

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, SEPTEMBER 10, 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	6	0
Ted Fling, Vice Chair	P	6	0
Linda Dawkins [Alternate]	P	5	1
Louise Dowdy	P	1	0
Sal Gatanio	P	3	1
Pat Mayers	P	6	0
D. Ryan Saunders [Alternate]	P	4	0

Staff Present

Joyce Hair, Board Clerk
 Bruce Jolly, Board Attorney
 Sgt. Hugo Fontalvo
 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. Chiappetta called roll and determined a quorum was present.

The Board welcomed new Board member Louise Dowdy.

Witnesses were sworn in.

3. Approval of minutes for July 2009

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

Mr. Fling asked if the Board would discuss the apartment complex at 1313 Northeast 5th Avenue that had been scheduled to come off Board jurisdiction on July 15. Mr. Walker explained that the property was now off jurisdiction. Mr. Fling remarked that the property was "back in the spotlight as far as activity" since the Board had last met. Mr. Walker advised that a new action could be brought against the property if appropriate. Sgt. Fontalvo agreed to provide the Board with a 30-day history of the property at their next meeting. If there were new violations, the property would be brought back before the Board. Mr. Jolly advised Ms. Hair to put this property on the Board's agenda for discussion next month.

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

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• **Notice of Status Hearing**

Sgt. Fontalvo informed the Board that the property owner had been notified of the hearing on August 17, and he had informed Sgt. Fontalvo that he had left the country to attend his brother's funeral so he could not be present this evening.

Sgt. Fontalvo announced that in the past 6 months there had been 137 calls for service to the property, 8 of which were nuisance abatement related. In the past 30 days there had been 22 calls for service to the property, none of which was nuisance abatement related. He stated the property was in compliance, and recommended setting another status hearing in 30 days. Mr. Walker explained that his office regularly filed trespass arrests, which indicated the trespass affidavit was being enforced. Sgt. Fontalvo

informed the Board that there was a trespassing after warning, which had led to a cocaine arrest on June 4. There were other narcotics complaints called in that had not led to arrests.

5. Case Number 09-01-02
1500 NW 6 Street
Sistrunk Market

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- **Notice of Status Hearing**

Sgt. Fontalvo stated the same person owned this property and the NADA Market; he was not present because he was attending his brother's funeral. Mr. Mohammed Hussein, who had a relationship with the business, was present

Sgt. Fontalvo announced that in the past 6 months there had been 224 calls for service to the property, 84 of which were nuisance abatement related. In the past 30 days there had been 52 calls for service, none of which was nuisance abatement related. He informed the Board that the property was in compliance and recommended setting another status hearing for 30 days.

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

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- **Notice of Status Hearing**

Sgt. Fontalvo presented photos of the property to the Board.

Sgt. Fontalvo informed the Board that the property owner had been notified of the hearing on August 24, 2009.

Sgt. Fontalvo announced that in the past 30 days there had been 18 calls for service to the property, 2 of which were nuisance abatement related. In the past 6 months there had been 142 calls for service to the property, 14 of which were nuisance abatement related. He reported the Sky Watch observation tower was scheduled to be placed at this location and he hoped this would be done in the next week or so.

Sgt. Fontalvo drew the Board's attention to the photos and pointed out that the merchandise was not stacked excessively high. He noted the divider was being used properly. Sgt. Fontalvo noted the video recorder recycled every 7 to 10 days, so they were unable to provide the video the Board had requested at the July meeting.

Based on facts gathered over the past 60 days, Sgt. Fontalvo stated the property was in compliance and he recommended bringing the property back for a status hearing in 30 days.

Mr. Gatano asked about an incident when for someone had been injured at the location. Sgt. Fontalvo was unaware of this incident, but said he could look at the record of those calls. Mr. Gatano said there had been ambulances at the location but there was no Police call to the property when the person was taken away. Sgt. Fontalvo agreed to look into this if Mr. Gatano provided him with a specific date. Mr. Gatano stated he did not know the date, but it had been in the past two weeks. Mr. Gatano said he would like to see a record of the calls relating to a medical incident where Police were not present.

Mr. Fling asked if there was some way to separate the garage from the store; he felt incidents were being double reported. Sgt. Fontalvo clarified that these incidents related only to the store.

Mr. Gatano felt the Merchandise in the store was still stacked too high and provided places to hide, and he said it appeared there were "little rooms that people could hide in" as well. He requested a report next month regarding calls that came in at this address after midnight.

Chair Watkins asked what time the employees were supposed to close the partition. Someone stated it was 11:00 p.m. Chair Watkins asked that Sgt. Fontalvo to "randomly, unannounced, stop by" the property to ensure that the door was closed when it was supposed to be. Sgt. Fontalvo agreed either he or another detective would do this between 11 p.m. and 3 a.m. Chair Watkins also wanted them to check on the number of employees present at the store.

