

**CITY OF FORT LAUDERDALE  
 NUISANCE ABATEMENT BOARD MINUTES  
 CITY HALL, CITY COMMISSION CHAMBERS, 1<sup>ST</sup> FLOOR  
 100 NORTH ANDREWS AVENUE  
 THURSDAY, MARCH 11, 2010, 7:00 P.M.**

<u>Members</u>	<u>Attendance</u>	<u>Cumulative Attendance 3/2010 through 2/2011</u>	
		<u>Present</u>	<u>Absent</u>
Ted Fling, Chair	P	1	0
D. Ryan Saunders, Vice Chair	P	1	0
Louise Dowdy	P	1	0
Sal Gatanio	P	1	0
Pat Mayers	A	0	1
Matthew Scott, Alternate	A	0	1
Tom Wolf, Alternate	P	1	0

**Staff Present**

Joyce Hair, Board Clerk  
 Bruce Jolly, Board Attorney  
 Scott Walker, Assistant City Attorney  
 Det. Paul Maniates  
 Officer Geoff Shaffer  
 Aretha Davis, Code Enforcement Officer  
 B. Chiappetta, 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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3.	09-12-04	3071 South West 2 Court - Residence	<a href="#">4</a>
4.	10-01-01	844 Northwest 10 Terrace - One Stop Shop	<a href="#">5</a>
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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. Chiappetta called roll and determined a quorum was present.

Chair Fling introduced new alternate Board member Tom Wolf, a realtor.

**Witnesses were sworn in.**

**3. Approval of minutes for February 2010**

**Motion** made by Mr. Saunders, seconded by Mr. Gatano, to approve the minutes of the Board's February 2010 hearing. In a voice vote, the motion passed 5 - 0.

Chair Fling noted that the property address for Case 10-01-01 One Stop Shop was incorrect on the agenda; the actual address was 844 Northwest 10 Terrace [not Court]. The other documents included additional errors on this address. Mr. Jolly recommended a motion to amend the complaint to accurately reflect the address. He recommended the Board do this when the case was heard.

**4. 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 owner of this property was Mr. Ali Al-Madi. The owner he had been notified of the hearing on February 23, 2010. Both the owner and the store manager, Mr. Mohammed Hussein, were present.

Det. Maniates announced that in the past 30 days there had been 59 calls for service, four of which were nuisance abatement related. Three of the nuisance calls were from officers giving trespass warnings. The fourth call was an active Police operation.

Det. Maniates informed the Board that the store manager was very proactive in calling the Police when loiterers were present.

Based on the activity of the past 30 days, the property was in compliance. The property would come off of Board jurisdiction on March 31, 2010. Mr. Jolly noted the property would not come back for a status hearing in April.

Mr. Walker stated the City would continue to enforce the Trespass Affidavit after the property left Board jurisdiction. Det. Maniates said he would continue to work with Mr. Hussein as well.

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

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**• Notice of Status Hearing**

Det. Maniates informed the Board that the property owner had been notified of the hearing on February 25, 2010.

Det. Maniates announced that in the past 30 days there had been 8 calls for service to the property, one of which was nuisance abatement related. A Sky Watch unit had been located on the east side of the business for several weeks, and Det. Maniates said this was a deterrent to illegal activity in the area.

Det. Maniates reported he had lost video service from the store as of February 12, 2010 and had been unable to view video footage since that date. He had found out that the owner had not been paying for the surveillance service. The surveillance company owner had contacted Det. Maniates regarding this, and told him he had received no response from the owner.

Det. Maniates had spoken with the owner, Linda Saunders, twice about this issue. He presented copies of fax correspondence regarding this and said he would leave it up to the Board to decide what action to take.

Ms. Linda Saunders, property owner, stated the previous business owner had taken the camera system because the new business owner had not paid him. She had tried to contact the new business owner, Mr. Kahn, but he would be out of the country until March 30. She had spoken with Major Anthony Williams to request that the Sky Watch unit remain until she could resolve the surveillance problem. Ms. Saunders had informed the store owner that if he could not resolve the issue, she would prefer to close the store or evict him. Det. Maniates said Mr. Kahn had informed him that if the payment issue was resolved, his son was available to re-connect the system.

Det. Maniates informed Mr. Jolly that Board jurisdiction on the property would end on June 17, 2010. Mr. Jolly advised that the next status conference in April should be noticed to include consideration of imposition of fines for non-compliance because of the video problem.

Mr. Gatano was aware of an incident when Mr. Kahn was beaten badly when he had threatened to call the Police to remove someone from the store. Ms. Saunders did not know if the cameras were operable at that time. Det. Maniates agreed to look into this. Mr. Saunders said it was unacceptable that the cameras had been out since February 12.

**Motion** made by Mr. Saunders, seconded by Mr. Gatano, to include consideration of imposition of fines for non-compliance in the notice for the next status hearing in April. In a roll call vote, the motion passed 5 - 0.

Det. Maniates recommended a status hearing in April.

