

**CITY OF FORT LAUDERDALE
NUISANCE ABATEMENT BOARD MINUTES
CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
100 NORTH ANDREWS AVENUE
THURSDAY, DECEMBER 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>
Ted Fling, Chair	P	8	0
D. Ryan Saunders, Vice Chair	P	6	0
Linda Dawkins [Alternate]	P	7	1
Louise Dowdy	P	3	0
Sal Gatanio	P	5	1
Pat Mayers	P	8	0

Staff Present

Joyce Hair, Board Clerk
Bruce Jolly, Board Attorney
Scott Walker, Assistant City Attorney
Det. Paul Maniates
J. Oppерlee, Recording Clerk, Prototype, Inc.

Communication to the City Commission

None

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	<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
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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 p.m. and the Pledge of Allegiance was recited.

2. Roll call; witnesses sign log; swearing in

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

Witnesses were sworn in.

3. Election of Officers

Mr. Gatano nominated Mr. Fling for Chair, seconded by Ms. Dawkins.

Ms. Mayers nominated Mr. Saunders for Chair, seconded by Ms. Dowdy.

In a roll call vote, the vote was as follows: Ms. Dawkins - Mr. Fling; Ms. Dowdy – Mr. Saunders; Mr. Gatano – Mr. Fling; Mr. Saunders – Mr. Saunders; Ms. Mayers – Mr. Saunders; Mr. Fling – Mr. Fling.

Mr. Jolly advised the Board to re-open nominations.

Mr. Gatano nominated Mr. Fling for Chair, seconded by Ms. Dawkins.

Mr. Saunders withdrew his name from consideration for the Chair position.

In a roll call vote, the vote was as follows: Ms. Dawkins - Mr. Fling; Ms. Dowdy – Mr. Fling; Mr. Gatano – Mr. Fling; Mr. Saunders – Mr. Fling; Ms. Mayers – Mr. Fling; Mr. Fling – Mr. Fling.

Mr. Gatano nominated Mr. Saunders for Vice Chair, seconded by Ms. Dawkins. In a voice vote, Mr. Saunders was elected unanimously.

4. Approval of minutes for October 2009

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

5. Case Number 09-01-01

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**1300 Northwest 6 Street
NADA Market**

- **Notice of Status Hearing**

Det. Maniates informed the Board that the property owner, Mr. Ali Al Amdi, had been notified of the hearing. Det. Maniates had met with Mr. Al Amdi in November to discuss ways to keep the property in compliance and Mr. Al Amdi had informed him that he would be out of the country for the holidays, so he would be unable to attend this hearing.

Det. Maniates announced that in the past 30 days there had been 23 calls for service to the property, one of which was nuisance abatement related. This had been a self-initiated traffic stop: the vehicle pulled into the rear parking lot of this address and the passenger had been arrested for possession of cocaine. Det. Maniates stated based on the facts, the property was in compliance and he recommended a status hearing be set for January 2010.

Mr. Walker informed the Board that the Nada Market had a trespass affidavit and the Police regularly made trespass arrests on the property that Mr. Walker prosecuted. He added that Nada Market was always willing to testify if the trespass arrests went to trial.

Mr. Saunders asked if Det. Maniates now had access to the video. Det. Maniates said the video was working, but he did not have the IP address, and he agreed to look into this immediately.

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

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- **Notice of Status Hearing**

Det. Maniates informed the Board that the same person owned this property and the NADA Market and he had been notified of the hearing. The owner was not present because he was out of the country.

Det. Maniates announced that in the past 30 days there had been 46 calls for service, two of which were nuisance abatement related. Det. Maniates stated one of these arrests was pursuant to a call from the market clerk that a possible robbery subject was on the property. When officers responded, they found the subject asleep in a chair on the second floor walkway. Det. Maniates presented a photo of the property and pointed out where the suspect had been arrested.

Based on the facts of the last 30 days, the property was in compliance and Det. Maniates recommended a status hearing be set for January 2010.

Det. Maniates explained to Mr. Gatano that the entire property had one owner, but the upper floor was a motel/rooming house and the downstairs was leased to the store. Mr. Walker reminded the Board that their jurisdiction was over the store because the case had originated there.

Mr. Jolly stated one arrest did not constitute a continuing problem, and noted that the store operator was cooperating with the detective. The Board should therefore not be "hugely concerned," as long as the property was monitored.

Mr. Mohammed Hussein, store operator, explained that the rooms were rented daily, weekly and monthly.

From an appellate standpoint, Mr. Walker said the notice named the Market, and they would need three more violations to bring a case against the upstairs motel. Mr. Hussein said the store collected the rents for the landlord.

Mr. Fling advised the Board to wait for the Police to explain the use of the property to them next month.

Det. Maniates informed the Board that in 60 days, there had been no additional nuisance abatement related issues on the property. He agreed to inform the Board next month about the license the upstairs business held. Ms. Hussein said the property had a motel license.

Mr. Jolly said if there was a lot of drug dealing going on upstairs, and this was affecting the community, they could direct the owner to fix that problem, but one violation in two months was not something the Board should be hugely concerned about.

7. Case Number 09-05-03
200 West Sunrise Boulevard
Star Food Mart
• **Notice of Status Hearing**

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Det. Maniates informed the Board that the property owner had been notified of the hearing on November 23, 2009 and was present.

Det. Maniates announced that in the past 30 days there had been 17 calls for service to the property, two of which were nuisance abatement related. He noted that both arrests

involved subjects riding bicycles from the south side of the business into the parking lot and making contact with undercover officers in their vehicles.

Det. Maniates said he had received access to the IP address for the business security system within 10 days of the previous meeting, as requested by the Board. From the video Det. Maniates had viewed, it was apparent that the inside door to the business was locked from 11:00 p.m. to 6 p.m. Det. Maniates had confirmed that the lighting on the east and south sides of the building was operational. He presented photos depicting the outside of the store and drew the Board's attention to the installed lighting and cameras.

Det. Maniates stated based on the facts, the property was in compliance and he recommended a status hearing be set for January 2010.

Det. Maniates explained to Ms. Dawkins that Northwest 2nd Avenue was blocked in this area so cars could not pass through.

Det. Maniates remarked that he had been watching the video and he believed the store clerks and the owner were doing a good job.

Mr. Zyad Darwish, store clerk, informed Mr. Gatano that the store workers could see video from the camera when they were inside the store. Det. Maniates said there were 28 cameras in the system, inside and outside the store.

Mr. Fling asked for some of the surveillance video to be shown to the Board and Det. Maniates agreed to make a DVD to show to the Board.

Ms. Linda Saunders, owner, said she and her husband had taken over the adjacent tire shop, they could keep an eye on the property all day long, and this had helped.

Board Discussion

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Ms. Dowdy wanted clarification of whether she was an alternate or a full Board member.

Mr. Jolly confirmed that the Board should have five full members and two alternates.

Mr. Fling asked staff to discuss Board members' status with the City Clerk.

Thereupon, with no additional business to come before the Board, the meeting adjourned at 7:48 PM.

The Board's next meeting was scheduled for January 14, 2010.

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