

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, JUNE 11, 2009, 7:00 P.M.**

<u>Members</u>	<u>Attendance</u>	Cumulative Attendance 3/2009 through 2/2010	
		<u>Present</u>	<u>Absent</u>
Laurie Watkins, Chair	P	4	0
Ted Fling, Vice Chair	P	4	0
Linda Dawkins [Alternate]	P	3	1
Sal Gatanio	P	1	1
Pat Mayers	P	4	0
D. Ryan Saunders [Alternate]	P	2	0

Staff Present

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

Communication to the City Commission

None

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Purpose: Promote, protect, and improve the health, safety, and welfare of the citizens by imposing administrative fines and other non-criminal penalties in order to provide an

equitable, expeditious, effective, and inexpensive method of enforcing ordinances under circumstances when a pending or repeated violation continues to exist.

1. Call meeting to order; Pledge of Allegiance

The meeting was called to order at 7:00 PM 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; there is one vacancy on the Board.

Witnesses were sworn in.

3. Approval of minutes for May 2009

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

**4. Case Number 09-01-01
1300 Northwest 6 Street
NADA Market**

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• Notice of Status Hearing

Det. Maney informed the Board that the property owner had been out of the country for several weeks and was not served legal notice of this hearing. The owner had returned to the United States the previous evening, and Det. Maney had spoken with him. Det. Maney stated the owner would be noticed for a status meeting in July.

Det. Maney announced that in the past six months there had been 107 calls for service to the property, 8 of which were nuisance abatement related, and in the past 30 days there had been 24 calls for service to the property, one of which was nuisance abatement related. He added there had been two arrests for trespassing and possession of cocaine; this indicated the trespass affidavit was working.

Det. Maney recommended a status hearing be scheduled for July.

5. Case Number 09-01-02

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**1500 NW 6 Street
Sistrunk Market**

- **Notice of Status Hearing**

Det. Maney stated the same person owned this property and the NADA Market, and he was not present this evening, but Det. Maney was in contact with Mr. Mohammed, the market proprietor, who was present.

Det. Maney informed the Board that in the past six months there had been 238 calls for service to the property, 9 of which were nuisance abatement related, and in the past 30 days there had been 32 calls for service to the property, none of which was nuisance abatement related. He reminded the Board that the address was a busy Sistrunk Boulevard intersection that saw a lot of vehicular and pedestrian traffic. Also, there was a rooming house located over the business.

Det. Maney said the proprietor was working hard to keep the property in compliance. He recommended a status hearing be scheduled for July. Det. Maney agreed to report the Code Enforcement status of the property to the Board in July. He confirmed for Mr. Fling that all of the service calls took place outside the market.

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

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- **Notice of Status Hearing**

Det. Maney stated the owner had accepted notice of this hearing on May 21, 2009, and was present this evening.

Det. Maney informed the Board that in the past six months there had been 6 calls for service to the property, none of which was nuisance abatement related, and in the past 30 days there had been no calls for service to the property. Det. Maney indicated that the property was currently in compliance, and all fees and fines were paid in full. Det. Maney agreed he would continue to monitor the property.

**7. Case Number 09-05-03
200 West Sunrise Boulevard
Star Food Mart**

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- **Notice of Evidentiary Hearing**

Det. Maney stated the owners had accepted notice of this hearing on May 27, 2009, and were present this evening.

Ms. Linda Saunders and Mr. Dale Saunders, property owners, were sworn in. Mr. Walker provided the owners a copy of the Police recommendations for the property:

1. The owner will maintain a trespass affidavit on file with the Fort Lauderdale Police Department and post 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 sidewalk, all sides of the property, as well as the inside of the store during all open business hours.
3. The owner will post video surveillance warning signs on the exterior walls of the business prior to the July 9, 2009 Nuisance Abatement Board meeting.
4. The owner will install and maintain a minimum of three (3) exterior surveillance video cameras and one (1) interior surveillance video camera by the July 9th, 2009 Nuisance Abatement Board Meeting. One of the exterior cameras will be installed in a strategic position to monitor/record all activity on the property adjacent to the east side of the building. Two exterior surveillance cameras will be installed in strategic positions to monitor/record all activity in the north side parking lot as well as the front entrance/exit doors, which are located on the north side of the building. 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 surveillance video will be made available to the Fort Lauderdale Police Department during all business hours.
5. The owner will ensure that the Fort Lauderdale Police Department is connected to the store's video surveillance system, which can be remotely monitored by FLPD 24 hours a day, seven days a week, prior to the July 9, 2009 Nuisance Abatement Board meeting.
6. 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 any relevant criminal investigation. This access must be accessible to the Police Department twenty four (24) hours a day, seven (7) days a week, 365 days a year.

