

**City of Fort Lauderdale
Nuisance Abatement Board Minutes
City Hall, City Commission Chambers, 1st Floor
100 North Andrews Avenue
Thursday, December 13, 2007 at 7:00 p.m.**

<u>Members</u>	<u>Attendance</u>	Cumulative Attendance 3/07 to 2/08	
		<u>Present</u>	<u>Absent</u>
Douglas Reynolds, Chair	P	7	1
Harry MacGrotty, Vice Chair	P	7	1
Caldwell Cooper	P	7	1
Patricia Mayers	P	8	0
David C. Svetlick	P	6	2
Laurie Watkins, Alternate	P	7	1

Staff Present

Joyce Hair, Board Clerk
 Bruce Jolly, Board Attorney
 Lt. Wade Brabble, Liaison
 Liz Rivera, Recording Clerk
 Scott Walker, Assistant City Attorney
 Detective Mike Freeley, Ft. Lauderdale Police
 Detective Jason Maldonado, Ft. Lauderdale Police
 Detective Jeff Richie, Ft. Lauderdale Police

Guests

Richard Russell	Narinedat Roy
Artis Johnson	William Harris
Orly Cohen	Nicholas Kladis
Pam Roloff	Tim Smith
Chris Grzybowski	Michael O'Brien
Robert Alcock	Andre Kent
Bill Lamont	David Justin
Tania Ouaknine	Diane Shuler
Sharon Woods	Phyllis Barry
Rick Gibson	Vincent Metraxia
Carmen Smith	Don Carney
Heidi Laws	

1. Call meeting to order; Pledge of Allegiance

The meeting was called to order at 7:02 p.m. and the Pledge of Allegiance was recited.

2. Roll call; witnesses sign log; swearing in

Ms. Rivera called roll and determined a quorum was present.

Witnesses were sworn in.

3. Approval of minutes for November 8, 2007

Motion made by Mr. Cooper, seconded by Ms. Mayers, to approve the minutes of the November 8, 2007 meeting. In a voice vote, the motion passed unanimously.

4. Case Number 07-09-06, 2655 Northwest 20 Street

- **Notice of Status Hearing**

Lt. Brabble informed the Board that inspections had been performed at Mr. Harris's property and he was found to be in compliance. Mr. Harris had paid the proper fine amount, and presented a copy of his receipt to the Board.

Lt. Brabble reported that there had been no calls for service to the property since October 2, 2007 and the property was currently vacant.

Mr. Harris stated the County should install a fence over the vacant property behind his property to prevent access.

Lt. Brabble stated they were currently pleased with the property and would not require any further status hearings.

5. Case Number 07-09-07, 1300 Northeast 4 Avenue

- **Notice of Status Hearing**

Lt. Brabble informed the Board that the property was not in compliance at this time: the pay phone had not been removed; the hedges were higher than 36 inches, and the rear of the building was still accessible. Upon site inspection on December 11, beer cans were found to be prevalent in the rear of the property and cartons had been arranged to allow easy access to the back portion of the lot. Lt. Brabble reported there had been 199 calls for service to the property over the past six months; 54 of these had been vice or narcotics related.

Ms. Chris Grzybowski, representative of the sub-lessee, Circle K Stores, reported that an attorney from the pay phone company had advised that the Nuisance Abatement Board did not have jurisdiction over the pay phones. Ms. Grzybowski stated she had

received an e-mail from the pay phone company stating their intent to fight both Circle K and the Nuisance Abatement Board on this matter, but she pointed out that the pay phone company and the store operator could not sign a contract without Circle K's approval. Ms. Grzybowski said Circle K intended to remove the phones immediately.

Ms. Grzybowski said she had been unaware of the hedges, and this would be taken care of immediately as well.

Assistant City Attorney Scott Walker said he had received a call from an attorney named Guy Stremblack informing him he had a conflict and could not attend this hearing. Mr. Stremblack claimed to have sent case law to Mr. Walker's office proving the Board had no jurisdiction over payphones. Mr. Stremblack asked to be put on the Board's next agenda.

Lt. Brabble confirmed that the following items had been complied by the deadline:

- ❖ Additional no trespassing signs had been installed
- ❖ A minimum of six video cameras with recording equipment had been installed and were operational
- ❖ Warning signs of video surveillance equipment had been installed
- ❖ Outside lights were operational as of the last inspection
- ❖ Drug paraphernalia had been removed from the store
- ❖ The fine had been paid within 30 days

Lt. Brabble reiterated that the payphones had not been removed, and the 60-day deadline to perform this had not yet expired. Chair Reynolds stated lights on the south side of the property were not operational when he had passed by. Lt. Brabble confirmed that the deadlines to maintain the hedge and install the device to prevent access from the back wall were approaching.

Lt. Brabble requested the case be put on the Board's next agenda for a status conference. Mr. Jolly wanted the owner to be aware that fines would begin to run if the violations were not complied by the deadline.

