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North Miami board members sue over strip club vote

Three members of North Miami's board of adjustment who nixed a strip club's request to serve alcohol sued the city, saying the system was rigged to overturn their quasi-judicial decision.

Steve Plunkett

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Three members of North Miami's board of adjustment who nixed a strip club's request to serve alcohol sued the city Thursday, saying the city attorney and other officials in essence rigged the system to overturn their quasi-judicial decision.

Carol Keys, the board's chairman, and members Holly Cohen and Michelle Garcia were three of a four-vote majority Aug. 15 to deny the request by Sunny Isles Eatery, which had won board approval to open as an adult entertainment business in June, their complaint said.

But City Attorney Regine Monestime decided the board should rehear the variance requests Sept. 20, despite her not having the authority under city code or the City Charter to set aside a board decision, the complaint said.

"This was a gross abuse of power and process by city officials that needs to be rectified. When the city violated its own rules and laws in order to help a strip club at the expense of children and residents, our clients believed they needed to take a stand," said plaintiff attorney Adam Schachter of Gelber Schachter & Greenberg in Miami.

Six days after the board initially approved Sunny Isles Eatery's request to open as a strip club, the City Council changed North Miami's code to allow the sale of alcohol at adult establishments, the lawsuit said.

And on Aug. 28 — after the board's first vote and about the time Monestime scheduled the second hearing — Cohen and two other board members were "abruptly" replaced, the suit said.

Cohen and Garcia expressed concerns at the first vote about a strip club serving alcohol close to a residential building and a dance studio catering to children and teenagers.

"They each commented on the unique harms posed by drunk patrons leaving the establishment," the complaint said.

Keys and the other plaintiffs contend that the second vote, 5-2 in favor of Sunny Isles Eatery, was taken in an "illegal" meeting, called on a Thursday instead of the customary third Wednesday of the month solely to rehear an already-decided case.

Monestime had not seen the complaint and would not comment.

The lawsuit asks for declarations that Monestime's actions were illegal and ultra vires, that the Sept. 20 variances be stricken and that North Miami be prohibited from accepting a similar variance request from Sunny Isles Eatery for one year.

It also seeks an award of attorney's fees and costs.

The strip club has secured a warehouse/showroom property at 2050 NE 151st St. and plans to be open 3 p.m. until 6 a.m. Monday through Friday and 1 p.m. to 6 a.m. Saturday and Sunday. Its operators ran Thee Dollhouse, now closed, in Sunny Isles Beach.