7. The owner will provide the Police Department any required Passwords and or member/log-in names or numbers to access the account.
8. The owner will notify the Police Department immediately if there are any changes to the IP, Passwords, Member/log-in name.
9. The owner will notify the Police Department immediately if any of the camera(s) are moved and or relocated.
10. The owner will install and maintain exterior lighting that will completely illuminate the parking lot located on the east and north sides of the store. These lots will be illuminated from dusk to dawn.
11. The owner will maintain all fencing in good order on the property over which he has control (according to all City of Fort Lauderdale Code requirements) prior to the July 9, 2009 Nuisance Abatement Board meeting. No fencing will be installed or constructed that would obstruct the view of the property.
12. The owner will remove any narcotic paraphernalia being sold from the store immediately. This includes but is not limited to glass rose stems, rolling papers, jewelry bags, "Brassos" and or "Chore Boys".
13. The owner will ensure that he is in accordance with all required City of Fort Lauderdale licenses.
14. The owner will maintain the property free of debris and trash.
15. The owner will remove all stickers and products blocking north facing windows within seven days.
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 July 9, 2009 Nuisance Abatement Board Meeting. If no meeting occurs in July, 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(s) 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 July 9, 2009 Nuisance Abatement Meeting (or, if no meeting occurs, then at the succeeding Nuisance abatement meeting) for a Status Hearing.
19. The Nuisance Abatement Board will retain jurisdiction over the property for a period of (1) year, June 2010.

The owners testified they did not wish to contest the factual allegations in the Police report.

Mr. Jolly confirmed that an evidentiary showing was not required if the owners stipulated to the facts in the report and that the property was a nuisance, per statute.

Mr. Walker requested that the Police reports be moved into evidence.

Motion made by Ms. Mayers, seconded by Mr. Saunders, to move the Police reports into evidence.

Mr. Walker said the owners were experiencing financial problems, and because they would have difficulty paying, they requested the Board agree that instead of recommendation 16 specifying half of the investigative costs must be paid by the Board's next meeting, the Board would review this at their next meeting. The owner hoped that the Board would review the other recommendations next month and perhaps agree to waive, "or maybe be a little lenient about it because of financial difficulties."

Ms. Mayers said it was mandatory that half the fees be paid. She thought the Board could agree to grant an extension to pay half the fines but could not to waive them entirely. Mr. Walker suggested the owners could make three payments of \$190.26 each, to be paid in full by the September 10, 2009 Nuisance Abatement Board meeting. The owners agreed to make one payment prior to each of the next three Nuisance Abatement Board meetings.

Recommendation 16 would therefore be changed to:

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 in three equal increments of \$190.26, each, to be paid prior to the July, August and September Nuisance Abatement Board meetings. The Board will waive the

remaining balance of \$570.77 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.

The owners confirmed that they had 32 video cameras, a loudspeaker and alarm sirens and had been doing their best to comply. Employees also wore security shirts and hats. The owners remarked that this area has always been a problem, and they kept the property clean and called the Police when it was appropriate.

Regarding recommendation number 10, Det. Maney said lighting on the southeast corner could be improved.

Det. Maney informed the Board that in the past six months there had been 90 calls for service to the property, 20 of which were nuisance abatement related, and in the past 30 days there had been 15 calls for service to the property, four of which were nuisance abatement related. The Street Crimes Unit had made three arrests two nights ago at the property. Det. Maney agreed this was a crime-ridden neighborhood and described the efforts of the Street Crimes Unit to arrest drug dealers and drug purchasers at the property.

Det. Maney admitted that in 30 days the property would not be arrest free but said his mission was to bring the numbers down to an acceptable level.

