



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

Cumulative

Committee Members	January-December 2023		
	Attendance	Present	Absent
Joel Slotnick, Chair	P	8	0
Glen Lindsay, Vice Chair	P	7	0
Robert Phaneuf	A	4	4
Avigdor Pemper (arr. 7:15)	P	8	0
Chris Smith	P	1	1

Staff Present

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

Communication to the City Commission

None.

Index

<u>Item No.</u>	<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
4.	23-02-01	18 NW 1 st Ave., One Stop Shop – Status Hearing	2
5.	22-11-03	5100 N State Road 7, Plaza Hotel – Status Hearing	7
6.	23-05-03	3081 NW 19 th Street – Evidentiary Hearing	7
7.	23-10-04	1010 NE 17 th Avenue, Speedy’s – Evidentiary Hearing	2

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 7:05 p.m. and the Pledge of Allegiance was recited.

a. Introduce new member Chris Smith

The Board members welcomed new member Chris Smith.

2. Roll call; witnesses sign log; swearing in

Roll was called and it was noted a quorum was not present.

3. Approval of minutes for November 9, 2023

Motion made by Mr. Smith, seconded by Vice Chair Lindsay, 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 Carlton Smith stated that he has been in contact with the property owner. Over the past 30 days, only one call was made to the Police, with no report written. The property remains in compliance and good standing. The property will remain under the Nuisance Abatement Board's (NAB's) jurisdiction until February 16, 2024.

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

8. Case Number 23-10-04

1010 NE 17th Avenue

Speedy's

- **Evidentiary Hearing**

It was noted that the evidentiary hearing for Case 23-10-04 was deferred from the previous month.

Detective Smith reported that the business is located just north of Sunrise Boulevard on the eastern side of NE 17th Avenue. It is open 24 hours per day. Over the last six months, there have been 63 calls for service on the property; over the past two years, there have been 148 calls, including narcotics, armed robbery, stabbing, and drug overdose.

The first qualifying incident occurred on June 21, 2023. Detective Smith met with the property owner on September 9, 2023 to share some of the Police Department's concerns. The owner indicated that he is trying to clean up the business, beginning with the removal of gambling machines. The business was also selling small cylindrical glass tubes and other items which are used as drug paraphernalia. The owner has since advised the Police that the store no longer sells these items.

On October 26, 2023, Police met with the owner once again and presented him with a warning letter, advising that he would be called before the NAB at their November 9, 2023 meeting. The owner referred Police to his attorney, who requested one month's continuance. The hearing was delayed until tonight's meeting.

Qualifying incidents for nuisance abatement include:

- June 21, 2023: delivery of cocaine on the property
- September 19, 2023: possession of methamphetamine on the property
- September 27, 2023: delivery of cocaine on the property

Detective Smith also reviewed the following incidents occurring on the property:

- July 4, 2023: Officers responded to the parking lot of the business and found a male subject who had overdosed; it was deduced that the subject was using narcotics on the property
- September 9, 2023: Officers responded to a stabbing
- September 14, 2023: Officers met with a subject at Broward General Hospital who was robbed on the subject property and said he had visited the store in hopes of finding someone from whom to purchase marijuana

Detective Smith advised that he has visited the subject property several times and has made "drive-by" checks as well. He noted that the presence of gambling machines had contributed to loitering on the property.

Mr. Pemper arrived at 7:15 p.m.

Recommendations for Speedy's from the Fort Lauderdale Police Department include:

- Owner will maintain a trespass affidavit on file with the Police Department and will post authorized No Trespassing signs on all sides of the property within seven days of tonight's NAB meeting
- Owner will ensure that no persons loiter in the parking lot, sidewalks, and all areas of the property, including inside the store, during business hours
- Owner will report current hours of business
- Owner will provide a copy of all business operating liquor and related licenses
- Owner will laminate and clearly display, within seven days and for the duration of NAB jurisdiction, 16 in. x 20 in. signs stating that the property is under the jurisdiction of the Nuisance Abatement Board and is being monitored by the Fort Lauderdale Police Department; signs will be placed on each side of the front door

as well as the interior counter area and the north side parking lot; placement will ultimately be directed by the investigating Detective

