

**CITY OF FORT LAUDERDALE  
NUISANCE ABATEMENT BOARD MINUTES  
CITY HALL, CITY COMMISSION CHAMBERS, 1<sup>ST</sup> FLOOR  
100 NORTH ANDREWS AVENUE  
THURSDAY, FEBRUARY 12, 2009, 7:00 P.M.**

<b><u>Members</u></b>	<b><u>Attendance</u></b>	Cumulative Attendance 3/08 through 2/09	
		<b><u>Present</u></b>	<b><u>Absent</u></b>
Douglas Reynolds, Chair	P	11	0
Laurie Watkins, Vice Chair	P	5	6
Linda Dawkins [Alternate]	P	9	1
Ted Fling	P	2	0
Pat Mayers	P	9	2

**Staff Present**

Joyce Hair, Board Clerk  
Bruce Jolly, Board Attorney  
Det. Joel Maney, Liaison  
Scott Walker, Assistant City Attorney  
B. Chiapetta, Recording Clerk, Prototype, Inc.

**Index**

	<b><u>Case Number</u></b>	<b><u>Respondent</u></b>	<b><u>Page</u></b>
1.	08-02-03	400 W Sunrise Boulevard	<a href="#"><u>2</u></a>
2.	08-12-08	2162 NW 6 Street	<a href="#"><u>2</u></a>
3.	07-11-10	The Parisian Hotel	<a href="#"><u>3</u></a>
4.	09-01-01	1300 NW 6 Street	<a href="#"><u>3</u></a>
5.	09-01-02	1500 NW 6 Street	<a href="#"><u>14</u></a>
		<b>Board Elections</b>	<a href="#"><u>15</u></a>
		<b>Board Discussion</b>	<a href="#"><u>15</u></a>

**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 7:01 p.m. and the Pledge of Allegiance was recited.

**2. Roll call; witnesses sign log; swearing in**

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

**Witnesses were sworn in.**

**3. Approval of minutes for January 2009**

**Motion** made by Ms. Mayers, seconded by Mr. Fling, to approve the minutes of the Board's January 2009 hearing. In a voice vote, the motion passed unanimously.

**4. Case Number 08-02-03  
400 West Sunrise Boulevard  
Mo' Money Pawn**

[Index](#)

- **Notice of Status Hearing**

Det. Maney reported the property was due to come off NAB jurisdiction on March 13, 2009. In the past six months there had been 33 calls for service, none of which was nuisance abatement related. He had examined the 33 calls to ensure none of them pertained specifically to the pawnshop. In the past 30 days there had been 4 calls for service, none of which was nuisance abatement related, or related to the business.

Det. Maney stated the property was in full compliance, there were no issues, and he did not object to the property coming off the jurisdiction on March 13, 2009.

Chair Reynolds thanked Mr. Gerald Singer, co-owner of Mo' Money Pawn, for his efforts at the property.

**5. Case Number 08-12-08  
2162 NW 6 Street  
Owner: Green Store**

[Index](#)

- **Notice of Status Hearing**

Det Maney reported the owner's attorney, Mr. Charles Goldman, had sent a facsimile on February 9 requesting a second continuance. Chair Reynolds remarked that the attorney's memo informed them that he worked every Thursday night, and the Board's

meetings were always on a Thursday night, so it appeared Mr. Goldman would never be available.

Det. Maney said the City had been in negotiations to purchase this property. An eviction notice had been served on the property this morning and the property was locked. The tenants had ceased operating the business and had until Monday to remove all inventory from the store. Det. Maney informed the Board that the sale closing was scheduled for March 20. He pointed out that if action against the property proceeded and fines began to run, issues could arise when the City purchased the property. Det. Maney suggested putting the case on the March agenda for a progress report.

Mr. Walker stated Mr. Goldman had communicated with the City Attorney and understood that a condition of the closing was that the tenant must be evicted. Now that this was accomplished, the City could buy the property. Chair Reynolds noted that if there was no closing, the case would be back at square one.

The case was scheduled for a status hearing at the Board's March 26, 2009 meeting.

