



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, SEPTEMBER 14, 2023, 7:00 P.M.**

Cumulative

Committee Members	January-December 2023		
	Attendance	Present	Absent
Joel Slotnick, Chair	P	6	0
Glen Lindsay, Vice Chair	P	5	0
Robert Phaneuf	P	4	2
Avigdor Pemper	P	6	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 7:03 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 July 13, 2023

Motion made by Vice Chair Lindsay, seconded by Mr. Phaneuf, 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 in the last 60 days, the property made only eight calls for service, with zero crimes reported. Several inspections were conducted during both day and night. The property is free of trash and in compliance with all Police recommendations. The Detective remains in regular communication with the property owner. The Board will maintain jurisdiction until February 2024.

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

Detective Jones reported that there have been 90 calls for service over the last 60 days, which averages to 45 calls per month. He recalled that at the May 2023 Board meeting, the Plaza Hotel had 119 calls for service over 60 days, which decreased to 42 calls in June 2023 and 30 in July 2023.

Calls for service over the last two months included two reported larcenies, one assault, 10 stolen vehicles or tags, a felony warrant arrest, seven burglaries, one hit-and-run, one shot fired, and one sexual battery case.

Detective Jones advised that he has read all reports of concern from the property, and has noted a pattern to the burglaries, which appear to have occurred when guests leave their rooms. Most of these cases did not show any signs of forced entry, and there was little suspect information. He has conducted analyses of all incidents with Board Clerk Joyce Hair and with Plaza Hotel representative Robert Yale, and has determined that there is little consistency among days of the week when incidents occur. The highest number of reports occurred during daytime hours on weekdays, as that was when guests discovered their missing property.

Chair Slotnick requested clarification of the hours in which the hotel's security providers or a Police detail are present. Detective Jones recalled that at the July 13, 2023 meeting, the Board voted to allow the hotel to remove the Police detail.

Robert Yale, representing the Plaza Hotel, stated that the hotel has 24-hour security on the premises and he receives a written report every morning. Every two hours, security makes a full round of the parking lot and interior of the property, visiting every floor to ensure doors are shut. He suggested that some guests may be leaving their doors open, as the hotel would be aware of when their staff members enter locked rooms. All locks have been changed and there is only one manual key.

Mr. Yale continued that guests have come to the front desk and reported that items were stolen. He has shown the guests door lock reports which indicate no one went into their rooms. He recommended that the guests file Police reports and make insurance claims for the missing items. He did not know how these incidents could be avoided.

Chair Slotnick asked if there are cameras on each floor of the hotel. Mr. Yale replied that cameras above the first floor do not film the hotel's hallways or doors, as guests do not typically like these types of cameras due to privacy concerns.

Mr. Yale stated that he plans to add \$6000 worth of lighting in the hotel parking lot, which he believed would discourage both loitering and auto thefts. He suggested that a second security employee could be brought in to do regular rounds outside. Chair Slotnick advised that while the addition of significant lighting may not eradicate the property's problems, it would most likely have an impact on them.

Mr. Pemper asked if the proposed lighting and other improvements should not already be part of the owner's plan to improve the property. Mr. Yale replied that the hotel has already invested \$22,000 in exterior lighting, but is considering adding lights. He confirmed that the owner has invested significantly in the property, which is currently undergoing a 40-year inspection. There are open permits on the property to improve its structural and electrical integrity; however, it is not yet where he and the owner would like it to be.

Mr. Pemper asked if there is a business model of how the owner wants the property to function. Mr. Yale advised that his goal is to re-brand the property by March 2024. Reviews of the property are still mixed, and not all rooms are up to the desired standard. Once the hotel is re-branded, rates can be raised.

Chair Slotnick requested clarification of the maximum capacity of the hotel's parking lot, suggesting that one solution could be to close off part of the lot. Jay Gordon, also representing the Plaza Hotel, stated that most of the parking spaces in front of the property or on each wing are used by guests. It is unusual for guest vehicles to be parked behind the hotel, and any unusual vehicles are considered suspicious.

Detective Jones stated that on August 29, 2023, he, Ms. Hair, and another Fort Lauderdale Police Detective visited the property with Code Enforcement. He provided a handout showing the Code Inspector's results, which typically differ from what is inspected by Nuisance Abatement. Code Enforcement issues included the following:

- Landscaping overgrowth
- Trash on the premises
- Areas of the parking lot not marked correctly
- Unpermitted tool shed
- Illegal land use/storage of items
- Unsecured dumpster enclosure
- Exterior building walls not properly maintained
- Fencing is not uniform

Detective Jones reviewed photos of some of the issues cited above, noting that not all doors have been replaced as required. Vice Chair Lindsay asked if the doors seemed to be left open intentionally or simply failed to latch. Mr. Yale replied that the doors to 32 rooms are damaged and out of order. These rooms are not being rented. He also confirmed that security writes down whether doors are open or shut as they patrol the premises every two hours.

