



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, JUNE 8, 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	4	0
Glen Lindsay, Vice Chair	P	3	0
Robert Phaneuf	P	3	1
Avigdor Pemper	P	4	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 7:00 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.

### **3. Approval of minutes for May 11, 2023**

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

### **Cases**

#### **4. 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 three calls for service over the past 30 days, none of which were nuisance-related. These included trespassing, suspicious intent, and a hang-up 911 call. He has remained in constant communication with the business owner.

Detective Jones advised that since the business has been under the Board's jurisdiction, the number of reported incidents on the property has decreased. The store has made efforts to address its concerns. He has spoken to the City's Drug Enforcement Division, which has reported no activity at the site, as well as to the City's Homeless Outreach Officer. He had only positive comments on the store's activity and communication.

#### **5. Case Number 22-11-03**

**5100 N State Road 7**

**Plaza Hotel**

- **Status Hearing**

Detective Jones stated that there have been 42 calls for service from this property over the last 30 days. He noted that this is the lowest number of calls within a 30-day span since the Plaza Hotel has been under the Board's jurisdiction, representing a more than 60% reduction. Incidents on which reports were taken included trespassing, possible burglary, a verbal dispute, and a disturbance resulting in arrest. None of these calls were found to be the fault of the hotel.

Detective Jones advised that on May 12, 2023, the day immediately following last month's Board meeting, he and hotel representative Robert Yale discussed some of the issues that had resulted in the hotel being found noncompliant. Unsecured doors were secured, and Mr. Yale provided an invoice for future door replacement.

Detective Jones and Board Secretary Joyce Hair visited the property on May 15 to further discuss the Board's orders and ensure that all exterior doors were locked properly. On May 18, Mr. Yale reported that he had been working to remove any guests suspected of engaging in prostitution, as discussed at the previous meeting. This included review of the online advertisements shown to the Board in May. The Plaza Hotel is no longer an advertised location on suspect websites. Mr. Yale also advised that hotel security would conduct door checks every hour.

Detective Jones visited the property once more on May 23 to perform a spot check on the back door, which had been discussed as unsecured at the previous meeting. He showed a video of the door in question on that date, which was propped open, most likely by tenants of the hotel.

On May 24, Detective Jones and Mr. Yale discussed these incidents at length, including the need to secure doors. Mr. Yale advised that there is now 24-hour security at the hotel, which checks the doors each hour. Because of this ongoing concern, sensors have been attached to the door and will set off security alerts if they are open for more than 30 seconds. When these alerts are received, the security team will close the door. He added that since the sensors were implemented, the doors remain closed each day and are checked by maintenance to ensure that they close properly.

Detective Jones stated that he conducted an inspection of the hotel on Tuesday, June 6, 2023 and found it to be clean and free of loitering. A security guard was posted at its entrance, and a Police detail drove by the area every few minutes. He checked all doors and found them to be secure.

Detective Jones recalled that on May 29, he was contacted by a Patrol Officer regarding a party at the hotel, which resulted in noise complaints beginning at approximately 11 p.m. The Officer was unable to drive through the hotel's parking lot, which was crowded with vehicles attending the event. The Patrol Officer spoke to a security guard in the parking lot who stated that he was one of four guards hired for the event.

The front desk manager informed the Patrol Officer that he was advised against taking any kind of action regarding the party. The Officer was also informed that the event taking place that night had occurred on previous weekends as well. Detective Jones spoke with Mr. Yale regarding the incident.

Mr. Yale stated that there have been issues in the past regarding parties on the site without any knowledge by hotel management. The hotel rents out its restaurant, including, in this case, to a tenant that has brought previous events to the hotel and its pool until 10 p.m. He investigated the May 29 event and learned that the hotel manager had allowed the party to last until approximately 2:30 a.m., at which time it was shut down. The manager who permitted this change has been suspended. The lease of the hotel's restaurant has also been renegotiated with updated terms which require his written approval for any additional events.

Mr. Pemper requested clarification of the sources of complaints about the party. Detective Jones replied that the Patrol Officer was responding to a noise complaint about a large party, but the source of the complaint was unclear. He showed video footage from the party.

