

**CITY OF FORT LAUDERDALE
NUISANCE ABATEMENT BOARD MINUTES
CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
100 NORTH ANDREWS AVENUE
THURSDAY, JANUARY 14, 2010, 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	9	0
D. Ryan Saunders, Vice Chair	P	7	0
Linda Dawkins [Alternate]	A	7	2
Louise Dowdy	P	4	0
Sal Gatanio	P	6	1
Pat Mayers	P	9	0

Staff Present

Joyce Hair, Board Clerk
Bruce Jolly, Board Attorney
Scott Walker, Assistant City Attorney
Det. Paul Maniates
Det. Terek Bazzi
B. Chiappetta, Recording Clerk, Prototype Inc.

Communication to the City Commission

By unanimous vote, the Board requested that the City Commission appoint an alternate as soon as possible to fill the vacancy.

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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 7:01 p.m. 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.

Witnesses were sworn in.

3. Approval of minutes for December 2009

Motion made by Mr. Saunders, seconded by Ms. Dowdy, to approve the minutes of the Board's December 2009 hearing. In a roll call vote, the motion passed 5 - 0.

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

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- **Notice of Status Hearing**

Det. Maniates informed the Board that the property owner, Mr. Ali Amdi, had been notified of this hearing on December 23, 2009 and was present.

Det. Maniates announced that in the past 30 days there had been 27 calls for service to the property, none of which was nuisance abatement related.

At the previous meeting, the Board had asked if Det. Maniates had the IP address for the locations' cameras, but he referred to the order dated April 1, 2009 from which all items related to the IP address had been removed per the Board's vote. The property was therefore in compliance. Det. Maniates stated based on the facts, the property was in compliance and he recommended a status hearing be set for February 2010. This would be the last status hearing, because jurisdiction over the property would end on February 20, 2010.

Mr. Saunders asked why the IP address requirement had been removed, and Ms. Hair explained that it was determined it would be too costly, and Det. Maney had indicated at the time that it would not be beneficial.

Det. Maniates stated they were performing site visits to the property to ensure compliance.

5. Case Number 09-01-02

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**1500 NW 6 Street
Sistrunk Market**

- **Notice of Status Hearing**

Det. Maniates informed the Board that the same person owned this property and the NADA Market, Mr. Ali Amdi. The owner he had been notified of the hearing on December 23, 2009 and was present.

Det. Maniates announced that in the past 30 days there had been 54 calls for service, one of which was nuisance abatement related. A road patrol officer had issued a trespass warning to an individual who then returned 10 minutes later in possession of crack cocaine.

Mr. Walker confirmed that both stores were enforcing their trespass affidavits and arrests were occurring regularly.

At the Board's December meeting, questions were raised about the River Motel, which operated above the Sistrunk Market. Det. Maniates had been informed that the motel provided weekly and monthly rentals, and the owner had provided him a copy of the hotel/motel license.

Based on the facts of the last 30 days, the property was in compliance and Det. Maniates recommended a status hearing be set for February 2010. Jurisdiction for the property would end on March 31, 2010.

6. Case Number 09-05-03

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**200 West Sunrise Boulevard
Star Food Mart**

- **Notice of Status Hearing**

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

Det. Maniates announced that in the past 30 days there had been 10 calls for service to the property, one of which was nuisance abatement related. This arrest was made outside the store by undercover street crime detectives for delivery of cocaine.

Det. Maniates reported the Skywatch Tower had been located just east of the store for approximately one week at the end of December. Store clerks had reported that there was much less traffic at the store when the Skywatch Tower was present.

Det. Maniates displayed a video clip from the surveillance video, which the Board had requested at their December meeting. In the video, a vehicle drove through the barricade area, through the nearby lot to the road. Det. Maniates reported an arrest was made when an individual on the video went around to the front of the store.

Det. Maniates reported he had access to all cameras on the property and in the store. He stated activity in front of the store was much improved, and a lot of this was due to the fact that the owners were present.

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

**7. Case Number 09-12-04
3071 South West 2 Court
Residence**

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- **Notice of Evidentiary Hearing**

Mr. Fling clarified that there were multiple arrests on different dates relating to this case. The Board and detectives examined the documentation and agreed that the Board's documents included a typographical error.

Det. Maniates reported the owner was Mr. Ralph Holmes, who was present with his son, Ralph Holmes Jr. and his daughter-in-law, Fovette.

Det. Maniates announced that from August 12, 2009 to January 11, 2010 there had been 24 calls for service to the property, nine of which were nuisance abatement related and had resulted in 12 arrests.

Det. Maniates presented photos of the property and explained that there had been approximately 7 vehicles on the property, and several people loitering on vehicles in the street.