Chair Reynolds opened the public hearing.

Ms. Pam Roloff stated she had been checking up on the property, and she had noted a prostitute and pimp loitering in front of the store the previous week. Ms. Roloff reported the fence had been installed, but it was never locked or even closed. She said she had been approached by drug dealers while she was pumping gas. Ms. Roloff stated, "things are still happening over there, haven't been cleaned up, it's the same old thing and some nights...it's a drive-through." She presented photos she had taken of the property.

Mr. Tim Smith, president of the Middle River Terrace Neighborhood Association, agreed with Ms. Roloff and said the owners had not taken the Board's directives seriously. He remarked that the general area was much better because of increased police presence, but the Citgo/Circle K was the same. Mr. Smith said he had inspected the property half an hour earlier and discovered the exterior lights were not working and the conditions were deplorable. He added that the curbing was broken; the property was strewn with trash; the sidewalk was elevated 3 inches; the no trespassing sign was affixed to the wall with duct tape and the landscaping was not up to code. Mr. Smith said he hoped the Board would make the owner take their instruction seriously this evening.

Mr. Michael O'Brien, Citizen Patrol volunteer, said while patrolling his neighborhood they had discovered the Citgo was a center for drug activity, and the owners were not taking the necessary steps to prevent this. He wanted the owners to be held accountable. Chair Reynolds asked Mr. O'Brien's suggestion for additional measures to improve the situation. Mr. O'Brien suggested requiring a security presence in the parking lot from 5 p.m. to closing.

Mr. Rick Gibson, president of the South Middle River Terrace Neighborhood Association, said it was painful to live in this troubled area, and he asked the Board to help fix this problem.

There being no other members of the public wishing to address this item, Chair Reynolds closed the public hearing and brought the discussion back to the Board.

Lt. Brabble expressed empathy for the residents, and reported there had been approximately 50 calls for service to the property in the last 90 days.

Mr. Cooper remembered Ms. Grzybowski's promise at the previous meeting that the old store operators would be removed. Ms. Grzybowski explained that the operator's lease was up, and Conoco and Circle K released the store to the operators because they were now in the process of buying the property.

Mr. Cooper asked Mr. Jolly if the store operators could be made a party to this action. Mr. Jolly informed him that this could not be done regarding this case. Mr. Jolly said if the Board brought the case back the following month, they could determine if fines should be accruing because the property was not complied. When the operators did purchase the property, the sale would be subject to the judgments and liens against the property.

Mr. Jolly recommended against the Board imposing any new conditions this evening, but agreed to work with the clerk to include this provision in the notice for the next hearing.

Motion made by Mr. MacGrotty, seconded by Mr. Cooper, to schedule a status conference for January 2008 to reevaluate the property, the notice for that meeting to be amended to provide that additional action could be required. In a roll call vote, Board approved 5 – 0.

6. Case Number 07-06-05, 800 Northwest 10 Terrace

- **Notice of Status Hearing**

Lt. Brabble reported the property was not in compliance: no licensed and bonded security company was on premises. There had been 53 calls for service in the past six months, three of which were related to vice and narcotics.

Mr. Walker said he had spoken with the owner and everything was complied except for the security company requirement.

Mr. Narinedat Roy, owner, said they did not employ bonded security guards, but employees now wore “Security” shirts, and there had been major changes at the property thanks to the police and neighbors. Mr. Roy stated the drug dealers had left the property.

Chair Reynolds reminded Mr. Roy that he had been ordered to employ bonded security guards visible from both inside and outside the store during all business hours. Mr. Roy acknowledged this and that he was aware a fine could be imposed if he did not comply. Chair Reynolds asked Mr. Roy why he had not complied with this requirement. Mr. Roy said this was a family operated store and “there is no money to hire people outside.”

Lt. Brabble reported there had been 14 calls for service since November 1, 2007, and to his knowledge there had been no vice or narcotics arrests on the property. He believed the situation was no worse or better, but felt that the presence of bonded, licensed security guards would improve the situation. Lt. Brabble reported the calls for service had been related to disorderly conduct, suspicious incidents, trespassing and one medical-related call.

Chair Reynolds opened the public hearing.

Mr. Robert Alcock, South Middle River Terrace Neighborhood Association, felt the problem was that the operators did not do things to “bring in the right kind of people.” Mr. Alcock said, “Our neighborhoods are not going to stand for this stuff anymore” and proprietors should therefore change their business to stop attracting drug dealers.

Mr. Roy reported that a neighboring property owner had been threatened by a drug dealer that he must turn lights off at his property or something would happen to him.

There being no other members of the public wishing to address this item, Chair Reynolds closed the public hearing and brought the discussion back to the Board.

