



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
NUISANCE ABATEMENT BOARD
CITY HALL, CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
THURSDAY, DECEMBER 8, 2022, 7:00 P.M.**

**Cumulative Attendance
1/2022 through 12/2022**

<u>Members</u>	<u>Attendance</u>	<u>Present</u>	<u>Absent</u>
John Forman, Chair	P	7	0
Joel Slotnick, Vice Chair	P	7	0
Glen Lindsay	P	6	1
Robert Phaneuf (via Zoom)	P	6	1
Avigdor Pemper	P	3	2

Staff Present

Detective Jameson Jones
Don Londeree, Assistant City Attorney
Joyce Hair, Board Clerk
Carla Blair, Recording Secretary, Prototype, Inc.

Communication to the City Commission

None.

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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. Roll call; witnesses sign log; swearing in

Roll was called and it was noted a quorum was present. Any individuals planning to speak at tonight's meeting were sworn in.

3. Approval of minutes for October 13, 2022

Motion made by Vice Chair Slotnick, seconded by Mr. Lindsay, to approve the meeting minutes from October. In a voice vote, the **motion** passed unanimously.

Motion made by Vice Chair Slotnick, seconded by Mr. Lindsay, to have Robert [Phaneuf] be able to appear by Zoom tonight. In a voice vote, the **motion** passed unanimously.

Cases

4. Case Number 22-04-01 301 SW 2nd Street DBA #00 Shato

- Status Hearing

Detective Jameson Jones recalled that at the October 13, 2022 Board meeting, the owner of the subject business had indicated there was a potential sale. Over the last two months, the Police Department received calls from a closing agent and an attorney representing the property owner which confirmed the sale was going forward. The owner has communicated that he signed closing documents, which were being transferred to an out-of-state purchaser.

The property has had no nuisance-related calls for service since the October Board meeting. As of Monday, December 5, 2022, the business was not in operation. Det. Jones recommended that the Board memorialize a compliance order. He will advise the Board when the sale has been completed.

Assistant City Attorney Don Londeree recommended that the Board terminate jurisdiction of the property.

Vice Chair Slotnick stated that he would like this case to be deferred until the sale has gone through, after which the property could be released. Det. Jones advised that the owner will need a signed order of compliance to show the property is compliant. If this is not done, the Broward County Property Appraiser's Office will continue to reflect that the property has a defect, which would hinder the owner's ability to sell it.

Motion made by Vice Chair Slotnick, seconded by Chair Forman, to file the compliance order. In a roll call vote, the **motion** passed unanimously.

5. Case Number 22-11-03

5100 N State Road 7

Plaza Hotel

- **Evidentiary Hearing**

Det. Jones stated that the Plaza Hotel was purchased by its current owner in September 2018 and has approximately 272 rooms. The listed owner is 5100 N State Road 7, FLL, Inc., which is a for-profit Florida corporation. Over the last six months, the property has generated a total of 373 calls for service. Over the last year, there have been 559 such calls.

The calls for service vary from simple calls to calls regarding violent offenses. Two qualifying nuisance abatement-related incidents have occurred: a sexual battery call on July 8, 2022, and a robbery on July 25, 2022. These resulted in a certified warning letter sent to both the property owner and the registered agent on August 25, 2022. The owner received the letter on September 15, 2022; however, the registered agent has never taken receipt of the letter. Since the warning letter was sent, the Police Department has received no communication from either the owner or management.

On November 3, 2022, a confidential informant purchased \$40 worth of crack cocaine on the subject property. Another confidential informant purchased \$40 worth of crack cocaine later in the same evening. On November 16, 2022, a confidential informant purchased \$100 worth of crack cocaine on the property.