- 6. Case Number 07-11-10**  
**The Parisian Hotel**  
**519 Northwest 23 Avenue**  
**Owner: Tania Ouaknine**
- **Notice of Status Hearing**

[Index](#)

Det Maney reported the owner had accepted notice of this hearing on January 28, 2009. Det Maney informed the Board that there had been 3 calls for service to the property in the past six months, and one call had been nuisance abatement related; there had been one call for service to the property in the past month, which was not nuisance abatement related.

Mr. Jolly reported he had been forced to cancel a hearing scheduled this month. He said Chair Reynolds had suggested a writ of mandamus against the Court, which the City was considering.

The case was rescheduled for the Board's March meeting.

- 7. Case Number 09-01-01**  
**1300 Northwest 6 Street**  
**NADA Market**
- **Notice of Evidentiary Hearing**

[Index](#)

Det Maney reported the owner had accepted notice of this hearing on January 16, 2009. Det. Many informed the Board that he had prepared a slideshow regarding violations at the property and said there had been "quite a substantial amount of calls" to the NADA Market. In the past six months there has been 169 calls for service to the property, 17 of which were nuisance abatement related, and 16 of which had resulted in arrests for cannabis and/or cocaine possession.

Det. Maney presented several photos of the property. He drew the Board's attention to a globe of the type that usually encased a video surveillance monitor that was mounted on the northeast corner of the structure.

Det. Maney testified that notice was sent to the owner of the property, and he was notified of drug arrests that had taken place on the property. The warning notices had been sent via certified mail and were signed on October 30, 2008. The warning had been mailed to the NADA Market address and to the owner, Mr. Almadi, at his residence in Hollywood, Florida. Notice of this hearing had been sent to the same two addresses.

Mr. Bruce Little, attorney, stated he represented Mr. Almadi, the owner/operator of the NADA Market. Det. Maney testified that the nuisance abatement warnings stated the dates of the offenses were October 30 and October 14. The incident on October 14 had occurred at 8:17 p.m.; the incident on October 30 had occurred at 10:40 p.m. Det. Maney explained that per Florida statutes, he did not need to prove all of the cases against the property; he intended to prove two cases this evening.

Det. Maney explained that the nuisance abatement warnings were only sent for incidents he intended to bring during the evidentiary hearing.

Det. Finsted testified that on October 14, 2008 at 10:20 p.m. he was riding in an unmarked vehicle working the section of the Sistrunk corridor where there had been several complaints of narcotics and other unlawful activity. As they were passing the NADA Market, they witnessed a black male drinking a beer in the rear [south] parking lot. Once in the parking lot, Det. Finsted exited his vehicle and attempted to arrest the subject, but the subject had turned sideways, dropped the beer on the ground, placed a "small white square" Det. Finsted believed to be a rock of crack cocaine the subject had hidden in a paper napkin into his hand and then into his mouth.

Det. Finsted was aware that consumption of crack cocaine in this way could cause seizures or death, and therefore he put his arm around the subject's neck in an attempt to prevent him from swallowing the rock, and commanded him to spit it out. The subject spat the crack rock out, he was placed into custody and the crack rock was put into evidence.

Mr. Walker entered into evidence a photo of the evidence bag containing the crack cocaine rock. Det. Finsted reported the BSO crime lab had tested the substance, and it proved to be cocaine, less than 1 gram. Det. Finsted stated the trial on this arrest was scheduled for the following day.

Det. Finsted replied to Mr. Little's questions that he was in uniform, and with two other detectives in the vehicle. Det. Finsted was willing to indicate on a photo of the parking lot where the subject had first been sighted, but stated he could not mark up the photo, in case the photo was needed for the criminal trial. Mr. Little objected to Det. Finsted's refusal to mark up the photo because he intended to enter it into evidence. Mr. Walker said there were separate photos available for the criminal case the following day, and he did not object to using this photo specifically for the nuisance abatement case. The photo was entered into evidence.

Mr. Walker wanted to enter into evidence the documents he had referred to during his direct examination of Det. Finsted and Chair Reynolds informed Mr. Walker that in the future he must submit any evidence during direct examination only. Mr. Little objected to entering the photo of the evidence bag into evidence because there was no predicate to it. Chair Reynolds agreed, and asked Mr. Walker to lay the predicate for the photo.