Mr. Cooper asked Mr. Jolly what options the Board had. Mr. Jolly explained the Board could:

- ❖ Take no specific enforcement action and require the owner to appear for another status conference
- ❖ Determine the owner had not complied with one of the conditions of the Board's order, and impose the fine recommended in the order. This would constitute a lien once the order was recorded.
- ❖ Modify their previous order

Motion made by Mr. Svetlick, seconded by Mr. MacGrotty, to bring the case back for a status conference next month. In a roll call vote, with Mr. Cooper opposed, Motion passed 4 – 1.

7. Case number 07-10-08, 1028 Northwest 3 Avenue

• Notice of Evidentiary Hearing

Lt. Brabble stated the City would present a case demonstrating that controlled buys were made at the location during last two weeks of October 2007. Detectives had made two buys at this location at apartment 3 and executed a search warrant on October 30, arresting three subjects. On November 6, a fourth arrest occurred for possession of narcotics. There were seven video buys during the period April 7, 2007 to May 22, 2007 at this location. Over the past six months, there had been 43 calls for service, 6 of which were vice or narcotics related.

Lt. Brabble stated the following recommendations:

1. The owner will post additional No Trespass Affidavit signs on the North and South walls of the property within (72) hours and enforce trespass laws.
2. The owner will adopt the Lease Addendum and Permitting Eviction for Drug Related Activities for all new tenants and renewals.
3. The owner will install additional exterior lighting on the front, rear and sides of the building (according to all City of Fort Lauderdale Code requirements) within (30) days.

4. The owner will repair all fencing surrounding the property (according to all City of Fort Lauderdale Code requirements) within (30) days and maintain the fencing in good order. No fencing will be maintained or constructed that would obstruct the view of the property from NW 3 Avenue.
5. The owner will repair all broken windows on the property within (10) days and maintain the windows in good repair.
6. The owner will remove any trash including mattresses and old appliances from the north side of the building within (10) days and maintain the exterior of the property keeping it free of debris.
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% (\$745) of the investigative costs to be paid within 30 days. The Board will waive the balance (\$2,235) of the investigative costs if the owners comply with the Board's Order within the specified time frame(s). If the owners fail to comply within the specified time frame(s), the remaining 75% of the investigative costs will be assessed. (Total costs \$2,980)
9. The Nuisance Abatement Board will retain jurisdiction over the property for a period of one (1) year.

Lt. Brabble informed the Board the property had been inspected that day, and presented photos taken of the property on that visit.

Mr. Walker said the owner was in agreement with the recommendations. Mr. Matraxia had informed him that one section of fencing for which he had been cited did not belong to him. The owner would enter into a stipulated agreement, would not contest the charge and would agree to the Board's jurisdiction over the property for one year.

Mr. Vincent Matraxia, owner, acknowledged and agreed that the property was a nuisance for the purpose of the statute and jurisdiction and the Board would maintain jurisdiction for one year, and that if he failed to perform the recommendations a fine could be imposed against the property up to \$250 per day. He also understood he must comply within the time requirements. Mr. Matraxia said most of the items were already completed; he would apply for a permit for the light the following day.

Chair Reynolds opened the public hearing.

Mr. Andre Kent said the end of this street was known as "Iraq." He noted that Code Enforcement might clean a property up on Tuesday but by Thursday it would be worse again.

Ms. Pam Roloff believed Mr. Matraxia must not perform background checks on his tenants; drug dealers with pit bulls were living on the property, and a known crack prostitute was also a resident. She said she was sick of this, and the Board needed to hold Mr. Matraxia responsible, and something must be done to "get his attention."

Ms. Carmen Smith, neighbor, confirmed everything Ms. Roloff had said. She said the neighborhood was afraid of all the drug dealers. She asked the Board to help resolve this problem.

Mr. Robert Alcock said this street was so bad that no one would walk down there. He was convinced that all seven times his home was broken into; it had come from this street. Mr. Alcock stated there was no end to the drug traffic on the street. He believed Mr. Matraxia and other landlords must change their ways.

Mr. Michael O'Brien, neighbor, asked if the Board could require the landlord to perform drug testing on prospective tenants, and to allow the Police to search the property at will, without a warrant. Chair Reynolds said the City and Mr. Matraxia had already submitted a stipulated agreement for the Board to approve. Mr. Jolly informed Mr. O'Brien that it was not within the Board's power to require drug testing of prospective tenants.

Mr. Bill Lamont, neighbor, said he was disappointed that the Board was granting extensions. He believed they should begin fining these landlords instead. Mr. Lamont believed the owners were laughing at the community. He asked the Board to impose fines, and make the owners "feel the pain in their pocketbook."

Mr. Matraxia introduced his property manager, Don Carney, and said he had only recently moved to New Jersey. When he lived here, he had visited the property many times and made many calls to the police. Mr. Matraxia reported he had not been able to get any new tenants in eight months because of the drug activity on the entire block. He said they had done what the City asked, but every time they repaired something, vandals would damage the property again.