Detective Jones advised that while the Plaza Hotel has been on a positive trajectory, with decreased incidents and calls for service, these types of parties tend to serve as catalysts for violent crime and drug-related activity. The party in this case occurred late at night, served alcohol, and took place on a property that is already under the jurisdiction of the Nuisance Abatement Board. He concluded that his recommendation would be for no additional parties at the hotel after dark.

It was clarified that the intent of this recommendation was not for the hotel to lose revenue. Mr. Yale added that both the restaurant and promoter of the event had the appropriate licenses, and had brought in private security. Detective Jones advised that he would further research the property's zoning, licensing, and liquor licensing to ensure the event was in compliance; however, he did not have this information at present.

Detective Jones recalled that at the May 2023 meeting, the Board had discussed the hotel's room rates. It had been explained to him that in order to compete with other hotels in the area, the Plaza Hotel had lowered its rates, although it charged resort fees and other fees to compensate for this, bringing the rate effectively to \$85.

With regard to the invoice payment status for the remaining 50% of investigative costs, Detective Jones noted that a check was sent to City Hall for the appropriate amount. While it has not been listed as paid, this may be due to extenuating circumstances at City Hall, and Mr. Yale has assured him that payment has been sent.

Assistant City Attorney Don Londeree advised that the Board will review its recommendations for the property, clarify what has and has not been done, and determine if the property has incurred fines and how much those fines would be, as well as any other recommendations going forward. He added that the capacity of the party is also a consideration, as the hotel restaurant is licensed for a certain capacity of attendees. If this capacity is exceeded, it presents a safety issue.

Chair Slotnick asked if Mr. Yale was aware of the restaurant's capacity. Mr. Yale replied that he believed this to be 180 occupants. He noted that the restaurant's liquor license is not held by the hotel, but by the restaurant.

Detective Jones observed that there is nothing in the Police recommendations for the Plaza Hotel which states the business may not hold parties; however, he felt the event showed poor judgment on the part of the hotel, and suggested that the Board may wish to add a prohibition on parties to the recommendations.

Attorney Londeree explained that the Board is asked to determine whether or not a violation of the Board's recommendations occurred, and to identify the violation as well as how long it lasted. If the Board determines that a violation occurred, they are not required to fine the business; however, if they wish to fine the hotel, there must be a violation of "what was ordered at the last meeting."

Detective Jones clarified that the violations discussed at the May 11, 2023 meeting were corrected the next day. The violation discovered on May 23 was corrected on May 24.

Mr. Yale recalled that at the May 11 meeting, there had also been discussion of the acceptance of cash for rooms. He has documented a procedure which all hotel employees were required to sign, which attests that cash is no longer accepted.

**Motion** made by Mr. Phaneuf, seconded by Mr. Pemper, to discuss the compliance with the order and go recommendation by recommendation. In a voice vote, the **motion** passed unanimously.

Detective Jones noted that the order has changed since its earliest version. He summarized the original order's recommendations, concluding that most of these have been completed and are in compliance.

Detective Jones continued that at the last meeting, it was determined that the recommendation that the main entrance remain the sole point of entry after dark, with exceptions for emergencies, did not have compliance for one day, followed by another day of noncompliance on May 23. The hotel is now in compliance with that recommendation. Payment of the remaining 50% of investigative costs has been sent to the City by the hotel, as required at the May 11 meeting.

Detective Jones continued that approximately one month after the original order of December 2022, an order was added which stated that the hotel owner shall implement a policy that the deposit for renting a room will be \$500 by March 1, 2023. This policy has been implemented and the hotel is in compliance. Another order of the same date which addresses the Police detail for the property has since changed, although the hotel was in compliance at that time. The hotel is also in compliance with the prohibition against accepting cash payments for reservations.

The final order was a change made to the hours of the Police detail. Mr. Yale clarified that the Police detail is present from 4 p.m. until 12 a.m., while the hotel also has a 24-hour security detail. Detective Jones recalled that this order included the following language: "...as prescribed by the Nuisance Abatement Detective, beginning immediately." He confirmed that he and Mr. Yale have been in constant communication regarding the Police detail and the hotel is in compliance with that requirement. Detective Jones also noted that the language cited above was included in order to provide some flexibility as needed.

Mr. Yale further explained that in addition to the hotel's 24-hour security detail, the Police detail makes rounds of the hotel on an hourly basis from their car. They also have a presence inside the hotel lobby and first floor. He felt these measures have been effective in limiting unwanted activities.

