



CITY OF FORT LAUDERDALE

**MEETING MINUTES  
CITY OF FORT LAUDERDALE  
NUISANCE ABATEMENT BOARD  
FIRE STATION 2 – 528 NW 2<sup>ND</sup> STREET, 3<sup>RD</sup> FLOOR  
FORT LAUDERDALE, FLORIDA 33311  
THURSDAY, MAY 11, 2023, 7:00 P.M.**

**Cumulative**

<b>Committee Members</b>	<b>January-December 2023</b>		
	<b>Attendance</b>	<b>Present</b>	<b>Absent</b>
Joel Slotnick, Chair	P	3	0
Glen Lindsay, Vice Chair	P	2	0
Robert Phaneuf (via Zoom)	P	2	1
Avigdor Pemper (via Zoom)	P	3	0

**Staff Present**

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

**Communication to the City Commission**

None.

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<b><u>Item No.</u></b>	<b><u>Case Number</u></b>	<b><u>Respondent</u></b>	<b><u>Page</u></b>
5.	22-04-01	5100 n State Road 7, Plaza Hotel – Status Hearing	2
6.	23-02-01	18 NW 1 <sup>st</sup> Ave., One Stop Shop – Status Hearing	4

**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 7:06 p.m.

**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.

The following Item was added to the Agenda.

### **3. Election of Officers**

**Motion** made by Mr. Lindsay, seconded by Mr. Phaneuf, to nominate Mr. Slotnick as Chair. In a voice vote, Mr. Slotnick was unanimously elected Chair.

**Motion** made by Mr. Slotnick, seconded by Mr. Pemper, to nominate Mr. Lindsay. In a voice vote, Mr. Lindsay was unanimously elected Vice Chair.

### **4. Approval of minutes for March 9, 2023**

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

### **Cases**

The following Item was taken out of order on the Agenda.

#### **6. Case Number 23-02-01 18 NW 1<sup>st</sup> Ave. One Stop Shop**

- **Status Hearing**

Detective Jameson Jones reported that there have been only six calls for service from this property, none of which were nuisance-related. The only calls for which reports were written involved a trespasser and a verbal dispute. The owner has been very communicative and has provided the Police with updates as necessary.

Detective Jones thanked the owner for his assistance in addressing the store's issues. He recommended that the case be presented again for an update at the Board's June 8, 2023 meeting.

Chair Slotnick requested an update on the business's discussions with a church which provides food to homeless individuals near the store. It was clarified that this has been difficult to pursue, as different representatives of the church are present at different times.

#### **5. Case Number 22-11-03 5100 N State Road 7 Plaza Hotel**

- **Status Hearing**

Detective Jones showed a slide presentation on this Item, stating that there have been 119 calls for service at the subject property between March 8 and May 8, 2023. These include burglaries, larcenies, disturbances, and civil matters. The burglaries and larcenies are considered to be Part 1 crimes by the Fort Lauderdale Police Department.

Chair Slotnick clarified that the Board did not meet in April due to the historic flooding that affected City Hall.

Detective Jones continued that the Plaza Hotel made 107 calls for service following the Board's January 2023 meeting, followed by 80 calls in February, and an average of 60 calls per month in March and April. The average number of calls comes to 10 per six-hour detail segment throughout the day. When this number is exceeded, it is typically between the hours of 11 a.m. and 2 a.m. The Police detail does not currently cover all of these hours.

The Plaza Hotel sends the Police Department a weekly email advising them of the current room rate. As of April 28, 2023, the daily rate for a room with a king-sized bed was roughly \$83, while a room with a double bed was approximately \$72. As of May 5, room rates increased to \$125 for a king and \$114 for a double. Weekly rates are also posted at the hotel.

Detective Jones advised that he had conducted a Google search of nightly room rates for the Plaza Hotel, which were not consistent with the posted room rates: users of discount sites are able to secure a \$125 room for as little as \$52. He explained that when room rates are very low, they make the business more attractive to a problematic clientele.