Mr. Don Carney, property manager, stated their building was empty except for one tenant. He said they had evicted tenants when they found a problem, and they did perform extensive background checks on tenants. Mr. Carney believed the City must open the dead end to allow the Police to come through in order to improve the situation.

Mr. Carney confirmed that he had not made any money on the property because he would not rent to undesirables.

Mr. Carney and said they had done 90% of the things in the stipulated agreement. He said the fence on the north side of the building was not his.

Mr. Walker confirmed for the neighbors that the only thing with a 30-day deadline was the permit for the lighting.

Mr. Carney said the problem was not their building it was the building to the south which was 100% occupied.

There being no other members of the public wishing to address this item, Chair Reynolds closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Svetlick, seconded by Mr. Cooper, to approve the stipulated agreement between the owner and the City with regard to the recommendations and jurisdiction. In a roll call vote, with Mr. Cooper opposed, Motion passed 4 – 1.

Mr. Cooper asked that recommendation number 4 be changed to, “The owner will repair all fencing surrounding the property or install his own” so the property would be surrounded by a fence to stop people from crossing the property. If fencing belonging to an adjacent property owner was not maintained by that owner, Mr. Cooper wanted Mr. Matraxia to be responsible to repair or replace it.

Lt. Brabble said it would be a huge advantage to the Police if the front of the property were left unfenced. Mr. Matraxia asked that Code Enforcement attempt to get the adjacent owner to repair his fence. If this could not be accomplished, he would install his own fence there. Mr. Walker recommended they leave recommendation 4 as it was.

Mr. Walker agreed to appear for a status conference on January 10. Chair Reynolds recommended the notice for the status conference indicate there may be additional relief considered. Mr. Walker recommended making this a status and evidentiary hearing.

8. Case number 07-11-10, 519 Northwest 23 Avenue

- **Notice of Evidentiary Hearing**

Lt. Brabble stated the City would present evidence of three prostitution related gave arrested the property in August and September. Over the past six months there had been 10 calls for service, two of which were vice or narcotics related.

Lt. Brabble stated the following recommendations:

1. The owner will maintain a current Trespass Affidavit with the Police Department and post "No Trespass" signs.
2. The owner will install additional exterior lighting on the front, rear and sides of the building (according to all City of Fort Lauderdale Code requirements) within (30) days.
3. The owner will repair all fencing surrounding the property (according to all City of Fort Lauderdale Code requirements) within (30) days and maintain the fencing in good order. No fencing will be maintained or constructed that would obstruct the view of the property from NW 23 Avenue.
4. The owner will install and maintain a minimum of three (3) exterior and (1) interior (at the reception desk) video cameras that can be monitored by the clerk while at the counter, (according to all Code requirements) within sixty (60) days with video available to the Police Department during all business hours.
5. The owner will post video surveillance warning signs on exterior walls.
6. The owner will provide the Police Department with receipt / sales records maintained for tax purposes upon request.
7. The owner will stop the sale and distribution of condoms from the office.
8. The owner will prohibit the rental of any rooms for a period less than one day. No room will be rented more than once during any given day.
9. The owner will maintain the property free of debris and trash.
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% (\$168) of the investigative costs to be paid within 30 days. The Board will waive the balance (\$504) of the investigative costs if the owners comply with the Boards Order within the specified time frame(s). If the owners fail to comply within the specified time frame(s), the remaining 75% of the investigative costs will be assessed. (Total costs \$672)
12. The Nuisance Abatement Board will retain jurisdiction over the property for a period of one (1) year.

Mr. Walker said they had no stipulated agreement, and he would call the officers to give evidence. Because of the time this would require, he suggested the Board to consider the next case, for which he had a stipulated agreement, first. The Board consented to this.

Upon returning to the case, Ms. Orly Cohen, the owner's daughter, said she would translate for her mother, whose English was not very proficient.

Ms. Tania Ouaknine, owner, said she already had more than the required number of cameras, and offered to show DVD recordings she had made of the parking lot at night proving it was well lit and covered by cameras.

Ms. Ouaknine refused to agree that the activity described in the Police reports had occurred. She stated she had not had sufficient time to retain a lawyer for this hearing, and had not seen the recommendations until this evening. Lt. Brabble reported Ms. Ouaknine had been personally served on November 28, 2007. Ms. Ouaknine requested additional time to prepare a defense.

Motion made by Mr. Svetlick, seconded by Mr. Cooper, to continue the case. In a roll call vote, with Mr. MacGrotty, Mr. Cooper and Ms. Mayers opposed, motion **failed** 3 – 2.

Ms. Cohen explained that her mother was having trouble locating an attorney to represent her in this matter. Lt. Brabble stated when Ms. Ouaknine was served, a detective spoke with her at length regarding problems at the property. She was also sent certified mail with the notice which was received on December 1, 2007.

Lt. Brabble stated Detective Maldonado was unable to appear; Detective Mike Freeley have been involved in the investigation and would testify.