Det. Finsted testified this was a photo of an evidence bag in which he had placed the evidence for this case on October 14, 2008. He stated the photo was taken by Det. Maney, and accurately depicted the evidence. Mr. Little stated it did not actually show the evidence. Chair Reynolds allowed the photo of the evidence bag into evidence.

Mr. Walker wanted to submit the lab report into evidence and Mr. Little objected because it could not be authenticated by an eyewitness. He also objected to recalling the witness. Mr. Walker explained that he could not put the actual evidence into evidence here, because there was a criminal case. This was why he was submitting photos of the evidence. Mr. Walker admitted this was hearsay, and did not qualify as an exception. Mr. Jolly interjected that this Board was permitted to rely on hearsay. Chair Reynolds sustained Mr. Little's objection.

Det. Finsted indicated on Mr. Little's photograph where the subject was when first sighted and Mr. Little marked the photo. Det. Finsted stated after he exited the lead vehicle, the subject moved to the north across the parking lot toward the sidewalk, where Det. Finsted confronted him. After the subject dropped his beer and put the crack cocaine in his mouth, Det. Finsted had wrestled him to the ground in the parking lot, and retrieved the cocaine rock. The subject was charged for the beer, but Det. Finsted testified he was not required to take the beer into evidence to prosecute that case.

Det. Finsted stated Mr. Little's marks on the photograph were a "general approximation" of his positions on the property. When asked, he could not state the measurements of the parking lot. Det. Finsted testified this was the first arrest he had made on this property. Mr. Walker asked if the defendant had ever left the parking lot, and Det. Finsted stated, "I can't say whether a foot ever exited the parking lot during the instance, but when I observed the original law violation - no, he was in the parking lot." Det. Finsted was unsure if the subject was in the parking lot or toward the edge of the sidewalk when he had first seen the rock cocaine.

Detective Vanessa Torroella testified that on the night of October 30, 2008 she was working undercover in an unmarked vehicle in plain clothes with the Street Crimes Unit when she parked on the east side of the NADA Market property. Det. Torroella said she could not identify photographs presented to her by Mr. Walker because of the ongoing criminal investigation.

Det. Torroella continued that she was flagged down by defendant number one, Mr. Williams, in the parking lot. Mr. Williams approached the driver's side of her vehicle, and Det. Torroella asked him for "20" which was street slang for \$20 worth of crack cocaine. Mr. Williams then retrieved the cocaine from a person in a white vehicle in the parking lot and returned to Det. Torroella with the crack cocaine. Det. Torroella accepted the crack cocaine and Mr. Williams was taken into custody.

Det. Torroella informed Mr. Walker that the white vehicle was parked in a NADA Market parking space on the east side of the parking lot. Det. Torroella testified that she was alone in her vehicle when the transaction occurred. She explained that her vehicle was wired with listening devices, and a signal was given for Mr. Williams to be taken into custody. After he was taken into custody, the white car from which Mr. Williams had retrieved the crack cocaine was sniffed by a narcotics canine. Mr. Mickle, the driver of the second vehicle, had been taken into custody as well. Det. Torroella testified that additional narcotics were found in Mr. Mickle's vehicle.

Det. Torroella testified that she had arrested both suspects for delivery of cocaine and had created the probable cause affidavit for both cases. Mr. Mickle's arrest was assisted by the canine officer.

Det. Torroella reiterated that she could not identify any photographs pertaining to the case because of the criminal investigation. Mr. Jolly asked who had informed Det. Torroella she could not confirm that the photographs accurately depicted the NADA Market property. She stated anything to which she testified here was evidence that could be used in a criminal investigation.

Det. Maney explained that in reference to an ongoing criminal case with the Broward County State Attorney's office, they would be remiss in testifying to exact locations and movements of the suspect. He said he was erring on the side of caution to avoid any potential future conflicts. Chair Reynolds said, "You can't have it both ways; you can't call her as a witness, have her testify and then say oh, I can't answer those questions on cross-examination." Chair Reynolds believed the witness must answer relevant questions.

Mr. Little asked Det. Torroella to indicate on the photo where the vehicles were stopped and she refused. Mr. Little moved to exclude Det. Torroella as a witness. Chair Reynolds stated Det. Torroella could either answer the questions or not testify.

