



CITY OF FORT LAUDERDALE

**CITY OF FORT LAUDERDALE
NUISANCE ABATEMENT BOARD MINUTES
CITY HALL, CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
THURSDAY, OCTOBER 8, 2020, 7:00 P.M.**

**Cumulative Attendance
3/2020 through 2/2021**

| <u>Members</u> | <u>Attendance</u> | <i>Present</i> | <i>Absent</i> |
|-----------------------|--------------------------|-----------------------|----------------------|
| John Forman | P | 2 | 0 |
| Howard Elfman | P | 1 | 0 |
| Glen Lindsay | P | 2 | 0 |
| Robert Phaneuf | P | 1 | 0 |
| Joel Slotnick | P | 2 | 0 |

Staff Present

Detective Paul Maniates, Liaison
Bruce Jolly, Board Attorney
Don Londeree, Assistant City Attorney
Brigitte Chiappetta, Recording Secretary, Prototype Inc.

Communication to the City Commission

None.

Index

| <u>Item No.</u> | <u>Case Number</u> | <u>Respondent</u> |
|------------------------|---------------------------|---|
| 5. | 18-08-02 | 1500 NW 6 th Street, Sistrunk Market Status Hearing |
| 6. | 20-09-02 | 3031 West Commercial Boulevard, Hometown Studio Hotel Evidentiary Hearing |

Purpose: Promote, protect, and improve the health, safety, and welfare of the citizens by imposing administrative fines and other non-criminal penalties in order to provide an equitable, expeditious, effective, and inexpensive method of enforcing ordinances under circumstances when a pending, or repeated violation continues to exist.

1. Call meeting to order; Pledge of Allegiance

The meeting was called to order at 7:00 p.m. and the Pledge of Allegiance was recited.

2. Election of Officers

It was determined that this Item would be deferred until the next meeting. As the longest-serving Board member, Mr. Forman would serve as Acting Chair.

3. Roll call; witnesses sign log; swearing in

Ms. Chiappetta called roll and confirmed a quorum was present. Witnesses were sworn in. Mr. Jolly briefly reviewed the purpose and process of the Board.

4. Approval of Minutes from March 12, 2020

Motion made by Mr. Slotnick, seconded by Mr. Lindsay, to approve. In a voice vote, the **motion** passed unanimously.

Mr. Jolly swore in the new Board members at this time.

Cases

5. Case Number 18-08-02 1500 NW 6th Street Sistrunk Market

- **Status Hearing**

Det. Maniates stated that the property owner was mailed legal notice of tonight's meeting on September 29, 2020. There have been 126 Police-related incidents since March 12, 2020, two of which were nuisance-related. The property is in compliance. Det. Maniates thanked the owner for his cooperation and recommended that the property be released from jurisdiction.

Motion made by Mr. Lindsay, seconded by Mr. Phaneuf, to release 1500 NW 6th Street from jurisdiction. In a roll call vote, the **motion** passed unanimously.

6. Case Number 20-09-02 3031 West Commercial Boulevard Hometown Studio Hotel

- **Evidentiary Hearing**

Det. Maniates showed a PowerPoint presentation on the Hometown Studio Hotel located at 3031 West Commercial Boulevard. He has been in contact with representatives of the hotel's ownership, who have advised him of several recent improvements, including upgrade of a camera system and improved lighting. The hotel has applied to the City for construction of an electric gate at the front entrance of the

business; however, due to the ongoing COVID-19 pandemic, this request has been delayed for several months. Construction is expected to begin within the next 45 days.

Det. Maniates has met with the general manager of the hotel, who has indicated he is happy to work with the Police Department to improve conditions at the site. He has also been in contact with attorney Zak Colangelo-Trenner, who is representing the hotel at tonight's meeting. The property owner has advised that they will stipulate to the Police recommendations for the property.

Mr. Jolly asked if the owner also stipulated to the property's status as a nuisance as defined. Mr. Colangelo-Trenner stated that he was not under the impression that the owner must stipulate that the property is a nuisance as defined as well as to the charges.

Mr. Jolly advised that the Board's jurisdiction is predicated upon a determination of nuisance. Mr. Colangelo-Trenner replied that while he did not contest the assertion, he did not have authority to stipulate to the existence of a nuisance. Assistant City Attorney Don Londeree advised that he has informed the property owner that the nuisance charge has occurred on the property and the City has assumed jurisdiction for this reason.

Det. Maniates stated that since January 1, 2020, there have been 232 Police-related activities on the subject property, seven of which were nuisance-related. The nuisance-related issues include the following:

- August 13, 2020: aggravated battery involving a firearm
- August 26, 2020: \$20 worth of crack cocaine purchased
- August 27, 2020: more crack cocaine purchased
- August 27, 2020: search warrant conducted

Det. Maniates noted that the fence to be constructed on the property would fence in both sides of the hotel parking lot, prohibiting random vehicles from accessing the lot. While the fence is being constructed, the hotel will post a security officer at the front of the property.