Chair Slotnick asked if guests are informed, when they rent a room, that doors are not to be left open. Mr. Yale responded that keeping the door shut is not part of the guest agreement, but this could be added to the registration card that guests must sign.

Detective Jones \ showed photos of doors in need of replacement, stating that the status of these doors remains the same: at the previous meeting, there was an agreement to replace these fixtures within 90 days. The time frame is currently on approximately day 60.

Mr. Yale also addressed the doors, stating that the hotel contracted with a vendor one week after the July meeting. The contractor has emailed the hotel to indicate that the delivery date for the doors will be October 26, 2023, with installation to begin the following week. This time frame is beyond the agreed-upon 90 days. He cited issues with previous contractors who did not provide service or quoted differing measurements and price points for the fixtures.

Detective Jones advised that there are multiple options with which the Board can proceed. One is to maintain the current order as voted upon, with the Board to make a decision at its October 2023 meeting regarding whether or not the hotel is in compliance. Another option would be to modify the order with a different compliance date. He pointed out that replacement of doors was a requirement of compliance from the beginning of the Board's jurisdiction over the Plaza Hotel, which began in December 2022.

Detective Jones clarified that the 90-day time frame is still in effect; the order can be left as written at this time, and hopefully there will be additional progress to report at the

October meeting even though the doors will not have been installed by that time. Mr. Yale added that one-day installation of the new doors is anticipated.

Mr. Pemper asked if there are plans to close the hotel at any point. Mr. Yale replied that he has no plans to close, as this would result in loss of staff. He pointed out that one floor has already been closed for refurbishment.

Detective Jones noted that photos also show a door open on the side of the property, which is the same condition as was reported in July. Other photos showed abandoned vehicles, paving issues, and dumpster enclosure violations. There is consideration of assigning a parking pass to each vehicle, as well as the option of retaining a towing company to have abandoned vehicles towed away.

Detective Jones continued that a door to the pool area was found to be taped so it could be opened without using a push bar. Mr. Pemper asked if hotel security would not have discovered this issue. Mr. Yale replied that this issue is expected to be addressed next week.

Detective Jones concluded that many of the issues shown in photographs are relatively small and could be quickly remedied. Other issues, including Code violations, will require the City to work with the hotel to address them. He concluded that he was not proposing that the Board adopt anything today in relation to the Code Enforcement issues.

Detective Jones advised that the Police Department requests that the Police detail be reinstated at the Plaza Hotel. He recalled that when a detail was previously assigned to the hotel, their hours were gradually scaled back and finally eliminated; however, the hotel is now experiencing several Part 1 crimes. He recommended that the detail begin with three six-hour shifts per week, to be filled at the discretion of hotel management. While more burglaries have been reported during daytime hours, it has not been determined when they occurred. He concluded that this was his recommendation for the next 30 days going forward.

Mr. Yale stated that he would like to add 18 hours of extra security, and recommended that the Police detail be reimposed at night. He was confident, however, that adding the Police detail, as well as more lighting and security, would address some of the issues related to vehicles in the parking lot.

Mr. Yale also requested greater clarity on how the Police detail works, including which coordinator he should use, or whether the Officers must be paid \$75/hour or can be paid less. He also noted that payment for four hours' coordination is required even if the detail is present on fewer days. The Police detail also does not provide the reports he receives from the security company, and not all Officers leave their cars to make rounds on the property.

Detective Jones advised that the order requires the hotel to use a certain number of Police detail hours each week or each month. Mr. Yale is responsible for contacting the Police Department to set up this detail. He added that the City does not have an active role in coordinating this detail: a representative of the hotel would have to reach out to someone who is willing to coordinate the detail,

Detective Jones continued that one proposed solution would be for the Board to include the detail pay rate in their order, as well as the maximum rate for coordination. This information would be sent to all Officers, who would make their determination on whether or not to respond. It was also easier to attract Officers to work some detail shifts than others.

Mr. Pemper asked if the Police detail would walk the floors of the hotel or remain in their Police car in the parking lot. Detective Jones explained that the Police detail is intended to be present to take law enforcement action if necessary. Mr. Pemper commented that the hotel could see a greater benefit from bringing in more security on their own rather than having a Police detail present. He was also concerned with the potential for conflict of interest, as the Police Department and Board have advised the hotel that they need a Police detail.