[Chair Reynolds adjourned the hearing for five minutes]

Mr. Walker acknowledged that this criminal case was still pending, it was not scheduled for the following day. He said Det. Torroella would testify and point to photographs but would not mark up any photographs.

Det. Torroella indicated the area they were discussing on the photograph presented by Mr. Little. Det. Torroella pointed to the area in which she had stopped her vehicle on the property. She reiterated that Mr. Williams had approached her vehicle, she had requested \$20 worth of crack, and Mr. Williams had gone to the white vehicle parked behind her. She indicated the area where that white vehicle was parked. Det. Torroella said Mr. Williams was taken into custody by other officers, near her vehicle. She said she could not testify to whether or where drugs were found in the white vehicle because the canine officer had investigated this. Det. Torroella testified that Mr. Williams had never walked on the sidewalk during the transaction. Mr. Little entered the photograph of the NADA Market property into evidence.

Det. Torroella testified that from her experience being inside the NADA Market, she could not say which windows could be seen through.

Det. Jeff Castro, canine handler for the Street Crimes Unit, confirmed that he had been able to see the vehicles in the parking area, but could not testified to having seen particular people in the parking lot. Det. Castro described his training for canine certification.

Det. Castro stated he was not assigned to the initial takedown team but was on the perimeter in the event that a subject tried to exit the perimeter. He explained that after Mr. Williams was arrested, he and another detective had approached the white vehicle and seen Mr. Mickle turn his body completely and reach toward the rear of the vehicle. In response to this, detective Castro and the other officer had opened the door, placed

handcuffs on Mr. Mickle and escorted him from the vehicle. After Mr. Mickle had been removed from the vehicle, Officer Castro deployed the canine. He testified that the canine had given Officer Castro a final alert regarding under the seat behind the driver. After Officer Castro replaced the canine in his kennel, he raised the seat in the car and discovered a bag of suspect crack cocaine and two bags of suspect marijuana.

In response to Mr. Little's cross-examination, Officer Castro testified that Mr. Mickle had been in the driver's seat of the vehicle when he first saw him. He had escorted him from the vehicle and Mr. Mickle was placed in handcuffs. The drugs Officer Castro had discovered were taken into evidence by Det. Torroella.

Mr. Ali Almadi testified that he was the vice president of the corporation that owned the market, Mahis, Inc. and he personally owned the property. Mr. Little showed Mr. Almadi several photos of the property and entered them into evidence. Mr. Almadi testified that Exhibit 3 showed the east side of the market. He explained that there were 'No loitering' signs posted on the windows, and there were also notices on the side of the building stating 'No loitering' and 'No drug deals', and indicating there was a Police presence.

Mr. Almadi testified that Exhibit 4 showed the east side of the property looking south. Exhibit 5 depicted the property looking north. Exhibit 6 showed the south and east sides of the store, and the three lights mounted on the south side of the store. Mr. Almadi stated these lights were kept on all night, and there was also writing on the back wall, stating 'No loitering', 'No drug deals', and 'Recorded on tape.'

Mr. Almadi testified that Exhibit 7 was a photo of the back of the building, and he indicated there was a camera mounted on the southwest corner of the building. Exhibit 8 depicted the west side of the store, and Mr. Almadi testified that he did not own the property on which the car in the photo was situated. He testified that Exhibit 9 showed the west side and some of the north side of the store, where the public entrance was located. Mr. Almadi testified that Exhibit 10 depicted the market's entrance/exit. He stated there was also a 'No loitering' sign posted on the door. Mr. Almadi testified that Exhibit 11 showed the four monitors inside the store, which showed one view of the inside of the store and three views of the outside. He stated Exhibit 12 showed a camera on the northeast corner of the store. Mr. Almadi testified that Exhibit 13 depicted a camera on the south side of the store toward the parking lot and Exhibit 14 showed a camera on the northwest side of the store aimed at the front entrance.

Regarding the October 30 incident, Mr. Almadi stated he was unaware the incident had occurred or that an arrest had been made. He said no one had ever asked for a copy of the recording showing activity at the store that evening. Regarding the October 14



incident, Mr. Almadi said he was unaware of this incident and arrest as well, and no one had ever requested a copy of the recordings.