Mr. Pemper stated that he did not see a reason to fine the hotel at this time. There was consensus agreement from the Board on this statement.

Detective Jones advised that Mr. Yale had informed him the hotel would like to see a change to the Police detail. Mr. Yale pointed out that the hotel is losing its market share and its occupancy is down, which makes it difficult to invest in improvements. He requested that the hotel be allowed to continue its 24-hour security but reduce the hours of the Police detail due to the decline in issues at the business and the compliance with the Board's recommendations. He noted that several individuals have been trespassed from the facility and the hotel has been in better condition since this was done.

Mr. Pemper requested clarification of trespass orders. Mr. Yale explained that the hotel requests the Police detail provide a trespass order with a case number, which means the next time a trespassed individual comes onto the property, that person can be arrested. Photo identification of trespassed individuals and the case numbers associated with their trespass are kept behind the hotel desk.

Mr. Yale continued that at present, the Police detail is not adding significantly to the hotel's compliance, as there is 24-hour security to patrol the property. He noted that not every Police detail patrols the premises as needed, as some remain in their cars. He added that hotel security provides a detailed report of each shift.

Ms. Hair requested clarification of when Mr. Yale is on the property. Mr. Yale replied that he will be in the City through June 16. He has hired a new employee whom he trusts to keep the property in good standing. He will continue to attend Nuisance Abatement Board meetings and visit the property every 45 days.

Chair Slotnick requested input from Detective Jones on the recommended hours of the Police detail. Detective Jones replied that the initial recommendations were comprehensive and involved several changes to the property as well as the Police detail. The combination of these measures has resulted in an approximately 65% reduction in incidents at the hotel. He cautioned that removal of the Police detail could result in a spike in unwanted activity; however, he acknowledged that it is impractical to maintain a Police detail on the property in perpetuity. He concluded that the request to scale back on this detail was reasonable, and recommended that the detail remain during peak times. The effect of scaling back on the Police detail would be reviewed in 30 days.

Detective Jones further clarified that his recommendation would maintain the Police detail on Fridays, Saturdays, and Sundays from after dark until early morning, as these are the days and hours in which the Police Department sees the most criminal activity. He noted

that the hotel's progress can be tracked each month by the number of calls for service, and adjustments can be made accordingly.

Mr. Yale confirmed that the hotel's busiest days are Fridays and Saturdays. He suggested a detail schedule of 7 p.m.-3 a.m. or 8 p.m.-4 a.m. on these days. He reiterated that the hotel will continue to have 24-hour security.

**Motion** made by Mr. Phaneuf to discuss the modifications to the order respecting the days and hours of the Police detail being present at the property.

It was clarified that this discussion had already occurred and the Board was asked to make a **motion** to approve the modifications.

Detective Jones suggested that a **motion** to modify the Police detail hours could include language requesting the detail primarily on Fridays, Saturdays, and Sundays from 8 p.m. to 4 a.m., at the discretion of the hotel in agreement with the investigating detectives. This would allow some flexibility if different patterns emerge. It would also reduce the Police detail's presence from 56 to 24 hours.

**Motion** made by Mr. Phaneuf, seconded by Mr. Pemper, for the approval to scale back the hours from 56 to 24 total, at the discretion of the investigating detective. In a roll call vote, the **motion** passed unanimously (4-0).

The Board also discussed parties at the hotel, with Detective Jones recommending that no parties occur outside after sunset. Mr. Yale suggested that no outside parties continue after 10 p.m. It was clarified that the hotel would still be able to hold other events, such as weddings, that may last until midnight. Detective Jones also clarified that the incidence of violent crime is significantly less at indoor events, as long as those events comply with occupancy requirements.

**Motion** made by Mr. Phaneuf, seconded by Mr. Pemper, for the approval of the additional order restricting outside parties occurring on the property after 10 p.m. In a roll call vote, the **motion** passed unanimously (4-0).

Mr. Yale asserted that he would try to be present for the July 13, 2023 Board meeting, and that a manager would be present if he was not available. It was noted that it may be possible for Mr. Yale to attend via Zoom if he could not be physically present.

## **6. Case Number 23-05-03**

**3081 NW 19<sup>th</sup> Street**

- **Evidentiary Hearing**

Detective Jones stated that the owner of the subject property is Persaud USA Property Holdings LLC, Inc. Notice of tonight's meeting was sent via certified mail to three different

addresses as well as hand-delivered to the convenience store. The property owner was also served in person on June 6, 2023.