- Within 30 days, the owner will install and maintain a minimum of one exterior surveillance video camera on each side of the property and a minimum of one interior surveillance video camera capturing the entry and exit of the business as well as the counter area; one interior camera will be focused on the cashier and cash register, and will monitor and record the activity of transactions
- Cameras will be maintained according to all Fort Lauderdale City Code requirements; the exterior cameras will be mounted and positioned at strategic locations to ensure that all activity outside the business on the property is monitored and recorded
- Surveillance video will be made available to the Fort Lauderdale Police Department during all business hours and can be used for any purpose the Police deem relevant
- Owner will maintain all exterior security lighting on all sides of the building according to all City of Fort Lauderdale Code requirements, and will be illuminated from dusk until dawn
- Owner will remove any narcotic paraphernalia being sold from the store immediately; this includes but is not limited to glass rose stems, rolling papers, small plastic baggies, all other pipes and smoking instruments, scales, grinders, all items containing CBD and/or THC, or like items
- Owner will cease use of and immediately remove any gambling machines from the establishment
- Owner will maintain the property free of any debris or trash
- Owner will remove all large window signs blocking the view inside the store from the front window
- Owner will conduct property checks at the location no less than once weekly and will email the investigating Detective each week to advise of the status of compliance with each item of the Order, including any nuisance-related activity, trespassing that may occur, or any other concerns; this weekly report should include photos of the location at the time of inspection, and not less than one inspection per month shall occur during nighttime hours
- Investigative costs total \$1685.90; the owner is assessed 50% of this amount, plus other costs which equal \$1182.95; this amount is to be paid prior to the January 11.. 2024 NAB meeting; if no meeting occurs in January, it must be paid prior to the next scheduled NAB meeting; the Board will waive the remaining balance of the investigative costs if the owner complies with the order within the specified time frames; if the owner fails to comply within the specified time frames, the remaining 50% of investigative costs will be assessed
- If any of the items listed above are not complied with within the time frame set forth, a fine in the amount of \$250/day per item, not to exceed \$250/day, will be imposed for each day of noncompliance

- Owner or owner's representative will appear before the NAB at the January 11, 2024 meeting for status hearing and for all subsequent NAB meetings during the jurisdiction
- NAB will maintain jurisdiction over the property for a period of one year

Detective Smith provided the Board members with photos of the subject property, including photos of items for sale which are prohibited by the order.

Chair Slotnick asked if store employees will know how to operate the security cameras to be placed on the premises. David Geller, attorney representing Speedy's, stated that his client has installed several cameras, as well as a DVR in the back room. Employees have access to and have been trained in the operation of these cameras.

Mr. Geller further clarified that his client is the property owner. The store itself is operated by a lessor. The owner has had extensive conversations with the business, and the Police have access to the recordings.

Chair Slotnick requested clarification of the business's operating hours. Mr. Geller replied that he believed these to be 24 hours, seven days per week.

Vice Chair Lindsay asked if the length of time for which video must be preserved has been clarified. Detective Smith replied that this will be for 30 days. Vice Chair Lindsay recommended that this be clarified in the order.

Vice Chair Lindsay also asked for more information regarding the large signs in the business's window. Detective Smith advised that when the Police began responding to the business, signs obscured the inside of the store. The business has already complied by removing some of these signs, as well as the video gambling machines. He added that he would like to see the remaining signs removed as well.

Vice Chair Lindsay asked if there is a singular entry point into the store, or if there is also a back entrance or other access point. Mr. Geller noted that there is a door in the back of the store, but it is not for customer use. Detective Smith added that no individuals have been seen in the store's back area.

Vice Chair Lindsay asked when the gambling machines were removed. Detective Smith estimated that this was done one month ago. He added that since their removal, he has seen fewer individuals "hanging out" on the property, which is one of his top concerns.

Vice Chair Lindsay asked how long the current tenant has been on the property. Mr. Geller estimated that this has been approximately one year.

Mr. Geller stated that his client is very concerned with the situation, and has already purchased and installed a security camera system, added floodlights, and added an alarm system. His client has had extensive conversations with the business operator and has

made it clear that they must follow all laws. The operator has indicated that he intends to follow through on this, and the owner has committed to visit the property every day to check it himself.

Mr. Geller continued that his client has reviewed the list of Police recommendations and has agreed to them, although he had questions regarding how to define some of the order's terms and how best to follow these requirements. He reiterated that his client is committed to working with the NAB and Detective Smith to ensure compliance.

Mr. Geller continued that his goal would be for there to be no jurisdiction for the entire year, but to determine how things are going and discuss this further. Chair Slotnick advised that it is typical procedure for the Board to retain jurisdiction for a year. Ms. Hair added that this is determined by State Statute.

