

**City of Fort Lauderdale
Nuisance Abatement Board Minutes
City Hall, City Commission Chambers, 1st Floor
100 North Andrews Avenue
Thursday, February 9, 2006 at 7:00 p.m.**

	Attendance	2006 Cumulative Attendance 3/05 to 3/06		Total Meetings
		<u>Present</u>	<u>Absent</u>	
<u>Members</u>				
Douglas Reynolds, Chair	P	9	1	10
Harry MacGrotty, Vice Chair	P	8	2	10
Caldwell Cooper	P	10	0	10
Ginnee Hancock	P	8	2	10
David C. Svetlick	P	10	0	10
Pat Mayers, Alternate	P	8	2	10
Laurie Watkins, Alternate	P	5	2	7

Staff Present

Marcia Gair, Board Clerk	P
Bruce Jolly, Board Attorney	P
Scott Walker, City Prosecutor	P
Sgt. Reggie Gillis, Liaison	P
Leann Swisher, Coordinator	P
Jamie Opperee, Recording Clerk	P

1. Call meeting to order, Pledge of Allegiance

Chair Reynolds called the meeting to order at 7:04 p.m.

2. Roll call, witness sign in, swearing in

3. Approval of minutes for January 12, 2006

Motion made by Mr. Cooper, seconded by Ms. Hancock, to approve the minutes of the January 12, 2006 meeting. In a voice vote, the motion passed unanimously.

4. Case Number 06-02-04, 3306 West Broward Boulevard

- Notice of Evidentiary Hearing

Detective Swisher distributed photos of the business and announced that there was a CI buy in August 2005 and undercover buys in September and October 2005.

Detective Swisher stated the police recommendations as follows:

1. The owner(s) will post a No Trespassing sign, issued by the Fort Lauderdale Police Department, on the east side of the building within fourteen (14) days.
2. The owner(s) will lock the gate on the south side to prevent entrance within seven (7) days.

3. The owner(s) will remove all trash from in front of the business within seven (7) days.
4. The owner(s) will post address numbers on the business, making them visible from the street, (according to all City of Fort Lauderdale Code requirements) within fourteen (14) days.
5. The owner(s) will repair and maintain the lighting on the east and north side of the business within fourteen (14) days.
6. The owner(s) will remove all advertising on the windows and any obstructions on the inside within fourteen (14) days.
7. The owner(s) will immediately remove the Sun-Sentinel box during business hours, only to be outside for delivery.
8. The owner(s) will maintain video surveillance at the business, as well as post signs outside of the business stating that the premises are being recorded within fourteen (14) days.
9. The owner(s) will move the recording equipment out of patrons' view within seven (7) days.
10. If any of the above-listed items are not complied with within the time frame set forth, a fine in the amount of \$250.00, per day, per item, not to exceed \$250.00 per day, will be imposed for each day of non-compliance.
11. The owner(s) is assessed 25% (\$169.29) of the investigative costs to be paid within 30 days. The Board will waive the balance (\$507.86) of the investigative costs if the owner(s) complies with the Board's Order within the specified time frame(s). If the owner(s) fails to comply within the specified time frame(s), the remaining 75% of the investigative costs will be assessed. (Total costs \$677.15)
12. The owner(s) will appear before the Nuisance Abatement Board at the April Nuisance Abatement meeting (or, if no meeting occurs in April, at the succeeding Nuisance Abatement meeting) for a status hearing.
13. The Nuisance Abatement Board will retain jurisdiction over the property for a period of one (1) year.

Mr. Mahmoud Hamadeh, property owner, stipulated the property was a nuisance and stated he understood the recommendations and consequences of non-compliance. Mr. Walker noted that recommendation #9 was not necessary.

Mr. Hamadeh stated he had complied with all of the recommendations already; Detective Swisher said compliance had not been confirmed yet. Mr. Hamadeh said he had been trying his best for two years to solve the problems.

Mr. Saleh Alqadi, the business tenant, said he did call police when he saw a problem. Mr. Walker clarified for Mr. Cooper that the drug transactions occurred outside the store. Detective Swisher confirmed that there was working video surveillance equipment on the premises already.

Mr. Virgil Niederriter, president of the Riverland Civic Association, felt the stipulations were not strong enough. He described a problem with vagrants in the area. Chair Reynolds informed him that if the problems continued, the case would be brought back to the Board for further actions.

Mr. Walker listed the recommendations again for Mr. Niederriter and Mr. Hamadeh confirmed that he had complied with each one. Mr. Jolly reminded Mr. Niederriter that vagrancy was not illegal and this Board only addresses certain criminal activity.

Motion made by Mr. MacGrotty, seconded by Mr. Cooper, to approve the Police Department recommendations, [less recommendation #9], and the owner's stipulation. In a roll call vote, the Board approved unanimously.

5. Case Number 06-02-05, 1931 South Federal Highway

- Notice of Evidentiary Hearing

Detective Swisher informed the Board that there were two undercover buys in September and another in October.