The owner has stipulated to Police recommendations for the property as follows:

1. Owner will file a No Trespass affidavit with the Fort Lauderdale Police Department and post No Trespassing signs on the property within 14 days. (Signs are already up.)
2. Owner will clearly display, within 14 days and for the duration of jurisdiction, two 16x20 signs, stating that the property is under the jurisdiction of the Nuisance Abatement Board and is monitored by the Fort Lauderdale Police Department.
3. Owner will install and maintain exterior lighting on the front, rear, and sides of the building according to all Fort Lauderdale City Code requirements within 30 days.

4. Owner will repair all fencing surrounding the property according to all Fort Lauderdale City Code requirements within 60 days. Fencing must be maintained in good order.
5. Owner will maintain the property free of debris and trash.
6. Owner will ensure that no persons loiter in the parking lot, common areas, and all sides of the property.
7. Owner will provide a copy of the current business tax license within 14 days.
8. Investigative costs total \$3016.02. The owner is assessed 50% of this amount plus expenses, which equal \$1528.01. This cost is held in abeyance at this time due to cooperation from the business.
9. If any of the above listed items are not complied with in the established time frame, a fine of \$250 per day per item, not to exceed \$250 per day, will be imposed for each day of noncompliance.
10. Owner or representative of the property will appear before the Nuisance Abatement Board at the November 12, 2020 meeting and all scheduled Board meetings for the duration of jurisdiction unless notified otherwise by the investigative Detective.
11. Nuisance Abatement Board will retain jurisdiction over the property for a period of one year from the date of this order.

Det. Maniates added that the owner's district director has advised that the business is seeking a uniformed Police Officer to work detail at the subject property.

On behalf of the hotel, Mr. Colangelo-Trenner accepted the above as statements of fact and stipulated to the recommendations.

The Board discussed the Case, with Mr. Slotnick pointing out that while a gate would stop vehicular traffic, it would not affect foot traffic on the site. Det. Maniates reiterated that restriction of vehicular access will at least begin to address the problem. Having a detail Officer on site is also expected to be significant. He further clarified that if there is noncompliance with Recommendation 9, the full cost of Recommendation 8 would be assessed as well as any additional fine.

It was determined that Peter Solnick, representing the Summer Lakes Homeowners' Association, would be permitted to address the limited issue(s) that the Board may consider. Mr. Solnick asserted that in recent years the hotel has been a haven for prostitution, drug dealing, and repeated criminal activity. There is a perception of substantial threat of bodily harm to the surrounding community, including residents of Summer Lakes.

Mr. Phaneuf asked if the Summer Lakes Homeowners' Association has a concurrent civil case against the hotel. Mr. Solnick confirmed this, stating that the Association is seeking abeyance of the nuisance as well as damages. Mr. Colangelo-Trenner is the opposing counsel in this case. Mr. Colangelo-Trenner objected to the testimony provided by Mr. Solnick at this hearing.

Mr. Solnick requested that the Fort Lauderdale Police Department temporarily shut down the hotel or have a Police detail present on the property at all times. Mr. Jolly noted that Mr. Solnick's testimony will be added to the record and considered.

Det. Maniates stated that the hotel plans to begin employing a Police detail by the weekend of October 10-11, 2020. Unarmed security also patrols the grounds from roughly 8:30 p.m. to 5:30 a.m. and may trespass individuals from the property.

Mr. Lindsay asked if the Board may amend the recommendations to include the recommendation that the property retain a uniformed off-duty Police Officer. Det. Maniates advised that while this is not a formal recommendation, the property's district director has stated he would like to take this action.

Mr. Jolly stated that if Mr. Colangelo-Trenner is in agreement with this proposal, it may be added to the recommendations; however, if he is not in agreement, it would have to be unilaterally imposed. Mr. Colangelo-Trenner replied that he was not authorized to stipulate to this proposal without consulting his client.

Mr. Jolly explained that if a determination of nuisance is found, the Police recommendations will be adopted. An amendment to these recommendations can be made by the Board if that is their desire; however, that amendment will not be a stipulated recommendation.

Det. Maniates pointed out that the Case will come before the Board every month it is under jurisdiction and can be modified in the future if necessary.

Motion made by Mr. Lindsay, seconded by Mr. Elfman, to determine that the property is a nuisance as defined. In a roll call vote, the **motion** passed unanimously.

Motion made by Mr. Slotnick, seconded by Mr. Elfman, to accept the recommendations as proposed and stipulated to. In a roll call vote, the **motion** passed unanimously.

8. Board Discussion

Mr. Solnick requested that he and his client be notified in advance of the next scheduled Board meeting. Mr. Jolly stated that this Case will be brought forward for hearing every month for the next year. The Board meets on the second Thursday of each month.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:00 p.m.