Vice Chair Lindsay asked if the Board has any authority to set the payment rates for the Police detail. Detective Jones replied that the City's policies set a minimum rate of \$51 per hour per Officer. The coordinator fee is not set by policy, but is negotiated. He noted that at present, demand for a Police detail outweighs supply, which can raise rates as high as \$75 to \$80 per hour for some shifts.

Mr. Yale emphasized that his objective is to reduce the number of calls, and pointed out that the property is in significantly better shape than it was six months ago. He stated again that he felt the property would benefit by adding security at night, as well as extra lighting in the parking lot. He concluded that a Police detail is a temporary solution rather than a permanent one.

Detective Jones pointed out that the Police detail can have a deterrent effect, as criminals may be less likely to commit crimes if there is a Police vehicle on-site. He felt the cost of the recommended detail hours was manageable, considering the spike in crimes.

Mr. Pemper requested confirmation that Detective Jones believed the hotel may not need a Police detail once the doors are replaced and other issues are addressed. Detective Jones affirmed that his goal was to reach a point where the detail is no longer necessary.

Motion made by Vice Chair Lindsay, seconded by Mr. Pemper, to modify the current abatement order to adopt recommendations and require three six-hour shifts per week at the discretion of the Plaza Hotel.

Detective Jones recommended that the order include a reference to three six-hour shifts, with the rate to start at \$60/hour and the coordinator fee capped at 10% of those costs. If this detail is not filled, the Board can revisit it at a later date.

Vice Chair Lindsay asked what would happen if the detail hours are capped but are not met. Detective Jones stated that the hotel could not be held in noncompliance if these hours cannot be filled. Mr. Yale emphasized the importance of controlling costs as much as possible and knowing what must be budgeted for the detail.

Vice Chair Lindsay observed that if the detail is present for 72 hours over the next four weeks, with hotel management retaining the flexibility to determine when these shifts are filled, he would be willing to reevaluate the success of this plan at the next meeting. He was not in favor of imposing a cap on the City and placing the onus on the hotel when the Police presence has been removed.

Vice Chair Lindsay **restated** his **motion** as follows: **motion** to adopt the initial recommendation of the Police Department to reinstate a requirement for three six-hour shifts per week at the discretion of the Plaza Hotel for Police presence. Mr. Phaneuf **seconded** the **motion**. In a roll call vote, the **motion** passed 3-1 (Mr. Phaneuf dissenting).

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

Detective Jones reported that over the last 60 days, there have been 29 calls for service from the subject property, none of which resulted in a documented Police report. When the Board took jurisdiction of the property on June 8, 2023, there had been 147 calls in six months, which is an average of 25 calls per month.

Detective Jones continued that he has conducted several inspections of the property during both day and night. Grills have been removed and the property is generally free of trash and debris. On August 30, 2023, he visited the property at night and noted that lighting and cameras have been installed on the premises. He asked the clerk how the Police could access the video footage if necessary, and the clerk was not aware of how this could be done. He recalled that the Board's order stated the Police Department must have access to the video upon request.

Detective Jones continued that he had inspected over and under the counter to determine what was being sold and did not find any items that were out of compliance. He showed photos of the property, noting that it is now well-lit.

Detective Jones advised that from a compliance standpoint, the property appeared to be clean and there were no reported crimes; however, that he has had no communication from the property's ownership, and could not tell the Board when the cameras were installed. He concluded that the day before this meeting, he had received what seemed

to be several weeks' worth of reports near the close of business that day, which he could not review all at once. He emphasized the importance of having these reports provided on a weekly basis.

Willis Andrews, representing the property owner, stated that since the property has been under the Board's jurisdiction, all compliance has been done by the landlord/property manager, at some financial strain. The tenant and their counsel have not coordinated with the owner and objected to the owner's installation of cameras. Mr. Andrews asserted that when this installation was done, the tenant would not let the owner into the property without providing advance notice.

Mr. Andrews continued that there are Code violations on the property, which he had not been aware of because the tenant was withholding the mail sent there. He noted that there are still issues with the tenant allowing customers to consume alcohol inside the store.

Mr. Andrews concluded that all improvements made have been done by the owner. He added that he would do better regarding future communication with the Detective. The video system was connected to the building's office with the intent of allowing the Police to access it.

Detective Jones explained that the camera footage is important, as a shooting occurred nearby which was originally reported as occurring on the subject property. He emphasized that if a Detective needs to see video footage, it is not helpful for the clerk on duty to be unable to provide access.