Sgt. Fontalvo confirmed that the window was supposed to be the only access for doing business after 11 p.m. According to Det. Maney, they were in compliance regarding this.

Mr. Saunders asked Sgt. Fontalvo to go back and check the digital recording to confirm the door closed to the proper time each night, starting with last night. Sgt. Fontalvo agreed to do this as well. Chair Watkins asked Sgt. Fontalvo to confirm the recycle time of the recorder.

Chair Watkins opened the public input portion of the meeting.

Linda Saunders, one of property owners, said she came to the hearing every month to ensure the property was in compliance. She stated Det. Maney had informed her that

the shelves were not stacked too high. She reported that the rooms to which Mr. Gatania referred were locked. Ms. Saunders acknowledged there had been a couple of occasions when drug dealers approached people at the property, and said this was an ongoing problem, but the employees were working diligently; they called the Police and used the siren. She agreed to address the issue of the closed door and the recording the Board had asked about. Ms. Saunders stated she had Sergeant Fitzgerald's cell phone number, and she contacted him periodically to find out how everything was going.

Chair Watkins said it made her angry that the people who worked in the store were not present at the hearing. Ms. Saunders said she, Detective Maney and other officers conveyed the information to the store employees. Mr. Gatania felt a store manager should make an effort to attend a hearing.

Mr. Jolly reminded the Board that they had limited powers, and "cannot cure the community's ills." The store had taken the steps recommended by the Board, and the calls for service had been reduced.

Ms. Saunders clarified for Mr. Fling that Dale's Properties and Investment Inc. owned Dale's Wheels Garage at 250 West Sunrise Boulevard and the Star Food Mart at 200 West Sunrise Boulevard. She noted the properties were separated by a fence.

Pamela Roloff, resident, said the reason the calls for service had decreased was because the cashier at the store was not calling. She felt there should be at least 100 calls for service per day to the property. Ms. Roloff said she had visited the property that day, and had been approached by three drug dealers in the parking area. She said the cashier had ignored activity that she pointed out to him on the monitor and she believed he was "in with" the drug dealers. Ms. Saunders stated the cashier was not "in with" the drug dealers, and pointed out that the cashier could not control people using the sidewalk. She advised Ms. Roloff to report this activity at the Police meeting this month. Ms. Saunders said the employees did call the Police. She noted this entire area was drug infested.

Ms. P.J. Espinal, Director on the Board of the South Middle River Civic Association, said keeping the owner's feet to the fire was the only way they would be able to defeat this. This was why they had suggested bringing the store manager in. Ms. Saunders advised Ms. Espinal the neighbors should call the Police when they saw issues at the property.

Mr. Gatania noted there had been an improvement since Ms. Saunders had started attending the meetings, and he anticipated there would be continued improvement.

Ms. Mayers remarked that this case had been in front of the Board for some time, and the property had improved. She understood the neighbors' frustration, but stated the Board could not make the police respond any sooner.

Ms. Dawkins asked Sgt. Fontalvo to try to determine if there was a relationship between the store employees and the drug dealers in the parking area when he reviewed the recordings.

Ms. Roloff said there was an individual in one of the photographs who was in the store when she was in the store that day. Chair Watkins asked Sgt. Fontalvo to look into this.

Mr. Saunders asked Sgt. Fontalvo to look at the digital recordings, and determine the most common time for drug activity on the property.

Mr. Fling asked if Ms. Saunders had asked the patrol officers to come to the property for their breaks and establish a rapport with them. Ms. Saunders said at the last Police meeting, Anthony Williams had informed her that additional officers would be sent to the area.

There being no other members of the public wishing to address the Board, Chair Watkins closed the public hearing portion of the meeting.

Board Discussion

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Off Jurisdiction:

Off jurisdiction September 11, 2009: 1026 Northwest 3 Avenue – Residence

Sgt. Fontalvo reported that in the last 30 days there had been 1 call for service to the property, which was not nuisance abatement related. In the past 6 months there had been 4 calls for service to the property, none of which was nuisance abatement related.

Mr. Gatano stated he was "uncomfortable with buildings that have so many issues coming off of jurisdiction so fast when there's such a wild amount of drug dealing and prostitution going on in the neighborhood." Mr. Jolly warned Board members they were not supposed to bring their own observations to the hearing; they should base their decisions upon information presented at the hearing. Mr. Jolly added that as long as the property was in compliance, it should come off of jurisdiction.

Sgt. Fontalvo reported Det. Maney had retired from the Fort Lauderdale Police Department and would be employed with the city of Wilton Manors.

Sgt. Fontalvo announced Det. Maney's replacement would be named in a week or so.

Thereupon, with no additional business to come before the Board, the meeting adjourned at 8:04 PM.

The Board's next meeting was scheduled for October 8, 2009.

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