Robert Yale, representing the Plaza Hotel, stated that when hotel occupancy is below normal, the hotel compares its rates to other hotels and adjusts its rates accordingly in order to encourage occupancy. Rates may change on a daily basis.

Chair Slotnick asked if the hotel sees a change in its clientele when its rates are lower. Mr. Yale replied that when rates are higher, the hotel sees a significant loss of income. He added that the business is also undergoing renovations at present. The long-term plan is to raise the business to a higher standard; however, they cannot raise rates with the current conditions of the hotel. He concluded that while calls have been reduced, they are not yet at the level the business would like to see. There are plans to increase security in the hotel.

Assistant City Attorney Don Londeree asked how long Mr. Yale has been involved with the subject property. Mr. Yale estimated that it has been approximately nine months. The hotel has been sold to a group based in Canada. He added that the hotel has also had a general manager who reports to him as well, although that individual is no longer affiliated with the business.

Attorney Londeree asked if Mr. Yale plans to attend the Board meetings on a monthly basis. Mr. Yale confirmed that this was his intent. When he is not available, a hotel manager will represent the business on an everyday basis.

Detective Jones advised that on April 26, 2023, he and Board Clerk Joyce Hair visited the hotel and spoke with hotel manager Jaraia Ballou to review the nuisance abatement process. At that time, they reviewed and copied management on the Police Department recommendations. He noted that as of March 1, 2023, the Board ordered that the owner or owner's designated manager no longer accept cash as payment for new reservations at the hotel, and that the owner make all attempts to convert reservations made prior to this date to non-cash payment.

Detective Jones continued that each week, the Police Department receives documentation including room numbers, guest names, how the room was booked, arrival time, deposit, and payment method. He requested clarification of payment method codes used in the documentation. Mr. Yale replied that "CA" represents either cash or debit. He stated that he would work with his staff to determine if there is a way to differentiate between these two forms of payment.

Mr. Pemper asked if the Board has any confirmation that cash is not being received from clients. Ms. Ballou stated that the business is not accepting cash.

Chair Slotnick requested clarification of the average stay of a guest at the hotel, and how this has changed, if at all, now that cash is not being accepted. Mr. Yale estimated that the average stay is 1.5. It can be difficult to quantify the number of repeat customers because they often come to the front desk on a daily basis to renew their rooms.

Attorney Londeree advised that he was contacted directly by Mr. Yale with regard to the hotel. Mr. Yale had explained the situation, indicating that he would be responsible for the property going forward and would attend Board meetings.

Detective Jones showed slides of a website used by an escort service considered to be synonymous with prostitution activity. The site is accessible to anyone nationwide. Several postings per day are made by escort/prostitution services. The Plaza Hotel is listed on this website, which is a concern to the Police Department.

Detective Jones continued that the Police Department has identified persons responding to ads for the website, and has confirmed that they are paying for their rooms with cash. He cited an example of this which occurred on May 1, 2023: a non-uniformed Officer entered the hotel and requested to reserve a room with cash. The employee advised that this was possible, as was payment of the deposit with cash. He concluded that this is contrary to the information provided by the hotel's representatives. Chair Slotnick commented that this violates the requirements placed on the business by the Board.

Detective Jones continued that earlier today, May 11, he had called the hotel and asked if they accepted cash for reservations or deposits. At that time, the employee to whom he spoke indicated that they do not accept cash. He emphasized the links between customers using cash and the advertisements to which he had referred.

Chair Slotnick asked if there is a tie between the hotel and ads from the escort service. Detective Jones stated that the hotel cannot control the posting of these types of ads. He pointed out that if requirements were in place, such as the hotel no longer accepting cash and requiring proper identification, the problems the business is experiencing would be dramatically reduced or cease to exist. This was one of the reasons the Board put the restriction on cash in place.

Chair Slotnick requested clarification of next steps when the terms of the hotel's agreement under Board jurisdiction are violated. Detective Jones replied that a fine of up to \$250 per day and per violation of the Board's recommendations can be levied. The Police Department also has the authority to require payment in full of the initial investigative costs, of which only 50% has been paid thus far.

