



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
NUISANCE ABATEMENT BOARD
FIRE STATION 2 – 528 NW 2ND STREET, 3RD FLOOR
FORT LAUDERDALE, FLORIDA 33311
THURSDAY, JULY 13, 2023, 7:00 P.M.**

Cumulative

Committee Members	January-December 2023		
	Attendance	Present	Absent
Joel Slotnick, Chair	P	5	0
Glen Lindsay, Vice Chair	P	4	0
Robert Phaneuf	A	3	2
Avigdor Pemper	P	5	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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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 7:01 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 June 8, 2023

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

Cases

4. Case Number 23-02-01

18 NW 1st Ave.

One Stop Shop

- **Status Hearing**

Detective Jameson Jones reported that over the last 30 days, there have been three calls for service at this property. He felt this improvement was to the credit of the business owner. Spot checks at the business show that lighting and cameras are in use. It was noted that loitering has been dramatically reduced at the location, and the owner has done everything the NAB has asked of him.

5. Case Number 22-11-03

5100 N State Road 7

Plaza Hotel

- **Status Hearing**

Detective Jones reported that over the past 30 days, there were 30 calls for service from the Plaza Hotel, which is the lowest number of calls per month since the business came under the Board's jurisdiction. He recalled that at the previous meeting, hotel representative Robert Yale had requested a reduction in the Police detail's hours, which has not negatively affected calls for service.

Detective Jones continued that there have also been hours for which the Police detail was scheduled when no one was present, which is no fault of the hotel. He added that there may be a request from the hotel for a further reduction in these hours.

A check on the property was conducted two days ago. The front area of the business was clean and there was no loitering. There were no issues with the back door. Individuals have also been noticed tugging on another door on the property. Detective Jones advised that he has discussed this issue with Mr. Yale, and they feel it could be beneficial to add signage directing guests to the front door between dusk and dawn.

Detective Jones continued that the hotel has been under Nuisance Abatement Board (NAB) jurisdiction for seven months. He and Mr. Yale have discussed the possible addition

of a 30, 60, or 90 day deadline for replacement of doors, as this issue is an ongoing concern for the Police Department.

Robert Yale, representing the Plaza Hotel, advised that one door has been found propped open several times, while other doors have been damaged. The hotel has a new key system which has yet to be installed. He did not take issue with the proposed 90-day time frame for installation of new doors. There are cameras on all three doors.

Detective Jones continued that loitering on the property has not appeared to be an issue when his spot checks were conducted. No parking lot crimes occurred during the past 30 days.

Mr. Yale stated that trespassing individuals from the property appears to have had a significant effect. Management staffing has completely changed over the past three months, with the exception of one supervisor.

Chair Slotnick requested an update on the restaurant inside the hotel. Mr. Yale reported that the restaurant is still on the premises but is not scheduling any more major events. They are still permitted to schedule small events that end before 9 p.m.

Mr. Yale advised that as the hotel goes into the low season, and because they have a great many expenses at present, he would like to keep 24-hour security on the premises in three shifts and reduce the Police detail to zero hours with the Board's approval.

Mr. Pemper asked if the security detail walks the premises of the hotel. Mr. Yale replied that they provide him with photographs of the doors every hour. Sensors are located on each door so staff is aware when they are open, and they close any door that is found to be propped open.

Mr. Pemper also requested clarification of the current Police detail hours. Mr. Yale replied that they are present from 4 p.m. until midnight three days per week. While he had suggested later or overnight shifts, it is typically difficult to find Officers willing to take on these shifts. The 4 p.m. to midnight shift is not always filled.

Mr. Pemper asked if Mr. Yale felt there was no value in retaining the current detail hours. Mr. Yale replied that his security coverage is present around the clock, including an armed guard. He plans to retain private security as necessary for the operation of the hotel, even after the hotel is no longer under the jurisdiction of the Board.

Mr. Pemper advised that if the cancellation of the Police detail is approved but calls for service increase, he would expect Mr. Yale to reach out to Detective Jones to inform him that the business needs more help. Mr. Yale confirmed this, adding that his objective is to ensure calls continue to decrease. He added that on days when events are scheduled or business is heavy, he would most likely request a Police detail for six to eight hours.

Motion made by Vice Chair Lindsay, seconded by Mr. Pemper, to modify our order to require 90 days for replacement of the three doors referenced here, and to revoke the requirement for any Police detail, and revisit at September's meeting. In a roll call vote, the **motion** passed unanimously (3-0).