Chair Slotnick continued that if the Police recommendations are accepted, the Board hopes to work with the owner. As long as the property remains in compliance, no issues are expected; however, if issues arise, the Board will follow up on the recommendations.

Motion made by Mr. Smith to accept Speedy's as one of our Nuisance Abatement clients.

Assistant City Attorney Don Londeree advised that the **motion** should be to find that Speedy's is a nuisance. He added that he has spoken with Mr. Geller numerous times regarding this issue, and while the owner and his representative do not want the property to be declared a nuisance, that is part of the required process.

Motion made by Mr. Smith, seconded by Vice Chair Lindsay, to find Speedy's a nuisance. In a roll call vote, the **motion** passed unanimously (4-0).

Vice Chair Lindsay noted that the order's recommendations did not mention any sort of presence by the Police Department. Detective Smith explained that he was not recommending a regular Police presence at this time: the business's employee(s) may keep the front of the property clear and must call the Police when there are trespassers. He also re-emphasized the importance of removing any drug paraphernalia from the business's shelves.

Motion made by Vice Chair Lindsay, seconded by Mr. Pemper, to accept the recommendations of the Fort Lauderdale Police Department. In a roll call vote, the **motion** passed unanimously.

Chair Slotnick advised that he hoped the property owner would eventually appear at a later NAB meeting so the Board may meet with him.

Mr. Geller clarified that he would serve as the NAB's primary point of contact for the subject property. He requested that he be copied on all Board-related business.

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

6. Case Number 23-05-03

3081 NW 19th Street

- **Status Hearing**

Detective Smith reported that over the past 30 days, there have been 37 calls for service on the subject property, none of which were nuisance-related. Most calls were for incidents which did not occur on the property, but on the eastern side of the strip mall. Calls included noise complaints caused by individuals loitering in the parking lot, shots fired, and one incident involving narcotics.

The property owner remains in contact on a regular basis and is very cooperative. The property is in compliance. NAB jurisdiction ends on June 20, 2024. Detective Smith showed photos of the subject property.

Darindra Persaud, property owner, advised that he constantly monitors the property to ensure compliance.

5. Case Number 22-11-03

5100 N State Road 7

Plaza Hotel

- **Status Hearing**

Detective Smith reported that there have been 42 calls for service over the past 30 days, none of which were nuisance-related. Incidents included assaults, larcenies, an overdose, and trespassing.

Detective Smith advised that one of the assault incidents involved an attempted rape. The perpetrator was gone when the Police arrived. Regarding the larcenies, one occurred when a patron was moving from one room to another and an item was stolen from an unattended rolling cart.

Mr. Pemper asked how none of these incidents were found to be nuisance-related. Attorney Londeree explained that nuisance crimes are specifically enumerated by Florida Statute and involve incidents such as gang activity, prostitution, and others. Crimes that are not enumerated as such in Florida Statutes are not considered to be nuisance crimes.

Detective Smith continued that he felt if an extra full-time security guard was scheduled at the hotel, some of the incidents would not occur. He has conducted several checks on the property and has not seen a security guard walking the premises. He was not aware of whether the hotel has one or two full-time security guards, as they are not visible when he drives through the property.

Robert Yale, representing the Plaza Hotel, advised that he was surprised the Police have not seen a security presence, as he has received bills for up to “five agents a day.” He estimated that the hotel is paying roughly \$14,000 for two weeks’ security. One company provides security at night, while another company covers a.m. and p.m. shifts.

Chair Slotnick commented that the hotel’s camera system should show whether or not their security personnel are doing what they are supposed to. Mr. Yale replied that security reports reflect the guards conducting hourly rounds. They are checking the property’s doors less often since those doors have been repaired, and respond to alarms if the doors are propped open. He added that the hotel has removed long-term customers, as the property is in preparation to be sold. He felt those customers were contributing to nuisance-related activity. Mr. Yale concluded that hotel occupancy has been very low.

Detective Smith stated that the Police requested compliance documentation and emailed it to Mr. Yale and the legal representative of the hotel’s buyer on November 15, 2023. He requested an update from Mr. Yale on November 27, 2023 regarding the potential sale. Mr. Yale reported that the purchaser had requested an extension for due diligence until December 5, with a definite answer to be provided by the following week. Based on the inspections performed during the past month, the sale is expected to go through. Mr. Yale estimated that closing would occur on December 13, with seven days to empty the building.