Detective Jones added that during his and Ms. Hair's visit to the hotel, they had requested to see a room which they were aware had been used for activity consistent with the escort service ads. The room's window was open and there was evidence of water damage. Another door on the same floor was open and would not lock properly when closed, although the lock had been changed. He concluded that there are ongoing issues with locks on the rooms.

Mr. Pemper requested clarification of whether or not the room had been rented using cash. Detective Jones replied that this could not be confirmed due to the previous statement that the hotel's payment code could refer to either cash or debit.

Mr. Yale stated that it was important to identify the agent who had rented the room with cash. He pointed out that the hotel is not taking in any cash other than what is received in the restaurant or gift shop. Detective Jones clarified the date and time at which the room had been rented.

Detective Jones advised that he would recommend extending the Police detail hours at the hotel. Chair Slotnick observed that although he did not wish to place too much of a financial hardship on the hotel, he considered the violations to be serious.

Mr. Yale commented that while the Police detail has been helpful, the Officers remain outside the building. He added that he would like everyone entering the building to be asked if they are a guest at the hotel and to be prohibited from entry if they are not included on a list of current guests. He also hoped to install security cameras on all floors.

Vice Chair Lindsay asked how many places can be used for check-in. Mr. Yale advised that this is only done at the check-in desk at the main entrance. Another issue is that a

door at the southeast entrance does not close properly. Existing cameras are in place to monitor desk agents, but are not reviewed regularly.

Attorney Londeree requested that Mr. Yale provide a rough map of the hotel's protected and unprotected entrances. Mr. Yale reviewed this drawing, noting that the main entrance and reception counter are always open. He strongly emphasized his commitment to addressing the hotel's issues, as its owners are investing significantly in improvements. He reiterated that he hoped to provide a security agent with a list of every guest in the building, which would control entrance and exit to and from the hotel. The intent is for every guest who passes the security agent to identify themselves, with anyone accompanying guests asked to register as well.

Detective Jones recalled that one of the hotel's stipulations was that all entrances will be locked for entry purposes after dark, with the main entrance constituting the sole point of entry after dark, with the exception of emergencies.

Chair Slotnick asked if entrance and exit are limited to only one door in the evening. Mr. Yale identified doors that are automatically locked after 10 p.m., with access limited to guests' key cards. He noted that the key card system was not working consistently, which led to the replacement of the entire door lock system.

Mr. Phaneuf asked if Police reports were filed when previous employees were discovered stealing from guests or committing other crimes. Mr. Yale replied that the most recent theft was reported to the Police. He advised that the response depends upon the damage: the hotel did not want an employee to have a criminal record for smaller offenses.

Mr. Pemper asked if Mr. Yale felt improving the Plaza Hotel would take a year to complete. Mr. Yale replied that the renovation will take roughly another year, while conversion to a better clientele could take another two years. He pointed out that the hotel's location made it difficult to attract a better clientele.

Ms. Hair asked if Mr. Yale had reviewed the copies of the hotel's orders for compliance. Mr. Yale replied that he has only seen the copies provided to him by the former manager. Ms. Hair noted that the hotel has been provided with multiple copies.

Detective Jones explained that the orders specify the Board's and the Police Department's requirements for compliance. They are issued with the intent that compliance will reduce the number of crimes and nuisance-related calls for service. If the business is not compliant with the orders, there is often an increase in crime and calls. Mr. Yale agreed that the progress being made by the hotel was happening quickly enough.

Detective Jones stated that the Police Department's recommendations would be to extend the hours covered by the Police detail, which would place the detail on the premises when the majority of calls for service are occurring. They would also recommend

requiring full payment of the initial investigative costs due to the findings of noncompliance. These would be at the Board's discretion.

**Motion** made by Vice Chair Lindsay to approve the Police recommendations with respect to hours and the finding to require the other half of the initial investigative costs to be assessed.

Detective Jones further clarified that he would recommend extending the Police detail from its current hours to an 11 a.m. to 2 a.m. shift at a minimum. This would cover the peak hours during which service calls occur. The investigative costs to be paid would be \$571.60.

