmer does not need the parking. Mayor Parker stated that if the parking is not within 400 feet, people are not going to use the parking area. Mayor Parker stated this will compound the parking problem.

Mr. Zimmer stated he would agree with Mayor Parker, however, with the redevelopment of Fort Lauderdale Beach, people are parking 800 to 1,000 feet away from places they visit. Mr. Zimmer stated that he is not fond of valet parking due to having two cars stolen in valet parking.

Commissioner Waller said they will take the spaces and not valet park.

Mayor Parker asked about the possibility of reverse valet parking, where the valet would be at the bank.

Mr. Zimmer referred to the Casablanca restaurant that bought a van for the sole purpose of valet parking, to take people to the restaurant from one block away. Mr. Zimmer said in the first year, 37,000 miles was put on the van, and after a year, people stopped taking the van ride. Mr. Zimmer said the customers preferred to walk, and subsequently the van was removed.

Mayor Parker asked Mr. Keller if the Commission decides not to require valet parking, as a condition of the site plan approval, could condition No. 4 be removed, and condition No. 5 be renumbered to No. 4.

Town Planner Keller responded that is correct.

Commissioner Yanni asked what hours of operation for the business.

Mr. George Hart identified himself as the proprietor of the restaurant. Mr. Hart said the establishment will be open from 11:00 a.m. to 2:00 a.m.. Mr. Zimmer said the restaurant may close earlier during the week.

Commissioner Yanni asked Mr. Hart if he had a liquor license, and until what time.

Mr. Hart responded yes, until 2:00 a.m.

Vice Mayor Fontaine stated he is not in favor of the valet parking, and would eventually like to see no parking in that area.

Mayor Parker asked if there was anyone wishing to speak on this subject in favor of valet parking. With no response, Mayor Parker stated it is appropriate to have a motion with regard to the standard conditions that Town Planner Keller has proposed, No.'s 1-5, to strike condition number four and renumber No. 5 to No. 4.

Vice Mayor Fontaine made the motion. Seconded by Commissioner Wessels, the motion carried unanimously.

Mayor Parker asked that the record reflect that the amended conditions of approval now read 1 through 4, that the former condition No. 4 has been stricken, and the former condition No. 5 has been renumbered condition No. 4.

Commissioner Wessels commented to the proprietor that this will work out well, however, he is dedicated to make sure it will. Commissioner Wessels stated he is concerned about noise and traffic, and there will be a very tight tolerance on the situation.

Mr. Hart stated he has been in the restaurant business for past 16 years and it is not his intent to run a loud, routey, obnoxious crowd at 2:00 a.m.

Mayor Parker assigned numbers to the persons already sworn in to speak at the public hearing.

Jim Pollock, 4417 Poinciana Street, Unit #1, stated he resides in the building directly north of the SunTrust Bank parking lot. Mr. Pollock stated he is speaking in behalf of Mrs. Hillegas who

resides in Indiantown. Mr. Pollock stated he contacted Alan Wolf, the head of the Property Service Division of SunTrust Bank and Town Planner Keller to clear up some points. Mr. Pollock stated that originally when the area was developed as a bank parking lot, there was no site plan approval process. Mr. Pollock stated Mrs. Hillegas said there was a fence on the original blueprints. Mr. Pollock stated that Mr. Wolf said the blueprints can not be located. Mr. Pollock stated that Mr. Wolf said if there is a provision in the town code, he will erect a fence. Mr. Pollock stated this is an area where a commercial zone abuts a residential zone and he is pursuing the construction of a shadow box fence.

Mayor Parker suggested that Mr. Pollock come back and requests the erection of the fence as a condition if the applicant comes before the Commission with a parking variance.

Vice Mayor Fontaine stated the original plan needs to be found, and if SunTrust Bank is not in compliance, then they must erect a barrier.

Mayor Parker asked Town Manager Baldwin to report on the fence at the next meeting.

Mary Ann Corley, 232 Algiers Avenue, is in favor of the Mulligan's restaurant, and feels that customers will walk to the restaurant.