Detective Smith concluded that as of now, the Board’s jurisdiction ends on December 20, 2023. Closing on the property is scheduled for January 15, 2024. He recommended that jurisdiction be extended for another 90 days after December 20, 2023, with reevaluation in January 2024, depending upon whether or not the sale goes through. If the sale does not go as planned, he recommended that the Plaza Hotel remain under NAB jurisdiction for another six months.

Detective Smith provided the Board members with photos of the property.

Mr. Yale noted that the property has taken several steps to comply with the Police Department’s recommendations, including the addition of lighting, a security detail, and cameras. He did not know what number of calls to Police from the property should be expected.

Detective Smith explained that the calls from the hotel are not nuisance-related, which means they are not under the Board’s jurisdiction; however, the Detective must still report that these incidents occurred. Chair Slotnick added that the recommendations from the Police are also the Board’s concern.

Mr. Yale advised that the measures taken thus far by the property are very expensive, and the hotel is operating at a loss at present. The property currently has an occupancy of roughly 30%; in addition, cash customers are being refused and long-term customers are being removed.

Chair Slotnick observed that issues continue to occur on the property which has brought it to its current situation, and the Board is tasked with helping to correct it. While this may be a hardship for the property's ownership and/or management, it will continue until the issues are remedied.

Mr. Smith asked why the Board's jurisdiction would be extended for another 90 days if there have been no nuisance-related calls. Detective Smith explained that although the calls do not qualify as nuisance-related activity, they are still occurring. He felt even if the property changes hands, it should be monitored for another 90 days, or for another six months if it remains under current ownership.

Vice Chair Lindsay asked if the Board must affirmatively relinquish jurisdiction at their January 11, 2024 meeting, or if the property will automatically no longer be controlled by the NAB by that time.

Attorney Londeree explained that if the Board does not renew its jurisdiction at today's meeting, jurisdiction over the Plaza Hotel will end on December 20, 2023 and there will be no need for their representative to attend any subsequent NAB meetings. Should there be more than two nuisance-related calls in the next six months, however, the property would come back under the Board's jurisdiction.

Mr. Pemper asked for more information on how the nuisance abatement process works. Attorney Londeree stated that if a property is found to be a nuisance, it can be brought under the jurisdiction of the Board, which lasts up to one year. Jurisdiction ends at that one year unless the Board finds there is a reason to extend it. If jurisdiction is not extended and the Board is satisfied, it will automatically end unless the Board renews it.

Mr. Pemper asked if there is a requirement that there be no nuisance calls for a certain number of days, or any similar guidelines for the Board. Attorney Londeree stated there are no such guidelines: a Detective and team report back to the Board regarding the property, and it is up to the Board whether or not they wish to continue monitoring the property under their jurisdiction.

Detective Smith pointed out that the subject property only recently came under compliance with some aspects of the Police recommendations. His proposal for 90 days' additional jurisdiction would be to maintain that compliance.

Mr. Yale asserted that being under the Board's jurisdiction is not helpful in terms of the sale of the property. The prospective purchaser is a major corporation that wants to clear the building and renovate it rather than operating it as a hotel. It is difficult to sell the property when experiencing ongoing issues. He did not know what else was expected of the business to address the hotel's issues.

Detective Smith pointed out that the property only recently came into compliance after nearly a year of jurisdiction. He asked what would change if the property is no longer under the Board's jurisdiction. Mr. Yale replied that his intent was to reduce expenses to one security agent per shift, complete the property's 40-year inspection, and sell the property, as the current owner does not feel they can improve it.

Chair Slotnick commented that if the Board chooses not to extend its jurisdiction for 90 days, the property may still come back under the Board's jurisdiction, even if it is under new ownership. He added that if this occurs, the owner will know what needs to be done to bring it into compliance, as the Board has tried to help bring the property into compliance.

Attorney Londeree reiterated that if the Board does not move to keep the hotel under their jurisdiction, they will automatically be removed from jurisdiction on December 20, 2023.

Detective Jameson Jones stated that at times, when a property is sold, they will contact the Board Secretary and the investigating Detective with regard to required paperwork and title processing. Attorney Londeree confirmed that this is a defect on the title. Detective Jones suggested that the Board may wish to take up a motion to state that its jurisdiction has ended. Ms. Hair advised that she will prepare the appropriate documentation to end jurisdiction on December 20, 2023, which will need to be taken to the City's Government Center to be recorded.

9. Board Discussion

It was noted that the next Board meeting is scheduled for January 11, 2024.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:03 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.]