Mr. Little presented a survey of the property showing the property lines to Mr. Almadi, and he testified that the property lines were accurately depicted on a survey, and that he did not own the portion of the property that had brick pavers. Mr. Almadi said customers did not park on the sidewalk on the east side of the building; they parked on the brick paver area. Mr. Little presented the survey into evidence.

Mr. Almadi testified he did not own the property used to access the parking lot on the west side of the property. Mr. Almadi stated he had installed signs and the TV monitors on his own, not at the suggestion of the City. He said he did phone the police when he witnessed criminal activity on his property. Mr. Almadi was unaware of any complaints originating from neighbors against his property.

Mr. Almadi informed Mr. Walker that he was at the property, managing the store most of the time. He said he directed employees to ask people to leave the property all the time. Mr. Almadi confirmed for Mr. Walker that there were signs inside and outside indicating the video cameras were for police surveillance purposes. He added that he could see through the bars in the windows and could witness transactions occurring in the parking area. Mr. Almadi stated he could not recall if he was working on the property October 14 or October 30, 2008.

Mr. Little asked Mr. Almadi to mark the photos to indicate where cameras were located.

Ms. Mayers asked Mr. Almadi if his customers parked on the brick pavers on the east side of the building, and Mr. Almadi said they did. He remarked that they parked in the street and on the sidewalk as well. Chair Reynolds asked if the City agreed that the line Mr. Little had drawn on the survey was the property line and Mr. Walker agreed. Mr. Little showed Ms. Watkins where the sidewalk was on the survey.

Mr. Walker called Det. Torroella as a rebuttal witness. She indicated the area where she had been parked and where the white vehicle had been parked and stated the white car was parked on the pavers and its tires were partially on the sidewalk. Det. Torroella said Mr. Williams had actually made the sale of cocaine to her at her driver's side window.

Ms. Watkins asked if anyone had ever requested videotapes from the surveillance cameras. Det. Torroella stated she did not know because she had not left her vehicle. Det. Maney confirmed that it was not incumbent upon the police to check surveillance equipment if a physical arrest was made: they had probable cause and a valid arrest was made.

Ms. Watkins asked if the State Attorney's office had requested the tapes for the criminal trial; Det. Maney said to his knowledge, they had not.

Chair Reynolds asked Det. Torroella if Mr. Williams had been on the market side of the property line after he first flagged her down. Det. Torroella said he was not.

Det. Torroella confirmed that the white vehicle had been towed, and she was not aware if any photos were taken of the vehicle, but she recalled that its tires were partially on the sidewalk.

Mr. Little stated that in the case of the first incident on October 14, when the subject was taken into custody for being in possession beer and crack cocaine, there was nothing the landowner could have done to prevent that crime. In the second incident, Mr. Little stated there was no evidence that Mr. Williams was in possession of narcotics while he was on Mr. Almadi's property, because the entire transaction took place on City property. Drugs were retrieved from the vehicle while it was on City property as well.

Mr. Little said it was the City's burden to prove that on more than two occasions there was a sale, delivery, manufacturer or cultivation of a controlled substance on Mr. Almadi's property. Mr. Little stated the second incident had not occurred on Mr. Almadi's property, so this did not qualify.

Regarding the first incident, Mr. Walker said the subject should never have been loitering in the back parking lot drinking alcohol, and noted that apparently the surveillance cameras and signs for not doing the job to prevent this. The loitering while drinking beer had provided probable cause, and the cocaine had been found on the property. Mr. Walker stated the second incident had initiated from the property, when Mr. Williams waved Det. Torroella over while standing near the door. Mr. Walker felt the vehicle's being parked on the pavers was a technicality because it was clear that this area was used for the delivery and storage of drugs. He asked the Board to declare this property a nuisance.

Mr. Jolly explained to the Board that the burden of proof was on the City to prove by a preponderance of the evidence that the property was the site of a violation regarding the unlawful sale, delivery, manufacturer or cultivation of a controlled substance on more than two occasions within a six-month period, or that a felony possession had occurred once at the property after the property had been cited for unlawful sale, delivery, manufacturer or cultivation of a controlled substance. Mr. Jolly advised the Board that the statute used the term "site" without further definition and he suggested they use common sense to apply the statute.