Detective Swisher stated the police recommendations as follows:

1. The owner(s) will post No Trespassing signs, issued by the Fort Lauderdale Police Department, on all sides of the property within fourteen (14) days.
2. The owner(s) will terminate any and all employees involved in any past drug related incidents.
3. The owner(s) will make provisions to check any and all identification of patrons at the door and at the bar to discourage underage drinkers.
4. The owner(s) will provide adequate licensed security during any major scheduled event.
5. The owner(s) will provide security for the parking lot located on the west side of the property while the business is open.
6. The owner(s) will install lighting on the east, south and west parking lot side of the building (according to all City of Fort Lauderdale Code requirements) within sixty (60) days.
7. If any of the above-listed items are not complied with within the time frame set forth, a fine in the amount of \$250.00, per day, per item, not to exceed \$250.00 per day, will be imposed for each day of non-compliance.
8. The owner(s) is assessed 25% (\$160.99) of the investigative costs to be paid within thirty (30) days. The Board will waive the balance (\$482.96) of the investigative costs if the owner(s) complies with the Board's Order within the specified time frame(s). If the owner(s) fails to comply within the specified time frame(s), the remaining 75% of the investigative costs will be assessed. (Total costs \$643.95)
9. The owner(s) will appear before the Nuisance Abatement Board at the April Nuisance Abatement meeting (or, if no meeting occurs in April, at the succeeding Nuisance Abatement meeting) for a status hearing
10. The Nuisance Abatement Board will retain jurisdiction over the property for a period of one (1) year.

Mr. Keith Chiaverini explained that Three Musketeers Inc., of which he was president, was the property-owning entity.

Chair Reynolds announced that Commissioner Hutchinson had sent a fax regarding the property to several Board members. He advised the Board to disregard the contents of that fax in considering the case before them. They should only consider evidence presented at the hearing. Mr. Jolly confirmed this and asked that the fax be put into the record. Mr. Walker gave Mr. Chiaverini a copy of the fax.

Mr. Chiaverini stated he had owned the business for approximately seven months and had resolved several problems already. He stipulated that the property constituted a nuisance, and stated he understood the recommendations and consequences of non-compliance.

Regarding recommendation #6, Mr. Chiaverini stated that they had a small parking area on the south side of the building only; the other parking areas belonged to other businesses. The west side parking lot belonged to the Godfather Palace.

Mr. Chiaverini stated that they no longer admit anyone under 21 into the bar. He confirmed for Mr. MacGrotty that he had assumed management of the bar in June, after which several incidents had occurred.

Mr. Dwight Ledbetter, president of the Poinciana Park Civic Association, said the recommendations did not go far enough; he felt they must have full-time security and more parking to prevent patrons from parking on 20th Street. The median in the area was in very bad shape as well. Mr. Ledbetter noted that the problems dated back through several previous businesses at this location. Mr. Ledbetter had asked several local residents and businesses their opinions about the bar and received unanimous negative responses.

Mr. Walker stated that illegal parking could be addressed by the City, but not by this Board. Ms. Hancock asked what trash from the bar ended up in the median. Mr. Chiaverini said no trash should be from the bar, since he did not permit patrons to leave with drink containers of any kind. He confirmed that an employee from the previous business had been let go in October because Mr. Chiaverini became suspicious of his behavior.

Mr. Chiaverini confirmed that on busy nights, there might be 40 – 60 patrons, one bartender and a bar back/doorman. Maximum capacity for the space was approximately 125. He agreed that for anticipated busy events, he intended to hire security for the parking area. Mr. Walker noted that recommendation #5 stated that security must be provided in the west parking area whenever the business was open.

Mr. Walker informed the Board that he would speak to the Zoning Department about the parking issues.

Mr. Ray Dettman, resident, said the business had been a problem for 25 years. Mr. Dettman described drug and prostitution problems in the south side parking area. He

claimed the parking was illegal there as well. Mr. Dettman noted that the entire area had been a nuisance.

Ms. Dayna MacDonald, resident, noted that patrons would sometimes park in the Discount Auto parking lot across the street and need to cross a 6-lane highway to get to the bar. She remarked on the trash in the median as well and felt the owner should clean up every day.

Mr. Ledbetter read a statement from Genia Ellis, of the Harbor Inlet Association, stating that penalties should be imposed for any business that fostered "unacceptable behavior of their employees or patrons."

Ms. Hancock wanted the owner to reach out to the neighborhood and address some of their concerns, rather than the Board mandating how each problem should be addressed. Mr. Chiaverini said he was willing to appoint an employee to clean up and maintain the swale, to install better lighting on the sidewalk, and to provide more security for the parking area.

Mr. Cooper asked Mr. Chiaverini if the community had reached out to him regarding their concerns; Mr. Chiaverini said they had not. Mr. Cooper wanted the community to understand that now that the Board and the owner were aware of the problems, the Board would keep an eye on the property and Mr. Chiaverini would hopefully work to improve the situation. Mr. Chiaverini apologized to the residents and offered his phone number for them to contact him when they had concerns.

In a roll call vote, the Board unanimously approved the Police Department recommendations and the owner's stipulation.

With regard to items numbered 4 and 5, Mr. Walker informed the Board that the property owners had agreed to pay 100% [instead of 25%] of the investigative costs immediately.

6. Board Discussion

Mr. Walker briefly discussed recent foreclosure proceedings regarding two properties.

Next meeting: March 9, 2006

Thereupon, the meeting adjourned at 8:18 p.m.