Dave Biba, 4245 El Mar Drive, is in favor of the restaurant. Mr. Biba said the owner is helping to alleviate the parking problem by leasing a parking lot to frequent the town's downtown area.

Susan Beatty, 230 Garden Court, is favor of the restaurant. Ms. Beatty said especially the upscale businesses. Ms. Beatty said the applicant has accommodated the Commission's comment from the last meeting, and it is time to accommodate the applicant.

Shirley Russotti, 4315 West Tradewinds Avenue, is in favor of the restaurant, and stated people do enjoy walking.

Gerald Kinahan, Seagull Motel, is opposed to the restaurant. Mr. Kinahan said it will put his motel out of business due to the deliveries and garbage pick-ups made in the narrow lane way between the motel and that section of downtown. Mr. Kinahan said his best apartments are located approximately 10 ft. from the lane way. Mr. Kinahan said they have repeat customers that come back every year, however, they do not want to stay in those two apartments. Mr. Kinahan said the same lane way is used for Aruba valet parking. Mr. Kinahan stated if the restaurant is approved, he would like conditions imposed that strictly prohibit deliveries and garbage pick up before 7:00 a.m. Mr. Kinahan also stated that the noise ordinance should be enforced.

Bill Ciani, owner of building west of the proposed restaurant, stated this is a restaurant with an eighty-seat capacity that will impact an already congested parking problem, and deliveries. Mr. Ciani said a 2:00 a.m. liquor license and an outdoor bar with open music will change the whole atmosphere of the area.

Eileen Damergian, 4433 El Mar Drive, Ocean Reverie Apartments, asked if anyone can use the SunTrust Bank parking lot for parking.

Mayor Parker stated it is his understanding as part of the applicant's site plan approval, they are required to obtain parking spaces that are dedicated to their restaurant. Mayor Parker stated that SunTrust Bank is willing to lease them to the applicant on evening hours and on weekends.

Mrs. Damerjian stated that A1A is a tough street to cross, and A1A will become very congested.

Mae Gibson, stated the Commission is smart not to have valet parking. Mrs. Gibson stated the SunTrust Bank parking sounds great. Mrs. Gibson said the metered spaces on Commercial Blvd. just beyond the SunTrust Bank are also available.

Doreen Trembly, owner and operator of a parking management business, said she has obtained a license approximately a year ago to operate the SunTrust parking lot. Ms. Trembly stated the SunTrust lot will accommodate 75 to 100 vehicles. Ms. Trembly stated there is a lot of parking available in the area that should be promoted. Ms. Trembly said that she would leave a reference list of her clients.

Mayor Parker asked Ms. Trembly to leave her reference list with the Town Clerk who will distribute the list to the Commissioner's mailboxes.

Mayor Parker closed the public hearing and asked for Commissioner's questions.

Vice Mayor Fontaine asked Town Planner Keller has a density study been performed for the restaurant.

Town Planner Keller stated the town is grandfathering a certain number of spaces and square footage by the existing uses, for example, Bailey's fruit shippers and the pizza restaurant, have certain parking requirements. They are credited to meet whether or not the spaces are actually there. Mr. Keller stated this restaurant needs 16 spaces for the square footage of the restaurant. Mr. Keller stated the restaurant is grandfathered 9 spaces; seven more parking spaces are needed to meet the code. Mr. Keller stated the parking study was based on prior condition, not the restaurant being added to it.

Commissioner Yanni commented on Ms. Susan Beatty's comments that the Commission is trying to prevent the restaurant from opening. Commissioner Yanni stated the Commission is concerned about safety of pedestrians.

Commissioner Waller made a motion to approve the site plan subject to the four amended conditions of approval. Commissioner Wessels seconded the motion.

Vice Mayor Fontaine asked if the Commission is creating a safety problem.

Mayor Parker asked Town Attorney Cherof, if one of the conditions of approval is the applicant has to obtain a variance for parking, the applicant must submit for approval a parking plan that is safe.

Town Attorney Cherof stated that is correct.

Mayor Parker commented that the safety issue can be addressed later.

Commissioner Waller stated the Commission should address the safety issue now, and not deter people from opening a business.