On November 28, 2022, Det. Jones and Board Clerk Joyce Hair met with the hotel manager, Danny Santiago, to make him aware of the Police Department's concerns with the property and explain the nuisance abatement process. Mr. Santiago responded that he is a representative of the property. He is in the process of hiring an armed guard, has raised the nightly room rate, terminated two problem employees, and ordered new locks for the rooms. He has informed Det. Jones that the hotel is planning a major renovation.

Later in the week, Det. Jones emailed Mr. Santiago a request from undercover units regarding both current and recently terminated employees of the hotel. Mr. Santiago responded to this request immediately and has remained in communication with the Police Department.

Det. Jones continued that he and Ms. Hair took photos of the property, including a number of areas in which improvements could be made to reduce crime. These areas are included in the recommendations. On Monday, December 5, 2022, Det. Jones traveled to the hotel at night to conduct a check-in and take additional photos for the Board's reference. While there, he observed several individuals loitering in the parking lot and at vehicles on the perimeter of the business. He did not see on-site security during any of his visits.

Det. Jones advised that on the day of his December 5 visit, the hotel's room rate was advertised online as low as \$49. He also spoke with other detectives who are working on

cases that occurred on the property, who contributed to the recommendations. He reviewed several photos of the property with the Board members.

Det. Jones read the following Police recommendations for the Plaza Hotel:

- Owner or designated manager will file a No Trespass affidavit with the City of Fort Lauderdale Police Department and post No Trespassing signs on the property within 14 days, thereafter enforcing trespass laws; owner will ensure the affidavit is updated accordingly
- Owner or designated manager will clearly display, within 14 days and for the duration of jurisdiction, nuisance abatement signs measuring 16 in. x 20 in., stating that the property is under the jurisdiction of the Nuisance Abatement Board and is being monitored by the Police Department; placement will be no less than at each entrance of the building or buildings
- Owner or designated manager will maintain all video cameras and recording equipment in good working order, and will provide on-site management and a representative of the Police Department with access to the cameras and recordings during all business hours; recordings shall be maintained for no less than 30 days
- Owner or designated manager will maintain all exterior lighting in good working order on the front, sides, and rear of the property, in accordance with all City Code requirements, within 30 days; all entry and exit locations of the building should be well-lit
- Owner or designated manager will repair all fencing surrounding the property in accordance with Code within 60 days, and will maintain the fencing in good order
- Owner or designated manager will replace room locks with locks recommended by the investigative detective within 30 days of this order; all entrances will be locked for entry purposes after dark, and the main entrance will remain the sole point of entry after dark and until daylight with the exception of emergencies
- Owner or designated manager will maintain all exterior lighting in good working order in the front, rear, and sides of the building according to Code requirements within 30 days; all entry and exit locations of the building should be well-lit
- Owner or designated manager will repair all fencing surrounding the property in accordance with Code requirements within 60 days, maintaining in good order
- Owner or designated manager will conduct property checks at the location every week to assess the condition of the property and notify the Fort Lauderdale Police Department (FLPD) of any concerns; they will then email this detective with each property check to report the status of these recommendations and compliance with them
- Owner or designated manager will provide a list of current employees within three days of this order, and will send an updated list three days prior to the

- next Nuisance Abatement Board (NAB) meeting; they will notify the investigative detective of any employee terminations
- Owner or designated manager will evict any tenant/guest responsible for any nuisance-related crime
 - Owner or designated manager will maintain guests' and tenants' information for a minimum of 90 days, including photo ID, and will make this information available to the FLPD upon request
 - Owner or designated manager will inform the investigative detective of the weekly occupancy rate
 - Investigative costs total \$1743.21, of which the owner is assessed 50% plus expenses, which equals \$1171.61; this cost is to be paid prior to the January 12, 2023 NAB meeting; if no meeting occurs in January 2023, this amount will be paid prior to the next scheduled NAB meeting
 - The NAB will waive the remaining balance of \$571.60 of the investigative costs if the owner complies with the order within the specified time frames; if the owner fails to comply within those time frames, the remaining 50%, or \$571.60, of investigative costs will be assessed
 - If any nuisance-related crimes occur on the property, the remaining 50% of investigative charges will be imposed
 - If any of these listed items are not complied with within the time frames set forth, a fine in the amount of \$250 per day per item will be imposed for each day of noncompliance, not to exceed \$250 per day
 - The owner or representative of the property will appear before the NAB at the January 12, 2023 meeting and all scheduled NAB meetings for the duration of jurisdiction, unless notified otherwise by the investigative detective
 - The NAB will retain jurisdiction over the property for a period of one year from the date of this order