Detective Jones concluded that the hotel is in regular communication with him and continues to provide the Police Department with detailed reports on any incidents that may occur.

6. Case Number 23-05-03
3081 NW 19th Street
• **Status Hearing**

Detective Jones reported that over the past 30 days, there have been 26 calls for service at the subject property, most of which were related to noise or disturbances. Officers do not typically write reports for these types of calls.

Detective Jones continued that only one Police report was written for an incident at the store, which occurred roughly one and one-half weeks after the Board assumed jurisdiction of the property. He noted a significant difference between the property's previous appearance when jurisdiction began and the appearance of the property one week later. The owner and property manager have been in constant communication with the Detective. The grill has been removed from the property, garbage has been removed from the nearby alleyway, the business's clerk was more cooperative at that time, and the business had removed the items that were required to be removed. There was no loitering and parking spaces were clear.

Detective Jones continued that he performed another inspection on Tuesday, July 11, 2023, at which time he observed some loitering on the property at night. He showed a photo of conditions on the site at that time, pointing out that there was further loitering in the nearby alleyway. He emphasized the importance of providing lighting and cameras on that side of the building.

Willis Andrews, property manager, stated that the alley is also used by adjacent properties, which means the subject property has limited control of it. He agreed that cameras and lighting would help, but pointed out that the tenant business on the property has not been cooperative with the owner and property manager.

Mr. Andrews continued that a recurrence of the sale of drug paraphernalia have occurred on the property at least once. He had informed the Fort Lauderdale Police Department of this violation immediately. He acknowledged that the tenant is keeping the property relatively clean. He also noted that there is some food service inside the business, and some customers prefer to purchase food there and eat outdoors on the site.

Detective Jones reiterated that Mr. Andrews provides him with comprehensive reports and updates. He added that the property owner has had some frustration relating to requirements that are outside his control.

Ron Rice, attorney representing the tenant, stated that the tenant on the property has tried to comply with the Board's requirements. They have removed gaming machines, sexual-related pills, and other prohibited items, although he acknowledged that some drug paraphernalia remained on the property after other items were removed. These items have also since been removed.

Mr. Rice continued that the business's sales have decreased, leading them into some financial difficulty. He advised that they have had issues with some of the terms of the lease agreement, including which party is responsible for what action. He hoped that these issues can be resolved.

Mr. Pemper asked for an update on the lights and cameras that should be in the alleyway. Mr. Rice stated that he would need to discuss this with the landlord, as he did not know that the terms of the lease mandate that this equipment be provided by the tenant. He requested another couple of days to review this.

Assistant City Attorney Don Londeree requested clarification of how long Mr. Rice has been on this case. Mr. Rice estimated that this has been approximately two weeks. He advised that it is the tenant's opinion that some of the crime issues on the site predated the tenant's occupancy, which began in late January 2023. He noted, however, that the tenant wishes to remain on the property and "make the situation work," and would fulfill any obligations that are stated in their lease.

Detective Jones reiterated that the property is not in compliance with the order to install and maintain a minimum of one exterior video surveillance camera within 30 days. The order also states that the owner will maintain all exterior lighting on all sides of the building, including complete illumination of the parking lot and rear parking lot, although it does not specify a time frame in which the owner is required to take this action.

Mr. Andrews stated that he has been in communication with Mr. Rice since the property came under the Board's jurisdiction, and has provided him with copies of the reports as well. Each report has included a list of items not in compliance with the order. He asserted that the tenant and their attorney have not made any efforts to resolve any of the issues addressed in the order: all actions that have been taken were done by Mr. Andrews and the property owner, which has had an impact on the owner's finances.

Attorney Londeree advised that the issue of which party will pay for improvements to the property is part of the relationship between the tenant and owner, with which the City will not interfere. The Board is asked to determine whether or not the property is in compliance and bring it into compliance using fines or limitations on the business. He emphasized that the City will not become involved in a tenant/owner dispute of this nature: if the

property does not come into compliance, the City will ultimately shut down the business for at least one year. He strongly recommended that the two parties work through their issues.

Mr. Rice stated that if cameras and lighting are required, he would request that the tenant be allowed "some time" to bring this issue into compliance. He added that he has asked the property owner to provide a management contract between the owner and Mr. Andrews to determine if Mr. Andrews is authorized to speak and act on the owner's behalf. He concluded that this was his only issue, and he has not yet received this contract.