- 6. Case Number 09-12-04**  
**3071 South West 2 Court**  
**Residence**  
**Owner: Ralph Holmes**
- **Notice of Status Hearing**

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Det. Maniates informed the Board that the property owner, Mr. Ralph Holmes, had been notified of the hearing on February 23, 2010 and he was present.

Det. Maniates announced that in the past 30 days there had been no calls for service to the property, a significant improvement. Det. Maniates had met with the owner on the property on March 9, and noted the owner was continuing to work on the property, and he believed the property had less activity now. Det. Maniates introduced Ms. Aretha Davis, Code Enforcement Officer, to report on Code Enforcement issues on the property.

Officer Davis reported the violations on the property included derelict vehicles and trash. She remarked that Mr. Holmes had always responded when advised there were violations, and compliance delays were caused by people who were on the property without his knowledge while he was tending to his sick wife. Mr. Holmes had explained to her that he was also limited by finances. Officer Davis had spoken with Mr. Holmes at his property and confirmed there were no derelict vehicles present and the grounds were improved. Most of the trash had been removed. Officer Davis said she had seen a great improvement over the past 30 days.

Based upon the facts of the past 30 days, the property was in compliance and Det. Maniates recommended a status hearing in April. If the property stayed in good condition, Det. Maniates said he might consider scheduling the next status hearing in three months instead of one. Mr. Saunders said he would support this unless the payments being made were missed.

**7 Case Number 10-01-01** [Index](#)  
**844 Northwest 10 Terrace**  
**One Stop Shop**  
• **Notice of Evidentiary Hearing**

Det. Maniates confirmed for Mr. Jolly that there was a stipulated agreement on this case. Mr. Jolly recommended a motion be made to amend the notice to state the correct address: 844 Northwest 10 Terrace. Mr. George Makhoul, owner, stipulated to this amendment.

**Motion** made by Mr. Saunders, seconded by Ms. Dowdy, to amend the notice to state the correct address: 844 Northwest 10 Terrace.

Chair Fling stated this correction applied to all documents, including where three arrests were mentioned: 9/26/09, 10/20/09 and 10/23/09. Mr. Saunders agreed to include this in his motion.

In a voice vote, the motion passed 5 - 0.

Det. Maniates stated the owner had received notice of the hearing on 3/5/10 and was present, along with the business owner, Nabil Khazem.

Det. Maniates announced that from 9/9/09 to 3/9/10 there had been 110 calls for service to the property, 11 of which was nuisance abatement related. There had been 10 nuisance-related arrests made. Det. Maniates presented photos of the property to the Board and described the property. He noted there were no trespass signs posted. Det. Maniates explained there were two buildings on the property Mr. Makhoul owned at the same address, but they were two separate businesses. Mr. Jolly stated action taken by the Board would affect the entire property.

Mr. Saunders asked Det. Maniates to check whether this area was zoned to allow markets. Mr. Walker said he would investigate if there were occupational licenses for the separate businesses.

Det. Maniates had met with the property and business owners on 3/10/10 and discussed the Police recommendations. He said they had already begun to address the issues and he was confident that if they worked together they could get the property into compliance.

Police Recommendations:

1. The owner will maintain a trespass affidavit on both buildings on file with the Police Department and have posted authorized "No Trespassing" signs on all sides of the property within seven (7) days.
2. Trespass warnings will be given to all people arrested on the property for nuisance related crimes by the owner.
3. 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.
4. The owner will repair and maintain exterior lighting (according to all Code requirements ) eliminating any dark areas within ten days.
5. 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".
6. The owner will maintain the property free of debris and trash.
7. The investigative costs total a dollar amount of \$620.73. The owner(s) is assessed 50% of this amount, which equals (\$310.37). This cost is to be paid prior to the April Nuisance Abatement Board Meeting (April 8, 2010). If no meeting occurs in April, then prior to the next scheduled Nuisance Abatement Board Meeting. The Board will waive the remaining balance (\$310.37) 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% (\$310.37) of the investigative costs will be assessed.
8. 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.

9. The owner will appear before the Nuisance Abatement Board at the April 8, 2010 Nuisance Abatement Meeting (or, if no meeting occurs at the succeeding Nuisance abatement meeting) for a Status Hearing.
10. The Nuisance Abatement Board will retain jurisdiction over the property for a period of (1) year, March 15, 2011.

Chair Fling suggested Code Enforcement visit the property. Det. Maniates said a nearby auto mechanic stored his vehicles on the property, but he had informed the owner that this would not be permitted; the City would tow the vehicles.

Det. Maniates said the owner already had cameras on the property and had agreed to provide an IP address for viewing.

**Motion** made by Mr. Saunders to stipulate in the order that Police must have access to the IP address for the cameras on the property. Mr. Walker asked that the Board first find that the property was a nuisance.

Mr. Makhoul said he was working with Det. Maniates on the problems at the property. He said he had formerly owned the store at the property, and he had cleaned it up from 2003 to 2007. He had been shot in 2007 and moved to Georgia. Mr. Makhoul had hoped the new owner would take care of the property, but obviously he was not. He stipulated that the Police reports in evidence were the basis for the Board to determine the property was a nuisance.