Det. Jones stated that the property owner has requested a copy of the preliminary recommendations. He has observed that the No Trespass affidavit was completed, and 90% of the exterior lighting is in working order. Work on the fencing is underway, and the hotel has already purchased new room locks, of which the owner provided photographs and a copy of an invoice, as well as a time frame for their installation.

Vice Chair Slotnick noted that some of the fencing is chain-link, while other fencing on the west side of the property is solid. Danny Santiago, general manager of the Plaza Hotel, confirmed that this was correct.

Mr. Santiago advised that his goal is to address the needs of the distressed property and then move on. The owner intends to sell the property. He agreed with the Detective's recommendations regarding the hotel. The armed security company will begin providing 24-hour security on Fridays and Saturdays, which have the highest occupancy rates. He estimated that it would take roughly five weeks to replace the room locks.

Chair Forman asked if any trends could be detected in the 559 calls received over the past year. Det. Jones replied that not all of these calls were nuisance-related. He advised that most of these included disturbances, trespassing, domestic incidents, stalking, assaults, and similar issues, with the exceptions of the two major crimes cited earlier. A detective in the FLPD's Property Crimes division identified the door locks as a major issue, as the hotel was experiencing an extraordinary number of burglaries.

Mr. Pemper asked for additional information on the hotel's renovation. Mr. Santiago estimated the cost of this project as \$7.2 million. The entire property, including the parking lot, will undergo renovation. The hotel will be open during this project, and the renovation is expected to take one year.

Mr. Pemper also asked for additional information on the hotel's nightly rates. Mr. Santiago explained that when he arrived at the property, the nightly rate was \$44 plus a \$100 deposit for guests who pay cash. This rate has been raised, and when renovations are more complete, cash payment will only be accepted when checking out of the hotel.

Mr. Pemper also asked why the weekly occupancy rate was requested as a recommendation. Det. Jones replied that this recommendation related to other nuisance properties and is intended to help create a real-time assessment of activities at the hotel.

Mr. Pemper asked if keeping doors other than the main entrance locked could present an issue with Fire Code. Det. Jones stated that he plans to discuss this with Mr. Santiago to determine how it would work logistically, as he is not yet familiar with all the hotel's entry and exit points and which of these requires key or code access. He noted that there is significant activity at the doors outside the main entry and exit points, and that these doors are not all well-lit. Mr. Santiago added that fire safety not expected to be an issue, as the doors leading outside are equipped with crash bars.

Chair Forman asked what must be done to bring the business under the jurisdiction of the Board. Attorney Londeree replied that Mr. Santiago is asked to agree and stipulate to the jurisdiction of the Board that the property is a nuisance. The Board must then vote upon whether or not the property constitutes a nuisance and should come under their jurisdiction.

Mr. Santiago verbally agreed to stipulate to the findings of the property as a nuisance.

Motion made by Vice Chair Slotnick, seconded by Mr. Lindsay, that we receive it as a nuisance and follow the recommendations that are set forth by the Fort Lauderdale Police.

Vice Chair Slotnick confirmed that the intent of this **motion** was to find the property a nuisance and follow the Police Department's recommendations.

In a roll call vote, the **motion** passed unanimously.

6. Board Discussion

There being no further business to come before the Board at this time, the meeting was adjourned at 7:49 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

[Minutes prepared by K. McGuire, Prototype, Inc.]