Detective Freeley testified that on August 29, 2007 Detective Maldonado, working undercover, had visited the property pursuant to numerous prostitution complaints, and Detective Freeley was nearby in a monitoring vehicle. Detective Maldonado had picked up a prostitute and she had directed him to go to the Parisian Motel. Ms. Ouaknine objected, stating the police had brought the prostitute to the motel, she was not soliciting on Ms. Ouaknine's property. Detective Freeley referred to the report and stated that while in his vehicle, Detective Maldonado had agreed to pay the prostitute for sex and the prostitute was arrested in the parking lot.

Detective Freeley reported that in 2006 he and officer Kim Hancock were working undercover and he had rented a room in the motel, making the proprietor aware he was renting a room for sex. Detective Freeley said there was another occasion when he had

pulled into the parking lot and sounded his car horn and a female exited the hotel [Ms. Cohen objected to Detective Freeley's testimony and Chair Reynolds advised her she would have the opportunity to question Detective Freeley's credibility later on].

Detective Freeley confirmed he had rented rooms at the Parisian for \$17 - \$17.50 per hour. Condoms at the check-in counter were offered for \$1 each.

Detective Freeley stated he had visited the motel on May 3, 2006, June 2, 2006, August 29, 2007, and September 15, 2007.

Detective Freeley said he had directed the other detectives to the Parisian on the night of September 15, 2007 because of the volume of prostitution complaints he had received. Detective Freeley described the process of entering the Parisian: one must be buzzed into the office, and the motel rooms were to the right. He agreed there were several video cameras on the interior and exterior of the building. Detective Freeley stated he had seen Ms. Ouaknine on the property daily, and she was present on September 15 when the clerk, Heidi Laws, was arrested for renting for the purpose of prostitution.

Detective Freeley confirmed that there were no signs in the establishment advertising prostitution or rooms for rent by the hour.

Mr. Walker asked Detective Freeley what proof he could offer the Board that Ms. Ouaknine was aware of the prostitution taking place on the property. Detective Freeley said Ms. Ouaknine had come out that night to chase them off the property, telling them they had no right to be there. He said Ms. Ouaknine was aware that night of what Ms. Laws was being charged with.

Ms. Ouaknine asked Detective Freeley who had rented him the room, and he described a black female. Ms. Ouaknine stated all her employees were white. Ms. Ouaknine stated she did not sell the brand of cola he claimed to have purchased there. Detective Freeley said he knew what happened when the other detectives visited the property because he was monitoring them at the time.

Ms. Ouaknine asked Detective Freeley to read from his report from May 23, 2006. Detective Freeley read the report, indicating he pulled a vehicle into the parking lot and honked his horn, whereupon a black female approached his vehicle and got in, and they negotiated for sex. The woman confirmed she did not live at the motel, but rented a room from time to time. Detective Freeley had informed her he was not comfortable entering the motel and left the property with the prostitute. She was later arrested on solicitation of prostitution.

Detective Freeley could not state whether or not he had seen Ms. Ouaknine on the property on May 23, 2006.

Detective Jeff Richie testified that on September 15, 2007 he visited the location pursuant to prostitution complaints. Detective Ritchie said he asked the desk clerk, Ms. Laws, how much a room would cost for the purpose of bringing back a "trick" [prostitute], and she informed him this would cost \$17 per hour. He then asked the clerk if there were any "tricks" on the property, and she informed him there were not. She offered to sell him condoms for one dollar apiece. Officer Richie went off the property and picked up a prostitute, who directed him back to the Parisian. Officer Richie and another Detective returned to the Parisian office with the prostitute, and he advised Ms. Laws he wanted to rent a room for the three of them. While they were in the office, a known prostitute entered and made a deal with the other Detective for sex. Detective Ritchie then informed the clerk, Ms. Laws, he would rent two rooms, and the prostitutes and Ms. Laws were taken into custody while they were being shown to the rooms.

Ms. Heidi Laws testified she had worked at the Parisian for three months. She testified rooms were rented by the hour and by the day. Ms. Laws said men and women rented the rooms and one of them paid her. She stated she did sell condoms and lighters if someone asked. Ms. Laws testified she frequently smelled crack cocaine coming from the rooms. Ms. Cohen objected to the testimony regarding crack cocaine because the testimony concerned prostitution, not drug use. Chair Reynolds sustained this objection, and Mr. Walker agreed that use of crack cocaine did not prove prostitution.

Ms. Ouaknine objected because condoms were available at drugstores and were not evidence that prostitution was occurring. Chair Reynolds overruled this objection.

Ms. Laws confirm the video system was installed when she started the job, and she had the impression that the video was being relayed to the owner's home for monitoring.

Ms. Ouaknine objected on the basis of relevance. Mr. Walker said he wanted to prove that Ms. Ouaknine was not an innocent owner. Chair Reynolds sustained the objection. Ms. Laws testified she could not say why people rented rooms there, but she sold condoms to patrons every day.