Mr. Walker asked the Board to accept all Police reports into evidence as a basis for a finding the property was a nuisance. Chair Fling agreed, but also asked the officers involved to comment.

Det. Vivieros stated on 10/23/09, he and his partner had used a confidential informant to purchase marijuana at the property. The seller was identified and taken into custody at a later date. He did not believe this person was an employee. Det. Vivieros said he had made several narcotics arrests on the property over the years with the narcotics unit.

Mr. Kahzem stated he had owned the store since April 2007. He confirmed that none of the people arrested was an employee of the store. He remarked this was a very bad area, and whenever he saw illegal activity, he called the Police. Mr. Khazem said the surveillance cameras currently only covered the front of the property, but he planned to install another outside and two inside before the Board's April meeting.

Mr. Gatano referred to the drug paraphernalia item in the recommendations. Mr. Walker said this was a generic reference; it required removal of the items if they existed. Mr. Khazem said the store carried rolling papers, but not the glass rose holders. Mr. Walker advised him to remove the Chore Boys and Mr. Khazem agreed. Mr. Khazem believed the store also sold loose tobacco for which the rolling papers were needed. Mr. Gatano advised him to remove the rolling papers as well, since someone had been arrested for selling marijuana at the property.

Mr. Khazem said he was at the property approximately 30 hours per week. He said he understood that the Board wanted everything listed in item 5 removed from the store. Mr. Walker suggested the video game could be removed to discourage loitering in the store. He asked Mr. Khazem to keep a list of calls made by employees who called Police.

Mr. Gatano asked if the drug activity ceased after the store closed at midnight. Det. Maniates said the activity decreased significantly after midnight.

Mr. Jolly said it was within the Board's purview to order the video games removed if they believed they were contributing to the nuisance. Det. Vivieros remarked the video games did not seem to present a problem. He stated there was a lot of drug sales and use in the area and he had made several drug arrests at the bays in the warehouse area and at the nearby apartments.

Mr. Makhoul agreed the apartments across the street were a problem. He was not aware of any trespass signs on the apartments. Mr. Makhoul had ordered metal trespass signs for his property.

Mr. Walker asked Mr. Khazem if most of his business was from people driving in cars or from the nearby apartments. Ms. Khazem estimated 70% of his business was from the neighborhood and 30% from cars. Mr. Gatano asked if it would be possible to secure the rear parking area to stop activity there. Mr. Khazem said he had intended to close the rear entrance and close the gate, but the Police said they often approached the property from the front and rear. Det. Maniates agreed to find statistics for complaints and arrests at the nearby apartments and to identify the owner(s).

Mr. Makhoul described other businesses in his buildings. He said he had contracted with All County Towing to remove the cars parked by the auto shop. He said he would add the trespass signs he had ordered to the towing signs on the property.

Mr. Saunders said he was concerned about the video game and loitering. Mr. Walker said the loitering laws had been declared unconstitutional, so in the future they should avoid the word "loiter" in their orders. He acknowledged that having people on the



property who were not consuming or purchasing was a concern, and advised not using the word loiter, but making a recommendation that the owner remove all people not there purchasing or using services, and that Police be contacted if they had problems removing them. He suggested this be added to item 3 of the Police recommendations: "The owners will ensure that no persons shall remain in the parking lot or sidewalks or all sides of the building after their business transaction has been completed." Mr. Makhoul said this was acceptable, but the real problem was across the street. He wanted the landlord across the street and the body shop owner to cooperate.

**Motion** made by Mr. Saunders to accept the Police recommendations as amended, and to add the stipulation that the cameras would be installed and Det. Maniates would have access to the video before the Board's next meeting.

Mr. Makhoul said the store did not have Internet access. He informed Mr. Saunders that the current surveillance system recorded events for up to one month. Mr. Saunders amended his motion to state that the Police Department would have access to the recordings at his request. Ms. Dowdy seconded the motion. In a vote vote, the motion passed 5 - 0.

Mr. Khazem reiterated he would remove the Chore Boys from the store. Mr. Saunders wanted to update the list of drug paraphernalia to order removed from stores.

## **8. Board Discussion**

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Mr. Walker had requested a member of Teen Alliance visit the meeting to discuss some of their ideas. He said this had come about because someone wanted a new law banning all drug paraphernalia. He had responded that the drug paraphernalia statute was very broad and they needed more information from the Teen Alliance to enforce the statute.

Chair Fling said Mr. Walker had given a presentation to the Council of Fort Lauderdale Civic Associations recently and he believed the citizens now understood what the Board did.

Det. Maniates had met with the president of the Melrose Park Homeowners Association and she understood what the Board did.

Det. Maniates announced it was Ms. Hair's birthday.

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Thereupon, with no additional business to come before the Board, the meeting adjourned at 8:34 PM.

The Board's next meeting was scheduled for April 8, 2010.

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