On June 7, 2023, Detective Jones spoke with the property owner and his property manager at length regarding tonight's meeting, including an overview of the case. They also reviewed preliminary Police recommendations. Information was sent to these individuals via email, including a draft of the recommendations.

The business has had 147 calls for service in the last six months. After a call on March 23, 2023 related to aggravated battery on the property, a warning letter was sent to the owner on April 5, 2023. A warning letter was also hand-delivered to the clerk working at the store on May 16, 2023.

On May 4, 2023, a Police confidential informant purchased \$20 worth of alpha-PPP, also known as "flakka," from a subject at the front doors of the business. On May 17, a confidential informant purchased \$20 worth of powder cocaine from a male subject in the store's parking lot. On May 18, 2023, a confidential informant purchased \$20 worth of alpha-PPP/flakka from a subject at the front doors of the business. The drugs involved in the May 18 purchase were stored inside a gas grill located just outside the business. Also on May 18, 2023, a Fort Lauderdale Police Department (FLPD) narcotics detection K-9 located several small bags of suspected narcotics inside the grill outside the business.

Detective Jones showed photos of the subject property, including an aerial view of the business and parking lot. He also identified the location of the gas grill. An alleyway next to the property is regularly used to evade Police and serves as a nexus for off-property incidents.

Detective Jones continued that there are often people "hanging out" in the property's parking lot and playing amplified loud music, although the source cannot always be identified. Tables have been set up on the property near the alleyway in the past.

Detective Jones briefly reviewed some of the 147 incidents which resulted in service calls over the past six months, which included cases with documented Police reports ranging from burglary and assault to larceny, suspicious incidents, several noise disturbances, a traffic crash, trespassing, narcotics, and shots fired.

Detective Jones clarified that the property owner, Devi Persaud, is not the business owner. Mr. Persaud explained that he purchased the property and the business in 2013 and served as its owner/operator until January 2023, when the building was leased to its current tenant. He asserted that he did not experience the types of incidents Detective Jones had described when he operated the business.

Mr. Persaud advised that the tenant of the property is not following the legal requirements of his lease with regard to following the rule of law. He recalled that he had had a good working relationship with the FLPD when he operated the store. He added that as



landlord, he attempted not to interfere in the operations of tenants' businesses. The notice received by the tenants was not provided to him.

Mr. Persaud continued that once he received notice of tonight's meeting, he and the property manager took immediate action the next day and sent formal notice to the tenant. He also sent notice to the tenant on June 7, 2023 asking that some of the Police recommendations be addressed immediately by 3 p.m. on June 8. He conducted an inspection of the store before attending tonight's meeting and ordered the tenant to remove certain items.

Mr. Persaud continued that on February 22, 2023, an investigative Officer from the Florida Division of Alcoholic Beverages and Tobacco (ABT) was in the subject building and contacted him to advise that a number of unauthorized items were on sale in the store and must be removed. While he had felt the store would comply, this did not happen.

Louis Andrews, property manager, stated that he was recently informed of the issues with the store. He had felt the business owner would comply with lease requirements, as they are the owner of other retail stores. He no longer felt the business would abide by these requirements, and has secured an attorney for legal advice regarding how to proceed with the termination of the lease. He added that he agreed with roughly 98% of the recommendations provided to the property owner, but pointed out that some of the items are not within the owner's control, such as business licensing. He concluded that he and Mr. Persaud will work closely with the Police to ensure that all concerns are addressed.

Mr. Pemper asked if the business owner was invited to tonight's meeting. Mr. Andrews confirmed that he had copied the business owner on the emails and communications with which the property owner was served. It was clarified that the Board's enforcement occurs solely through the property owner, who is tasked with ensuring that their tenant meets requirements.

Detective Jones added that the Police had actively attempted to engage with the business owner, having sent them both certified and hand-delivered letters. He has received no response to any of these communications.

**Motion** made by Mr. Phaneuf, seconded by Mr. Pemper, that the parties stipulate that the property is a nuisance and that the property is under the jurisdiction of the Nuisance Abatement Board, and that the Nuisance Abatement Board finds that the property is a nuisance. In a roll call vote, the **motion** passed unanimously (4-0).