Police Recommendations:

1. The owner will file a No Trespass Affidavit with the Fort Lauderdale Police Department and post No Trespassing signs on property within fourteen days and thereafter enforce trespassing laws.
2. The owner will remove all disabled vehicles from the property within thirty days.

3. The owner will contact the Fort Lauderdale Police Department to help remove unwanted individuals that do not belong on his property.
4. The owner will assure all drugs and drug paraphernalia be strictly prohibited from his property.
5. The owner will contact Detective Maniates monthly, prior to the monthly Nuisance Abatement Board meeting, to address any issues either should party have.
6. The investigative costs total a dollar amount of \$1,379.59. The owner(s) is assessed 50% of this amount, which equals (\$689.80). This cost is to be paid prior to the February 11, 2010 Nuisance Abatement Board Meeting. If no meeting occurs in February, then prior to the next scheduled Nuisance Abatement Board Meeting. The Board will waive the remaining balance (\$689.80) 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% (\$689.80) of the investigative costs will be assessed.
7. 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.
8. The owner will appear before the Nuisance Abatement Board at the February 11, 2010 Nuisance Abatement Meeting (or, if no meeting occurs, then at the succeeding Nuisance abatement meeting) for a Status Hearing.
9. The Nuisance Abatement Board will retain jurisdiction over the property for a period of (1) year, January 2011.

Det. Maniates noted that Code Enforcement was also working with Mr. Holmes to address violations at the property. Det. Maniates had met with Mr. Holmes several times over the past two weeks and reviewed the recommendations, and Det. Maniates reported that two items were already complied, numbers one and two. Det. Maniates extended his sympathies to Mr. Holmes, who had lost his wife within the last two weeks.

Regarding recommendation 6, Det. Maniates asked the Board to consider the difficult economic times, and the fact that Mr. Holmes had been working with him to comply the property.

Mr. Walker had spoken with the owner prior to the hearing and said the owner did not contest the allegations. Mr. Walker asked the Board to take the Police reports in total. He explained that the people arrested had been grandchildren of the owner. At present, there was only one child living at the house, and he was in school for a football scholarship.

Mr. Ralph Holmes, owner, stipulated to the facts of the case and to the police recommendations. Ms. Nicole Mitchell, Mr. Holmes' niece, confirmed that those who had been arrested were friends of Mr. Holmes' wife's grandchildren. Now that Mr. Holmes' wife had passed away, Mr. Holmes could ensure that the children who did not live there did not hang around and he could secure his home.

Det. Maniates said he was adamant that recommendations 1, 3,4 and 5 be enforced. Mr. Holmes must press charges using the trespass affidavit.

Det. Maniates informed Mr. Fling that he had contacted Code Enforcement and he hoped to present a report from them next month.

Mr. Ralph Holmes Jr., the owner's son, stated he had spoken with Code Enforcement, and the only outstanding issue was the vehicles, for which he had been granted a 10-day extension.

Motion made by Mr. Saunders, seconded by Mr. Gatano, to declare the property a nuisance. In a roll call vote, motion passed 5 - 0.

Motion made by Mr. Saunders, seconded by Ms. Mayers, to accept the Police recommendations, with the condition that the fine payment in recommendation #6 be split into three payments of \$229.93 each, payable prior to the February, March and April Nuisance Abatement Board meetings.

Ms. Mayers suggested making the payments even smaller over a longer period of time: \$68.98 per month for 10 months. Mr. Saunders agreed to this amendment, on the condition that the payments were made prior to each month's meeting and that the property remains in compliance.

In a roll call vote, **motion** passed 5 - 0.

Mr. Holmes Jr. stated the house was a mess since his mother died, and requested help for his father to make improvements to the house.

Ms. Fovette Holmes agreed the house was in terrible condition, and there was a six-month wait for help from the City. Ms. Mayers suggested they ask for help at the owner's church.

8. Board Discussion

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Mr. Fling announced that Ms. Dawkins would not be reappointed to the Board. Mr. Jolly stated when Ms. Dawkins' term expired, the Board would need two alternates appointed.

Mr. Walker agreed to inform the City Attorney that the Board needed two alternates to be appointed.

Mr. Jolly stated the Board requested that the Commission entertain the immediate appointment of one alternate and a successor to Ms. Dawkins, effective March 2010.

Motion made by Mr. Saunders, seconded by Ms. Mayers, to inform the City Commission that the Board requested that an alternate appointed as soon as possible to fill the vacancy. In a voice vote, motion passed unanimously.

Thereupon, with no additional business to come before the Board, the meeting adjourned at 7:57 PM.

The Board's next meeting was scheduled for February 11, 2010.

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