Ms. Laws testified in response to Ms. Ouaknine's question that she had found out why she was arrested the following day, not the night she was arrested as Officer Richie had testified. Ms. Laws said Officer Richie had not used the word "trick" as he had testified, but he had asked her "where were the girls" and she had informed her he must seek girls elsewhere. Ms. Laws insisted she was not advising Officer Richie to procure a prostitute.

Ms. Laws testified that no one had ever indicated to her to the motel was a prostitution motel. Ms. Ouaknine asked if Ms. Laws had ever felt uncomfortable with the cameras. Ms. Laws informed Ms. Ouaknine that the cameras did not make her feel more at ease when a client had made her feel threatened.

Ms. Laws testified that she had an agreement that " Once I give my information, that it could possibly be dropped." Mr. Walker said he had asked Ms. Laws to tell the truth about what occurred inside the Parisian. Ms. Laws testified she was not proud of having worked at the Parisian, but she had been homeless and had no choice. She stated that previous to this she had only been charged with a traffic crime. Mr. Walker confirmed Ms. Laws had no criminal record.

Ms. Laws stated Ms. Ouaknine often worked shifts for the desk clerks because people quit. Ms. Laws confirm that most people renting rooms did so in 1 or 2 -hour increments, and a large percentage of these people purchased condoms.

Ms. Laws informed Ms. Mayers that she did not realize it was an hourly motel when she started there.

Detective Jason Maldonado testified that on August 29, 2007 he had been flagged down by a prostitute who directed him to the Parisian hotel. He had made a deal with the prostitute in the parking lot in his vehicle, and she advised that if he gave her additional money she would rent a room at the Parisian. After he provided her the money, she was arrested.

Detective Maldonado reported the Parisian was a known prostitution hotel. He said concerned citizens and street informants had made the Police aware of the Parisian.

Detective Maldonado responded to Ms. Ouaknine's question that his negotiations and payment of the prostitute did not occur in front of her. He also confirmed he did not find the prostitute inside the motel.

Ms. Cohen showed a video of the incident that occurred on May 23, 2006 about which Detective Freeley had testified. Ms. Cohen noted that the woman to which Detective Freeley referred had not come from the motel but from another vehicle. Ms. Cohen confirmed that she and Ms. Ouaknine could view the surveillance video from home or from any place with a wireless Internet connection. Ms. Cohen offered this DVD into evidence.

Ms. Cohen showed a video with audio showing Ms. Laws repeatedly asking why she was being arrested and not being answered, contradicting Detective Freeley's testimony that she was informed what the charge was when she was arrested.

Ms. Ouaknine testified she did not run a prostitute hotel, she described many of her returning clientele. Ms. Ouaknine said she had offered jobs at the motel counter to some prostitutes and encouraged them to give up being prostitutes. Ms. Ouaknine said she frequently chased cars out of her parking lot for loitering. Ms. Ouaknine stated that when she had purchased the property, it was overrun with drug dealers but as soon as she installed the surveillance cameras they had left.

Mr. Walker asked about Ms. Ouaknine's profit margin for condoms. She said she offered the condoms not to make a profit but to provide a service. Ms. Ouaknine testified that she did not know why people would rent a room for only one or two or four hours.

Ms. Cohen testified she was in charge of the video surveillance, not her mother.

Ms. Cohen stated she had translated all Nuisance Abatement documents for her mother.

Ms. Cohen reiterated that police documents showed that the prostitutes were met at the Green Store and then brought to the Parisian; the prostitution did not originate on the Parisian property. Ms. Cohen testified that she often called the police to report drug dealers and that she had been assaulted by a drug dealer well evicting him from the property.

Ms. Cohen explained that when they purchased the motel it already had a transient license and rented rooms sometimes at an hourly rate. Chair Reynolds asked Ms. Cohen directly whether she had personal knowledge of any prostitution occurring at that motel since her family purchased it. Ms. Cohen said she personally had no knowledge. She also testified she had never been charged with a crime and neither had her mother to the best of their knowledge.

Motion made by Mr. Cooper, seconded by Mr. MacGrotty, to determine the property constituted a nuisance in compliance with the Florida statute and that the Board had jurisdiction over the property. In a roll call vote, motion passed 5 - 0.

Chair Reynolds explained to Ms. Ouaknine what the Board's decision meant, that the Board now had the legal right to determine what remedies should be applied to the property.

Mr. Walker read the police recommendations for the Board to consider. Lt. Brabble recommended scheduling a status hearing for January, not waiting 60 days. He also believed the owner could satisfy the surveillance requirements within 30 days.

Chair Reynolds opened the public hearing.

Mr. Richard Russell, neighbor, congratulated the Board and the police for doing their jobs. He remarked that this neighborhood was so bad he had not opened his windows in 20 or 30 years. Mr. Russell said something must be done about the neighborhood because it was out of control and asked the Board to help them. Mr. Russell confirmed that the Parisian had been known for quite some time as a prostitute motel.