Ms. Hair advised that she had sent the information Detective Jones had provided to Mr. Persaud's home via certified mail on May 24, 2023. She noted that there had been no response. The notice was also mailed to the address listed on Mr. Persaud's documentation; however, according to information posted by the Broward County Property Appraiser's Office, that address is identified as an empty lot.

Detective Jones further clarified that when the Police first engage with a property on which there are issues, the first step is to send a warning letter. When this letter was sent to the registered address of Persaud USA Property Holdings, LLC, the address was determined to be a vacant lot. Mr. Persaud stated that he no longer owned this property. Detective Jones recommended that this information be updated in order to ensure that official channels of communication are open.

Detective Jones continued that he then attempted to provide service to the building; however, the business owner was not relaying information to the property owner. The property owner did, however, receive a certified warning letter on April 25, 2023. Documentation regarding tonight's meeting was not received by the property owner until it was hand-delivered on June 6.

Ms. Hair clarified that her concern had been that the warning letter was sent to the property owner, but the owner did not contact her. Regarding the information about tonight's meeting, this was delivered to the owner's home, but no one was present to accept it, and, when notice was left, no arrangements were made to pick that information up.

Detective Jones read the following recommendations for the subject property into the record at this time:

- Owner will maintain a trespass affidavit on file with the Police Department and post authorized No Trespassing signs on all sides of the property within seven days
- Owner will ensure that no persons loiter in the parking lot and sidewalks within all areas of the property, as well as inside the store during all business hours
- Owner will report what the current hours of the business are
- 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 jurisdiction, signs measuring 16x20 stating that the property is under the jurisdiction of the Fort Lauderdale Nuisance Abatement Board and is being monitored by the Fort Lauderdale Police Department; signs will be placed on each exterior side of the building, as well as the interior counter area; placement will ultimately be directed by the investigating Detective
- Within 30 days, owner will install or maintain a minimum of one exterior video surveillance 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; one interior camera will be focused on the cashier and cash register with full monitoring and recording activity and transactions; the cameras will be installed and maintained according to the City of Fort Lauderdale Code requirements; exterior video surveillance cameras will be mounted and positioned at strategic locations to ensure that all activity outside of 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
- Owner will maintain all exterior security lighting on all sides of the building according to all City of Fort Lauderdale Code requirements
- 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 area and alleyway; these areas will be illuminated from dusk to dawn
- Owner will remove any narcotic paraphernalia being sold in the store immediately; this includes, but is not limited to, glass rose stems, rolling papers, jewelry bags, pipes, sexual-related pills or items, and the like
- Owner will cease use of any gaming machines at the establishment
- Owner will remove any tables and chairs and sound equipment from the exterior of the property
- Owner will remove any grills (barbecue or cooking appliances) and any and all related equipment
- No food, beverage, or merchandise transactions to occur outside the building, and any and all related equipment shall be stored inside the building
- Owner will maintain the property free of debris and trash
- Owner will remove all stickers and products blocking any windows
- Within 30 days, the owner will post surveillance warning signs on all exterior walls of the buildings and entry/exit locations; the data/video obtained from the video system can be used by the Fort Lauderdale Police Department for any purpose they desire relevant
- Owner will conduct property checks at the location not less than once weekly and email the investigative Detective each week to advise the status of compliance of each item of this order, any nuisance-related activity, trespasses that occur, and any other concerns; this shall include photos of the location and the time of inspection; not less than one inspection per month shall occur during nighttime hours
- Investigative costs total a dollar amount of \$1670.01; the owner is assessed 50% of this amount, which equals \$865.02; the cost is to be paid prior to the July Nuisance Abatement Board meeting, July 13, 2023; if no meeting occurs in July, then prior to the next scheduled Nuisance Abatement Board meeting
- The Board will waive the remaining balance of the investigative costs if the owner complies with the Board's order within the specified time frames; if the owner fails to comply within the specified time frame, the remaining 50% of the investigative costs will be assessed
- If any of the above-listed items are not complied with within the time frame set forth, a fine in the amount of \$250 per day per item, not to exceed \$250 per day, will be imposed for each day of noncompliance

- The owner will appear before the Nuisance Abatement Board at the July 13, 2023 meeting for a status hearing, and at all subsequent Nuisance Abatement Boards for the duration of jurisdiction
- The Nuisance Abatement Board will retain jurisdiction over the property for a period of one year

Detective Jones noted that one additional recommendation is that the owner update his corporate information to provide necessary legal channels for written communication.