Chair Slotnick asserted that the ongoing issues between the tenant and landlord need to be corrected, including access to video footage or alarms, trespassing of individuals who should not be on the property, and other compliance issues. He strongly emphasized the importance of the tenant and owner working together to reach compliance.

Mr. Pemper asked why the Board cannot bring the tenant under jurisdiction as well as the property. Assistant City Attorney Don Londeree explained that the Board's jurisdiction is to the property owner, as required by the Board's governing statute. He pointed out, however, that the Board may shut down the property, revoke its liquor license, or affect its ability to operate a business in other ways.

Mr. Pemper asked if the tenant could be invited to attend a Board meeting so they could be made to understand what the Board is trying to achieve. Attorney Londeree reiterated that this is between the owner and the tenant and not within the Board's jurisdiction. The Board may not call the tenant to a meeting.

Ron Rice, attorney representing the tenant, advised that his client strongly disputed the claims made by Mr. Andrews. He asserted that his clients have taken action to improve the property and keep it free of crime. While there was some confusion regarding the

installation of cameras and lighting, this was communicated to him by Mr. Andrews, and the equipment was installed without interrupting the business.

Mr. Pemper asked if the tenant's representative had sent emails to the owner's representative telling them they could not enter the store. Mr. Rice disputed this, stating that the owner has not filed for tenant eviction because there are no grounds on which to do so.

Chair Slotnick asked how a security system could be installed at the business without its employees being aware of how to operate it. Mr. Rice stated that he did not have any information on which employee spoke with the Police regarding the system. Chair Slotnick asserted that the Police Department must have access to this system and be able to review recordings, and the party responsible for operating that system must be able to assist the Police.

Vice Chair Lindsay asked if Detective Jones was looking for a finding of noncompliance due to the lack of knowledge of the video system and the lack of timely property reports. Detective Jones explained that the Board has already found the property to be noncompliance for video and lighting. While it was not possible to attest to or stipulate exactly when the equipment was installed, the Police still do not have access to the video system and has not had it for the past 60 days, nor have they had regular communication to indicate when the system was installed.

Mr. Andrews stated that the owner must abide by laws limiting their access to the business. He pointed out that the owner cannot open the tenant's office door and install the system, as the tenant business has financial records on site and could potentially sue the property owner. This was why the equipment was installed outside the office. He concluded that any discipline regarding noncompliance would be devastating to the owner.

Chair Slotnick advised once again that the owner's and tenant's representatives need to contact one another to work through their issues. He cautioned that the Board will close the property if necessary.

Detective Jones concluded that the property is now in compliance as of August 30. Vice Chair Lindsay asked if access to the video was not part of compliance requirements, and whether or not this requirement was being waived at present. Detective Jones replied that while he has not had access to the system, his assumption was that at the conclusion of tonight's meeting, access will be provided.

Motion made by Vice Chair Lindsay, seconded by Mr. Pemper, to find a continuing violation with respect to paragraph six of the original order bringing this property under the Nuisance Abatement jurisdiction, specifically the Police Department's access to the video equipment, while acknowledging the lighting and the camera installation, it appears

that we are still not fully in compliance, I would further recommend that the Board defer any assessment penalty to a further date.

Mr. Rice asked if the Police would be asking “whoever is there” for access to the video. Detective Jones stated that his concern was not with who is asked, but with access to the video within a realistic time frame.

Mr. Andrews clarified that the video record is in the store, although it is located outside the office and is not locked. He was not aware of whether or not the video record is password-protected.

Detective Jones continued that he would visit the store and conduct another inspection to determine whether or not he would have access to the record. He concluded that, based on the representation that a video recorder has been installed and is presumably preserving data, he would add this to his record.

Vice Chair Lindsay and Mr. Pemper **withdrew** their **motion** and **second**.

Motion by Vice Chair Lindsay, seconded by Mr. Pemper, to find a continuing violation with respect to paragraph six and the Police Department’s access, and would move to defer any determination of penalty to a later date. In a roll call vote, the **motion** failed 2-2 (Mr. Pemper and Mr. Phaneuf dissenting).

Detective Jones stated that he would meet with Mr. Andrews to further sort out the issue of remote Police Department access. He also encouraged Mr. Andrews to remain in regular communication with him regarding the property, as stipulated by the Board’s order for the owner to provide reports.

Attorney Londeree concluded that because no motion passed at tonight’s meeting, nothing has changed since the July meeting.

7. Board Discussion

It was noted that the next NAB meeting is scheduled for October 12, 2023.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:51 p.m.

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