Mr. Artis Johnson, neighbor, said he had lived two doors away from the Parisian hotel since 1956. Mr. Johnson said he had been propositioned several times by prostitutes walking the street in this area. Mr. Johnson said at six o'clock in the morning the prostitutes exited their rooms to pay their pimps who would beat them in the street if they had not made enough money.

Ms. Diane Shuler said she had witnessed "stings" in the neighborhood and she felt Ms. Ouaknine was insulting the neighbors' intelligence by insisting nothing was going on at the motel.

Ms. Sharon Woods said she often passed the motel on her way home. She said it was common knowledge that this was a prostitute motel. Ms. Woods said the 12 homeowners in the area knew what they were getting into when they moved in, but they were not going to put up with this. Ms. Woods said she had made several phone calls to the police regarding the motel.

Ms. Phyllis Barry said the Parisian was a regular item on their homeowner association agenda, and they received updates regarding progress made toward removing this nuisance from the neighborhood.

There being no other members of the public wishing to address this item, Chair Reynolds closed the public hearing and brought the discussion back to the Board.

Regarding: recommendation 1, Ms. Cohen felt they were already complying with this. Regarding recommendation 2. Ms. Ouaknine said she had installed a light in the rear, but it had been stolen. Lt. Brabble suggested amending the recommendation to state the owner would install and/or maintain exterior lighting on the front, rear and sides of the building. Regarding recommendation 3, Ms. Cohen said only one fence on the property belonged to them; the other fences belong to neighbors. Lt. Brabble said he would prefer that fencing be maintained on the sides and rear of the property. Ms. Cohen requested 60 days to have new fencing installed and neither Mr. Walker nor Lt. Brabble objected.

Regarding recommendation 4, Ms. Cohen stated they were already exceeding this requirement. Lt. Brabble said the current video setup was acceptable, but the Police wanted to have access to the video, and wanted the clerk to be able to see what was happening in the parking lot. Lt. Brabble said it was "vitaly important that the Police Department be able to, as part of our recommendations move on, to ensure that they're not selling rooms at an hourly rate." Ms. Cohen felt providing the Police access to the video surveillance would be an infringement upon the owner's rights.

Regarding recommendation 5, Ms. Cohen had no objection. Regarding recommendation 6, Ms. Ouaknine objected stating, "The police is not the IRS." Regarding recommendation 7, Ms. Cohen objected to this request. Regarding recommendation 8, Ms. Cohen objected, stating they had a transient license from the state. She offered to compromise and set a different minimum stay time. Regarding recommendation 9, Ms. Cohen stated they were already doing this.

Regarding recommendation 10, Ms. Cohen had no objection. Regarding recommendation 11, Ms. Cohen stated her mother would "like to know why we're responsible for paying this; it's your concerned citizens and homeowners association that incurred your costs." Chair Reynolds said the statute provided for this.

Motion made by Mr. Cooper, seconded by Ms. Mayers, to adopt the recommendations with the following changes: "on item number 2, the owner will install additional exterior lighting on the front, rear, and sides of the building according to the City of Fort Lauderdale code requirements within 30 days. All exterior fixtures must be vandal proof... the owner will repair all fencing, ... line item number 3, within 60 days as recommended by the Police Department...item number 4, install and maintain a minimum of three exterior, one interior video cameras within 30 days; line item number 5, will post the video surveillance warning signs within 30 days; line item number 7, the owner will stop the sale and distributions of condoms from the office today; number 8, the owner will prohibit the rental of any rooms for a period of less than one day. No room will be rented more than once during any given day, that'll start today; and the owner will be assessed 100% of the investigative costs. In a roll call vote, with Mr. Svetlick opposed, motion passed 4 - 1.

9. Case number 07-10-09, 1301 Northeast 4 Avenue

- **Notice of Evidentiary Hearing**

Lt. Brabble stated the City was prepared to present evidence of three narcotics buys on the property in July, August and November 2007. There had been 36 calls for service at this location in the past six months, four of which were vice or narcotics related.

Lt. Brabble stated the following recommendations:

1. The owner will maintain a trespass affidavit on file with the Police Department and post "No Trespassing" signs on the east and south side of the property within seven (7) days.
2. The owner will install and maintain a minimum of three (3) exterior video cameras with recorders that can be monitored by the clerk while at the counter, (according to all Code requirements) within sixty (60) days with video available to the police department during all business hours. [This was later amended to 30 days]
3. The owner will post video surveillance warning signs on the exterior walls of the business within (30) days.
4. The owner will maintain all exterior lighting.
5. The owner will remove any narcotic paraphernalia being sold from the convenience store within seven (7) days.
6. The owner will maintain the property free of debris and trash.
7. The owner is assessed 25% (\$75.75) of the investigative costs to be paid within (30) days. The Board will waive the balance (\$227.25) of the investigative costs if the owner complies with the specified time frame(s). If the owner fails to comply within the specified time frame(s), the remaining 75% of the investigative costs will be assessed. (Total costs \$303.00)
8. 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 per day will be imposed for each day of non-compliance.
9. The owner will appear before the Nuisance Abatement Board at the February Nuisance abatement meeting (or, if no meeting occurs at the succeeding Nuisance abatement meeting) for status hearing.
10. The Nuisance Abatement Board will retain jurisdiction over the property for a period of (1) year.