Darindra Persaud, property owner, advised that based on the structure of the lease, the owner is limited in terms of access to the tenant's space, which means they are prevented from meeting all of the requirements for compliance. He continued that he has made a good faith effort to bring the property into compliance with the access he was granted.

Mr. Persaud continued that once the order was given by the Board, the business operator met with him to discuss the details of the order. He reported that he was "totally shunned" with respect to the tenant taking any responsibility for following the order. He has made it clear to the tenant that he needs to protect his investment in the property; however, since that meeting, he has not heard from the operator. He concluded that he had no faith the tenant or operator is willing to work with him to achieve compliance.

Attorney Londeree pointed out that the Board is not interested in the owner/tenant relationship. He asked if Mr. Persaud has retained an attorney to address the situation. Mr. Andrews clarified that an attorney has been hired and is working on the case.

Attorney Londeree continued that it is possible that the tenant does not realize the extent of the Board's authority. Mr. Rice confirmed that he has had previous interaction with the NAB and understands its authority.

Detective Jones observed that the tenant is now aware of the NAB's order, and asked if the tenant plans to either bring the property into compliance themselves or allow the property owner to do so. Mr. Rice confirmed that the tenant would not stand in the way of any action.

Vice Chair Lindsay asked what recourse the Board has regarding noncompliance either at today's meeting or 60 days from now at the September meeting. Attorney Londeree replied that the Board can find the property in noncompliance today and assess fines of up to \$250/day up to \$5000 on a single noncompliance issue, or they can assess and hold those fines until 60 days have passed to determine whether or not to enforce the fines. The Board may also assess fines until the property reports back to Detective Jones and shows that they have come into compliance. It would not be possible for the Board to wait 60 days to find the property in noncompliance and retroactively assess fines dating back to today.

Mr. Rice requested clarification of the specific items that are not in compliance as of today. Detective Jones replied that the noncompliance items are as follows:

- Owner will install and maintain exterior lighting that will completely illuminate the parking lot located on the south side of the store, the alleyway on the west side of the business, and the rear parking lot, parking area, and alleyway; these areas will be illuminated from dusk until dawn
- Within 30 days, the owner will install and maintain a minimum of one exterior video camera on each side of the property and a minimum of one interior video surveillance camera capturing the entry and exit of the business, as well as the counter area, and one interior camera that will be focused on the cashier and cash register, which will record the video and activity transactions; the camera will be installed and maintained according to all City of Fort Lauderdale Code requirements; the exterior surveillance cameras will be mounted in position in strategic locations to ensure that all activity outside of the business on the property is monitored and/or recorded; the video will be made available to the Fort Lauderdale Police Department during all business hours; data obtained from the video surveillance system can be used by the Fort Lauderdale Police Department for any reason they want
- Within 30 days, the owner will post video surveillance warning signs on all exterior walls of the business and at entry/exit locations

Detective Jones reiterated that the alleyway to the west of the property and the rear of the property are not illuminated.

Mr. Pemper asked how much money the owner has invested in lighting and cameras thus far. Mr. Andrews estimated that the camera system he hopes to install will cost roughly \$2800 and the lighting will cost approximately \$7000. He added that has not allowed an electrician to undertake any work inside the building without the tenant's consent, and requested some leniency from the Board with regard to lighting issues.

Attorney Londeree strongly emphasized once more that the Board does not care how compliance is achieved, and that determining how this can be done will be left to the owner and tenant or tenant's representative. He concluded that the Board will take any action necessary to ensure compliance.

Motion made by Vice Chair Lindsay for a finding of noncompliance with respect to paragraph 6 and 8 of the original jurisdiction of the Nuisance Abatement Board and order of compliance, with considerations of the fine amount to the next meeting.

Vice Chair Lindsay clarified that the intent of his **motion** was to find noncompliance with the Board's order, with specific amounts assessed against the owner to be determined at the next meeting.

Mr. Pemper **seconded** the **motion**. In a roll call vote, the **motion** passed 3-0.

Detective Jones advised that if the owner feels compliance has been reached prior to the next meeting, they should take photos and send them to him as well as to Ms. Hair's office. He will visit the property for another inspection at that time.

7. Board Discussion

It was noted that the next NAB meeting is scheduled for September 14, 2023.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:08 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.]