Detective Jones added that the fine rate is \$250 per day per item, and may not exceed \$250 per day. This fine would be imposed for each day of noncompliance.

Mr. Pemper asked if the hotel was under the Board's jurisdiction before it was sold to new ownership. Detective Jones stated that while he could not answer this question definitively, the hotel met the statutory criteria to come under the Board's jurisdiction. He could not speak to whether similar problems had occurred prior to this jurisdiction.

Mr. Pemper explained that he felt raising the standards of the property was in the best interest of Fort Lauderdale residents. While he did not wish to discourage Mr. Yale and the hotel's owners from continuing to improve the property, he wished to ensure that they were not fined too much.

Vice Chair Lindsay asked if the Board may abate enforcement of a fine, pending future conduct. Attorney Londeree advised that fines are assessed and payable when due; however, should the Board change its mind at a later date, the Board may reduce or "zero out" that fine.

Chair Slotnick asked how many Nuisance Abatement Board jurisdiction signs are posted on the hotel premises. Detective Jones replied that while he did not have this number at hand, this was one order with which the hotel is in compliance.

Ms. Hair asked if there is an armed security guard at the hotel. Mr. Yale replied that there is a security guard present during the 16 hours in which there is no Police detail, including a 4 p.m. to 12 a.m. shift. He added that it is not easy for the hotel to correct its problems, as this will be an expensive process.

Detective Jones recommended that the Board first discuss the hours to which the Police detail would be increased, followed by discussion of the payment of investigative costs.

Attorney Londeree stated that the Board is not allowed to assign fines only as they see fit: they must assign the fines that are due for orders not followed. If the hotel is not in compliance, the Board may choose not to enforce payment of a fine; if they are not in

compliance, they must be fined the full amount, which may be relieved later on if the property comes into compliance or if a deal is made.

Chair Slotnick asked how the number of days of noncompliance would be affected by the Board's inability to meet in April 2023 due to flooding. Attorney Londeree advised that the Statute in question was suspended during the City's emergency circumstances.

Attorney Londeree continued that the hotel may inform the Board of whether they were also affected by the flooding, or by lost time and management due to the former manager's departure. Mr. Yale stated that the hotel experienced issues with flooding and with employees' inability to come to work during that emergency.

Attorney Londeree noted that it will be necessary to show receipts as evidence of flood damage. Mr. Yale requested 30 days in which to provide this documentation to the Board. The Board members agreed by consensus to permit this.

Vice Chair Lindsay **restated** his **motion** as follows: **motion** to adopt the Department's recommendations to increase the Police presence from 11 a.m. until 2 a.m., I believe that's seven days a week, and I will also move to impose the other 50% of the investigative costs of \$571.60, to be payable within the next 30 days.

Ms. Ballou recalled that when she had spoken with Detective Jones on April 26, the peak hours for calls had been identified as 3 p.m. to 10 p.m. She noted that the Police detail is currently present from 4 p.m. to 12 a.m., and asked how it might be possible to reduce the costs associated with the detail.

Detective Jones explained that the duties performed by the detail Officers are determined by discussion with hotel management as well as the detail coordinator. He added that he could provide recommendations on how use of the Police detail might be improved.

Mr. Phaneuf **seconded** Vice Chair Lindsay's **motion**. In a voice vote, the **motion** failed.

Mr. Phaneuf asked if Mr. Yale was in agreement with Detective Jones's recommendation to increase the Police presence on the site. Mr. Yale stated that the addition of hours to the Police detail would mean he cannot increase security agent hours. He reiterated that the Police detail remains in front of the hotel and does not conduct rounds in the building, which means people may continue to come and go in and out of the building as before.

Mr. Phaneuf recommended that the **motion** be tabled for 30 days until the Board can see evidence provided by Mr. Yale. Chair Slotnick pointed out that the **motion** had already failed.

**Motion** made by Vice Chair Lindsay for a finding of violation, imposition of a \$250 fine for 30 days, with the acceptance of cash, with the door issue, and I would move that the fine be payable within 60 days if that is permissible under the Statute.