Mr. Nicholas Kladis, owner, agreed to the terms and conditions in the stipulation, and he understood he could be fined for not complying within the timeframe. He also understood that the Board would maintain jurisdiction over the property for one year.

Mr. Walker confirmed that the property address was 1301 Northeast 4th Avenue.

Chair Reynolds opened the public hearing.

Mr. Tim Smith, president of the Middle River Terrace Neighborhood Association, said he wanted the Board and the City Attorney to be more concerned with the rights of the neighbors and the community than about the rights of the property owners and proprietors. Mr. Smith contended that Mr. Kladis had agreed to rent his property to someone who would “put a convenience store, sell crack pipes and single beers and single cigarettes, make a fortune and pay you a good rent.” Mr. Smith said Mr. Kladis had gone “to the Riviera or something, collected a good check” and left the neighborhood with “a couple of operators that cater to the drug crowd, to the criminal element.”

Mr. Smith told the Board the neighbors had decided to “dig in and solve this problem with your help.” He said the neighbors were mad as hell and wanted something done about this. Mr. Smith said they were asking the Board tonight to take a stand on these convenience stores. He asked the Board to add to the order that loiterers must be kept off the property.

Mr. David Justin, neighbor, said he saw drug dealers on the property all the time.

Mr. Michael O'Brien said the neighbors were frustrated with the problems on the street. He said they must find a way to actually enforce compliance. Mr. O'Brien said the proprietors must change their business plans and their prospective clientele because they were not serving the citizens now, they were serving the “scum.”

There being no other members of the public wishing to address this item, Chair Reynolds closed the public hearing and brought the discussion back to the Board.

Mr. Walker confirmed the Board had no copy of the signed stipulation. Mr. Walker told Mr. Kladis it was up to him to deal with his tenant. Recommendation number two in the stipulation was changed to order compliance within 30 days [not 60].

Mr. Kladis said he knew what was going on at the property. He stated he had chased drug dealers from the property and they had threatened his life. Mr. Kladis stated a 10-year-old child had shown up at the property with a gun wanting to shoot him.

Motion made by Mr. Svetlick, seconded by Mr. MacGrotty, to approve the stipulated agreement. In a roll call vote, with Mr. Cooper, Ms. Mayers and Chair Reynolds opposed, Motion failed 2 - 3.

Mr. Cooper wanted to require six outside cameras. Lt. Brabble said they had considered the setup of this store compared to the store across the street. He believed that one additional camera [for a total of three] should provide a panoramic view of the parking lot.

Mr. Cooper asked who was leasing this store; Mr. Kladis pointed out someone in attendance who was leasing the store. Another gentleman in attendance was leasing the Citgo/Circle K property.

The Board took a 10-minute break.

Mr. Walker said he had spoken with Mr. Kladis, and he did not object to Mr. Walker's submission of the police reports into evidence. He was aware this property was a problem and was willing to work with the Police and the Board.

Mr. Walker moved the police reports from July 13, 2007, August 1, 2007 and November 2, 2007 into evidence. Mr. Kladis did not object to submission of the police reports. He also did not refute that the property was a nuisance, and that the Board would maintain jurisdiction over the property for one year.

Motion made by Mr. Cooper, seconded by Mr. MacGrotty, to find the property constituted a nuisance subject to the stipulation and evidence presented to the Board. In a roll call vote, Motion passed 5 – 0.

Mr. Walker recommended amending recommendation number 5 to read that the sale of narcotic paraphernalia would cease immediately.

Motion made by Ms. Mayers to require a parking lot security person from 4pm or 5 p.m. until closing, 7 nights per week. Mr. Cooper seconded the motion, if Ms. Mayers would agree to include all of the other previously made police recommendations in her motion. Ms. Mayers agreed. In a roll call vote, with Mr. Svetlick opposed, motion passed 4 – 1.

Ms. Liz Gilbert did not believe Mr. Kladis understood English well enough to comprehend what was going on and what he was agreeing to. She also believed Mr. Kladis probably not afford to hire a police officer to provide security. Mr. Kladis stated he would provide security himself.

Mr. Walker agreed to return for the February 14, 2008 meeting for a status conference.

10. Board Discussion

Nuisance Abatement Board Regular Meeting
December 13, 2007
Page 21 of 21

Thereupon, with no additional business to come before the Board, the meeting adjourned at 11:53 p.m.