Mr. Zyad Darwish, Star Food Mart manager and brother of the owner, said he was doing his best at the property, which was open 24 hours.. Mr. Darwish explained that in the evening hours, there were two employees present on the property and after 11 PM, there was one employee present and patrons were served through a window; they could not enter the store. Mr. Darwish stated if he witnessed people loitering in the parking lot, he spoke over the PA system and/or blew the sirens. The store fully opened again at 6 or 7 AM. Mr. Darwish explained that from 6 or 7 AM until 1 PM, there were two employees in the store and two or three people in the kitchen.

Ms. Dawkins claimed that in March an employee was involved in a drug transaction and she asked if this employee was still working there. Mr. Darwish said this person had never been an employee; he just cleaned the outside of the property occasionally. Mr. Darwish added that a store employee had called the police to remove this person.

Ms. Saunders confirmed that this person was not an employee, but that Mr. Darwish would give him odd jobs to perform when he was in need of money.

Det. Maney said this person had been referred to in the police report as employee/handyman/yard man, because when he was arrested he identified himself as an employee. He pointed out that by identifying himself as an employee, Mr. Marshall exempted himself from the trespass violation.

Mr. Darwish informed Board member Saunders that the partition that limited patrons' access to the store had been installed in December 2008. The owner explained that the partition allowed patrons to enter the front door, but there they were met with a window for transactions; they had no access into the store.

Motion made by Ms. Mayers, seconded by Mr. Gatano, to accept the Police recommendations as amended.

Mr. Gatano asked if they had considered closing the store overnight to avoid some of these problems. The owner explained that last year they had only been open until midnight, but because of the economy, they now needed to operate 24 hours; this was why they had installed the partition. He explained that men who lived in the area came to the property and occasionally asked for money. If one of these men was refused, he might return later and vandalize property. The owner explained that they were the building owners and Mr. Darwish was the new storeowner. Because he was a new owner, they stayed involved with the running of the business. The owner stated they also had a business located right next door that was busy all day long, so drug dealers could not loiter on that property.

In a roll call vote, motion **passed 4 – 2** with Mr. Saunders and Mr. Fling opposed.

Mr. Mark Boyd, neighbor, said he hoped the neighborhood would someday get better. He stated there was a "parade of people going back and forth between their business and the VIP Market which is four blocks to the south..." He said the drug dealers and prostitutes moved up and down the street all day and all night. Mr. Boyd said they had conducted a neighborhood cleanup three months ago with Code Enforcement and "picked up tons of trash." He said these two businesses were a nuisance to the community and had always posed a problem. Mr. Boyd pointed out that these businesses gave "these people somewhere to go at 12 AM and 1 AM and 2 AM and 3 AM." Mr. Boyd recommended the market close at 11 PM and reopen at 6 AM.

The owner said she had been born in this area and had lived there until she was 20. She agreed there had always been drug issues in this area, but pointed out that closing overnight would not solve the problem because arrests occurred in the daytime as well. The owner said closing the store would not solve the problem because the area was predominantly Section 8 housing. Mr. Jolly reminded the owner that other properties

on this street had come before the Board, and they had heard the same arguments made by the community members and by the landowners.

Ms. Kim Centamore, neighbor, agreed that the foot traffic between the VIP Market and this property was an issue. She noted that the problem was the drug dealers, not the Section 8 housing residents. Ms. Centamore wanted to protect the people who lived there who were not part of the drug or prostitution problems. She believed the owners should be responsible to pay for the Police time spent on this property.

Ms. LaRhonda Ware, resident, said in this area there were 23 convenience stores, six of which stayed open 24 hours. She believed the closing time for convenience stores should be midnight.

Mr. Walker asked the neighbors to attend the Board's July 9 meeting.

Board Discussion

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Off jurisdiction:

1301 Northeast 4 Avenue
Coastal Gas

Det Maney announced this property was due to come off of Board jurisdiction on June 13, 2009.

Det. Maney informed the Board that in the past six months there had been 16 calls for service to the property, none of which was nuisance abatement related. He recommended the property come off of Board jurisdiction on the scheduled date.

Motion made by Ms. Mayers, seconded by Ms. Dawkins, to relinquish the Board's jurisdiction of the property. In a roll call vote, motion passed 5 – 1 with Mr. Gatano opposed.

The Board's next meeting was scheduled for July 9, 2009.

Thereupon, with no additional business to come before the Board, the meeting adjourned at 8:25 PM.