It was clarified that a fine of \$250 for 30 days would total \$7500.

Vice Chair Lindsay added that the time frame cited within his **motion** would allow 30 days for any contrary evidence or proof of flooding to be brought forward.

Mr. Pemper requested clarification that the Board had assigned a fine to an item required for compliance, and did not have a choice regarding the imposition of that fine because the hotel was found not to be in compliance.

Attorney Londeree stated that he would first ask the Board to make a **motion** to discuss.

**Motion** made by Vice Chair Lindsay to discuss the pending **motion**.

Attorney Londeree advised that the **motion** on the floor would enforce “what was recently assigned” for noncompliance. If that **motion** is approved, the Board has the option of later abating the fine; however, they cannot modify the fine itself by changing its amount. The fine must be \$250 per day for the time frame assigned to the noncompliance.

Attorney Londeree continued that if the property owner is found to be in compliance at a later date, and the Board is impressed with that finding or wishes to work with the owner, they may abate, reduce, or change the fine at that time. They are not permitted to change the amount of the fine to be levied for each day, although they have the choice of whether or not to enforce the fine by passage or failure of the **motion**.

Mr. Pemper requested clarification of the infraction(s). Chair Slotnick reiterated that these include acceptance of cash and a door failing to be secured.

Mr. Phaneuf **seconded** the **motion** to impose fines. In a roll call vote, the **motion** passed 3-1 (Mr. Pemper dissenting).

Detective Jones recommended that Plaza Hotel management return for the next scheduled status hearing, which is set for June 8, 2023 at 7 p.m. at a location that has not yet been determined.

Detective Jones further clarified that the fine of \$250 per day will begin today, as the hotel was found not to be in compliance on this date. The fine will accrue until the hotel reaches compliance. Attorney Londeree added that the fine will cease to accrue as soon as the hotel can demonstrate compliance. If the hotel cannot come into compliance, management can come back to the Board and show why they cannot comply.

Mr. Yale asked how he would be able to demonstrate that the hotel is in compliance. Detective Jones replied that Mr. Yale should contact him to request that he document compliance.

Detective Jones also noted that the earlier **motion** addressing extension of the Police detail failed. Attorney Londeree stated that the **motion** regarding the Police detail also included the assessment of investigative costs. The only **motion** that has been passed on this Item addressed the fine.

**Motion** made by Vice Chair Lindsay, seconded by Mr. Pemper, for an award of the other 50% of the investigative costs in the amount of \$571.60 to be assessed against the property owner. In a roll call vote, the **motion** passed unanimously.

Attorney Londeree requested that the Board explicitly clarify what must be done in order to bring the Plaza Hotel into compliance. Chair Slotnick stated that the items included in the initial order “must be followed.”

Detective Jones clarified that the following item(s) from the initial order must be addressed:

- Item 6: all entrances will be locked for entry purposes after dark; the main entrance will remain the sole point of entry after dark and until daylight, with an exception for emergencies

Detective Jones added that when he conducts a check with hotel management, he will ensure that this item has been brought into compliance.

Mr. Pemper pointed out that it will be difficult for the hotel’s representation to prove they are not accepting cash. Chair Slotnick noted that the documentation provided by the hotel included a payment description type which did not distinguish between cash and debit card payment. He also recalled that Mr. Yale had informed the Board there is a way to distinguish between those two payment methods going forward.

Attorney Londeree clarified that the Board is asked only to determine the parameters of compliance, as the City and Police Department carry out enforcement of these parameters. It was clarified that compliance for the Plaza Hotel would be to repair the door that is not operating properly so people may no longer enter and exit during all hours of the day, and that cash may no longer be accepted to pay for rooms. If these items are corrected, the hotel would be in compliance.

Attorney Londeree requested a **motion** “for open discussion” of these parameters.

**Motion** made by Vice Chair Lindsay for open discussion.

The Board members indicated by consensus that they understood the conditions required for compliance.

## 7. Board Discussion

Nuisance Abatement Board

May 11, 2023

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There being no further business to come before the Board at this time, the meeting was adjourned at 8:35 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.]