Detective Jones recalled that he and Mr. Persaud had spoken briefly on June 7 regarding some of the above recommendations, and had emailed him a list of those recommendations. He noted that Mr. Persaud may have already taken action to address many of the recommendations.

**Motion** made by Mr. Phaneuf, seconded by Mr. Pemper, to adopt the recommendations.

Mr. Andrews stated that there are some items within the recommendations that are not within the owner's or property manager's control, and requested that these be reconsidered. These included the recommendation regarding enforcement against loitering. He pointed out that both the state of Florida and the City of Fort Lauderdale have definitions of loitering; in addition, the business's lease has a "quiet enjoyment" clause which prohibits the owner from choosing with whom the business owner may wish to do business. This would result in a grievance between the landlord and tenant, according to the owner's attorney.

Mr. Andrews also noted that the landlord may not prevent an individual from walking on the sidewalk near the store, as the sidewalk is an easement. He felt these two items should be modified to reflect the restrictions upon the property owner and property manager. He also cautioned against infringing upon any individual's civil rights, as they do not know the relationship the business may have with its patrons.

Mr. Andrews also addressed the requirement for licenses, stating that the property owner neither agrees with nor objects to that requirement, but has requested that the business owner provide copies of all their licenses. He pointed out that some of these documents are considered public information, but did not feel the owner could force the business owner to provide them.

Attorney Londeree advised that the licenses must be posted in the place of business. Detective Jones suggested that the language in this requirement be changed to "Owner will share with the Police Department any licensing information that the owner is aware of."

Mr. Andrews emphasized that the property owner will make every effort to obtain as much information as possible. Mr. Persaud added that he did not want to be in the position of

being unable to comply with any of the stated requirements, and wished to identify those which may be outside his control.

It was asked what recourse the owner has if the business continues to fail to meet required standards. Mr. Andrews replied that the only available recourse would be to terminate the relationship. He also expressed concern with the owner's options regarding surveillance, stating that if the business does not cooperate, the business may be provided with legal notice to vacate. The business has 20 years remaining on their lease at this time.

Mr. Andrews continued that the business has already restricted the owner's access to the property. He asserted that if the business does not provide the owner or property manager with access to surveillance, the owner will purchase and install his own recording device(s).

Attorney Londeree reviewed a copy of the business's lease, pointing out that it is subject to applicable laws, rules, ordinances, and restrictive covenants. It also indicated that the owner may take any actions necessary to address violations on the premises. He clarified that the Board is not infringing upon the tenant's rights or attempting to take the property.

Attorney Londeree continued that while the way to address issues with the tenant is left to the owner's discretion, any fines would run on the property itself and can be enforced as liens if they are not paid. Even if the business is closed, the liens would remain on the property. He requested that a copy of the lease be maintained as part of the record.

Chair Slotnick addressed Mr. Andrews's concerns regarding loitering, stating that in his opinion, this constituted an individual who is present for a long period of time but conducting no business. It would not apply to someone in the store to make a purchase.

Mr. Andrews stated that the owner would "enforce the statute...on the tenant." Attorney Londeree added that when a trespass affidavit is filled out by the owner, this would provide law enforcement with the right to come onto the property and remove a person or persons named in the affidavit. He pointed out that providing video surveillance would allow the owner to know what is occurring on the property and contact the Police as necessary.

Attorney Londeree further clarified that there is no right for an individual to be on the public sidewalk or the alleyway, as these run through private property. An individual has the right to travel on these facilities but not to loiter on them.

Chair Slotnick added that the owner also has the right, during property checks, to call the Police and request that a person or persons be trespassed at that time.

Mr. Andrews noted that individuals may also gather at adjacent properties. Detective Jones confirmed that there are other properties in the surrounding area with which the

Police Department is actively engaged, and which are under warning status. He also noted that most of these properties are owned by separate entities.

Mr. Andrews added that the owner plans to invoice the tenant for the investigative costs. If they do not pay, the owner will have further grounds on which to take action.

In a roll call vote, the **motion** passed unanimously (4-0).

## **7. Board Discussion**

There being no further business to come before the Board at this time, the meeting was adjourned at 9:02 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.]