**Motion** made by Ms. Mayers, seconded by Ms. Dawkins, to find in favor of the City that the property had been used unlawfully as defined and was a nuisance as defined. Ms. Mayers believed the second incident had been initiated from the property. She felt that at least some of the detective's vehicle was located on the property.

Mr. Fling did not doubt that narcotics were present at the scene and the arrests were proper, but the problem was determining exactly where the incident had occurred, on City property or on the market property. Mr. Walker said the second incident had initiated on the property and the drugs were stored in a vehicle on the property. Mr. Little insisted that the property was not the site of the transaction. He said the intent of the statute was whether a property owner was aware of the transactions occurring on the property, but was not doing anything to stop them. Mr. Little said, "This is much removed; it's in the street."

In a roll call vote, Board **approved** 3 – 2 with Mr. Fling and Ms. Watkins opposed.

Det. Maney said the owner was already in compliance with most of the Police recommendations. He felt that using additional personnel to keep the drug dealers away from the property would remedy the problem. The Police recommendations were as follows:

1. The owner will maintain a trespass affidavit on file with the Police Department and have posted authorized "No Trespassing" signs on all sides of the property within seven (7) days.
2. The owner will ensure that no person(s) loiter in the parking lot, on the sidewalks, all sides of the property, as well as the inside of the store during all open business hours.
3. The owner will install and maintain a minimum of four (4) exterior surveillance video cameras and one (1) interior surveillance video camera by the February 12th, 2009 Nuisance Abatement Board Meeting. The interior camera will be focused on the cashier and cash register, which will monitor and record the activity/transactions. The cameras will be installed and maintained according to all Fort Lauderdale City Code requirements. The exterior surveillance video cameras will be mounted and positioned at strategic locations to ensure that all activity outside of the business on the property is monitored/recorded. The surveillance video will be made available to the Fort Lauderdale Police Department during all business hours.
4. The owner will maintain all exterior security lighting on all sides of the building according to all City of Fort Lauderdale Code requirements.

5. The owner will install and maintain exterior lighting that will completely illuminate the parking lot located on the south side of the store. This lot will be illuminated from dusk to dawn.
6. The owner will remove any narcotic paraphernalia being sold from the store immediately. This is including but not limited to glass rose stems, rolling papers, jewelry bags, "Brassos" and or "Chore Boys".
7. The owner will maintain the property free of debris and trash.
8. The owner will remove all stickers and products blocking north-facing windows.
9. The owner will post video surveillance warning signs on the exterior walls of the business prior to the February 12th, 2009 Nuisance Abatement Board meeting.
10. The owner will ensure that the Fort Lauderdale Police Department is connected to store's video surveillance system, which can be remotely monitored by FLPD 24 hours a day, seven days a week.
11. The owner will provide the Police Department the required TPC/IP (aka: IP address) to access the video/data being transmitted from the camera(s) for the purpose of reviewing the information. This access must be accessible to the Police Department twenty four (24) hours a day, seven (7) days a week, 365 days a year.
12. The data/video obtained from the video system can be used by the Police Department for any purpose they desire relevant.
13. The owner will provide the Police Department any required Passwords and or member/log-in names or numbers to access the account.
14. The owner will notify the Police Department immediately if there are any changes to the IP, Passwords, Member/log-in name.
15. The owner will notify the Police Department immediately if any of the camera(s) are moved or relocated.
16. The investigative costs total a dollar amount of **\$1,141.54**. The owner(s) is assessed 50% of this amount, which equals (\$570.77). This cost is to be paid prior to the February Nuisance Abatement Board Meeting (February 12th, 2009). If no meeting occurs in February, then prior to the next scheduled Nuisance

Abatement Board Meeting. The Board will waive the remaining balance (\$570.77) of the investigative costs if the owner complies with the Board Order within the specified time frame(s). If the owner fails to comply within the specified time frame(s), the remaining 50% (\$570.77) of the investigative costs will be assessed.

17. 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.
18. 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.
19. The Nuisance Abatement Board will retain jurisdiction over the property for a period of (1) year, January 8th, 2010.

Mr. Little stated Mr. Almadi had already complied with most of the recommendations. Det. Maney agreed to get in touch with Mr. Almadi to confirm compliance.

Mr. Little felt recommendation number 2 was unreasonable, because the owner did not have control over City property. Det. Maney said common sense should be utilized, and if persons were standing around Mr. Almadi's business but were not conducting business with him, Mr. Almadi should act. Mr. Walker was willing to limit recommendation number 2 to all areas of Mr. Almadi's property.

Regarding the requirement for four exterior video cameras, Det. Maney recommended one be installed on the west side of the property even though it may be aimed at City property. Mr. Little objected to this, stating it served no useful purpose. Det. Maney agreed that three cameras would be sufficient for this location, and agreed to modify recommendation number 3 accordingly.

Mr. Little objected to recommendation number 6 because "rolling papers are still used by poor people to roll cigarettes, jewelry bags are still used by women to carry jewelry and chore boys are still used by people to clean pans." Ms. Mayers remarked that when Chore Boys were sold individually, they were used for narcotics. Mr. Walker said it was the City's position that this was a reasonable request.

Regarding recommendations 10 through 14, Mr. Little said he objected to these because he did not know the expense involved. Det. Maney said this expense was minimal, probably less than \$100. Mr. Little thought it unreasonable for any governmental entity to have "an eye inside somebody's business 24/7."

Mr. Little objected to recommendation 16, the investigational costs, because to his knowledge there had been no investigation other than the police investigation for the drug arrests. Det. Maney confirmed that the figure was for total investigative costs for these incidents. Mr. Little felt this was unreasonable.

**Motion** made by Ms. Mayers, seconded by Ms. Watkins, to approve the recommendations is amended. In a roll call vote, Board approved 5 - 0.

The case was scheduled for a status conference on March 26, 2009.

**8. Case Number 09-01-02**

[Index](#)

**1500 NW 6 Street**

**Sistrunk Market**

- **Notice of Evidentiary Hearing**

[This item was heard out of order]

Mr. Walker informed the Board that the City believed that the owner of the Sistrunk Market was the same for the NADA Market, but Mr. Bruce Little, attorney for NADA Market, maintained he was only representing NADA Market. Mr. Walker stated notice had been sent for both properties, and witnesses for both cases were present. Unless the owner testified he did not own Sistrunk Market, Mr. Walker advised that the Board should proceed against both properties.

Mr. Little stated he had been representing NADA Market in this matter, and when Det. Maney asked him if he represented the Sistrunk Market as well, he replied he did not know about this property or who owned it. He was aware that his client had sold the business, and he was unaware that this property was on the Board's agenda. Mr. Little said he had only been provided information from the City regarding NADA Market.

Mr. Walker stated for the record, Mr. Little had only submitted a notice of appearance for NADA Market, and he had not been sent notice regarding Sistrunk Market. Mr. Walker wanted to confirm that notice was proper for Sistrunk Market and the City should proceed this evening with that case.

Mr. Little stated the problem was that the City knew that he represented the man they alleged owned both pieces of property, but he had only been notified about the case against one piece of property. Mr. Walker said tax records confirmed that the same person owned both buildings.

Mr. Walker said notice had been sent to the store and was accepted but the notice sent to the owner's home was returned unclaimed. Mr. Walker recommended pulling this case from the agenda.

The case was pulled from the agenda for lack of service.

## **9. Board Elections**

[Index](#)

Ms. Mayers nominated Mr. Reynolds as Chair, seconded by Ms. Dawkins. In a roll call vote, Board approved 5 - 0.

Ms. Dawkins nominated Ms. Watkins as Vice Chair, seconded by Mr. Fling. In a roll call vote, Board approved 5 - 0.

## **10. Board Discussion**

[Index](#)

[This item was taken out of order]

Det. Maney announced the Board's jurisdiction would end on March 16, 2009 for the duplex at 1300 NE 2nd Avenue. Det Maney informed the Board that there had been 5 calls for service to the property in the past six months, none of which was nuisance abatement related, and there had been 1 call for service to the property in the past month, which was not nuisance abatement related. Det. Maney remarked that the property was in total compliance and recommended the Board allow its jurisdiction to expire.

The Board's next meeting was scheduled for March 26, 2009.

Thereupon, with no additional business to come before the Board, the meeting adjourned at **9:48** p.m.

[Minutes prepared by J. Opperee, Prototype, Inc.]