

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, April 8, 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	2	0
D. Ryan Saunders, Vice Chair	P	2	0
Louise Dowdy	P	2	0
Sal Gatanio	P	2	0
Pat Mayers	P	1	1
Matthew Scott, Alternate	P	1	1
Tom Wolf, Alternate	P	2	0

Staff Present

Joyce Hair, Board Clerk
 Bruce Jolly, Board Attorney
 Scott Walker, Assistant City Attorney
 Det. Paul Maniates
 Sgt. Hugo Fontalvo
 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 7:01 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 March 2010

Mr. Fling noted a correction to the minutes.

Motion made by Ms. Mayers, seconded by Mr. Gatano, to approve the minutes of the Board's March 2010 meeting as amended. In a voice vote, the motion passed 5 - 0.

**4. 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 March 23, 2010.

Det. Maniates announced that in the past 30 days there had been 9 calls for service to the property, two of which were nuisance abatement related. He explained that one of the nuisance cases related to two men loitering on the property. One of the men dropped a crack pipe on the ground and the other was in possession of marijuana.

Det. Maniates reminded the Board that he had reported at the previous meeting that the cameras were not operating; he had checked several times over the course of the month and found the cameras still not operating. Det. Maniates had spoken with the security company and been told the cameras had been re-connected that morning. He had checked on the cameras and found two were not operating properly. Mr. Kahn, owner of the security company, said he could not look into this because the payment issued had not been resolved.

Mr. Kahn stated there were 32 cameras, of which 2 did not work, one in the front and one in the rear.

Ms. Linda Saunders, property owner, said there was an issue between the store and the security company that she could not address. She had spoken with both parties and sent Star Food Mart a notice that she would begin eviction proceedings on April 6 if the property was not in compliance. The property was not in compliance on April 6 and she had filed a three-day eviction notice because the store had not paid rent, and she filed a notice to shut the business until the cameras were working.

Mr. Walker read from the order and noted that it only required three exterior and one interior camera, so the property was in compliance. Mr. Jolly confirmed that the number of cameras was not specified in the amended order.

Mr. Kahn stated the store had started with 8 cameras and had increased to 32 and they had all worked perfectly. He said the storeowner had not paid him since last May. When Mr. Kahn inspected the property a few days ago he had discovered 2 cameras not working. He said he had been servicing the alarm system without being paid as well.

Ms. Saunders described a burglary that had taken place at the store the previous week. She asked the Board what the fine situation would be. If they intended to start fines she would close the store. Mr. Kahn said the Police had phoned him when the robbery occurred because of the alarm.

Mr. Saunders said the Board would maintain jurisdiction over the property even if the owner closed the store. He asked Mr. Jolly if the owner must maintain the security cameras as well, since they were included in the order. Mr. Jolly said the previous minutes did not conclusively support what Mr. Saunders was suggesting about the cameras. He felt the property might not comply with what the Board wanted, but it probably complied with the order. Mr. Jolly noted that even though the cameras mentioned in the order ran with the property, the camera provision was directed at the store operator. He would not suggest that the property was not in compliance if the cameras were not being operated if the store were closed.

Mr. Saunders was unsure if the store's closing would result in an increase or decrease in activity at the property. Ms. Saunders said the property would not be vacant for long. Mr. Jolly said the camera issue was secondary; the problem was the nuisance activity.

Mr. Fling recommended giving the owner 30 days to clean the place up. He thought the cameras' operation was immaterial. Ms. Mayers recommended 60 days to allow the owner time to close the store, clean it up and get a new tenant. Mr. Walker agreed. Ms. Saunders asked for 60 days to settle things at the property.

Chair Fling opened the public hearing.

Mr. J.J. Hankerson said he had noted drug activity in the area, public urination outside the store and loitering around the premises. He felt the store was very unsafe. Chair Fling asked Mr. Hankerson's opinion of the suggestion to allow Ms. Saunders 30 or 60 days to resolve the issues at the property. Mr. Hankerson said he would leave this to the Board, but reiterated that there were problems that needed to be corrected.

Mr. Doug Sterner, President of the Progresso Village Civic Association, said this location had been notorious for these types of problems for years. He said the property kept returning to the Board but the situation always recurred. Mr. Sterner said the business contributed negatively to the community because of the problems. He was encouraged that Ms. Saunders wanted to refurbish the property and find a new tenant. Mr. Sterner invited Ms. Saunders to meet with the Civic Association to discuss possible solutions for the property.

Ms. Kim Centamore agreed with Mr. Sterner. She said most local residents would not set foot in the store. She had been in the store once and noted "three gentlemen of very questionable character" right inside the door. Ms. Centamore felt they needed to take a firmer stand.

Mr. Ron Centamore thought Ms. Saunders "might want to be a little more selective in who you're going to rent to" to run the store. Mr. Centamore said Ms. Saunders should return in 30 days to report to the Board. He noted that problems at the store kept recurring.

Ms. Mayers said she hoped Ms. Saunders would get a good tenant with a decent business to improve this location for the neighborhood.

Ms. Dowdy did not feel it would be fair for Ms. Saunders to pay the fine. She advised her to close the store and find a new tenant. Ms. Saunders said her intention was to remove this tenant and clean up the property.

Mr. Jolly said the Board could give the owner 30 days for another status hearing, and retain the right to determine compliance. He reminded the Board and the public in attendance that the Board did not address issues regarding property that was "not as nice as it should be." The Board enforced nuisances as statutorily defined.

Det. Maniates stated the two nuisance-related arrests were initiated by patrol officers and two of the nine calls were trespass calls phone in by the store.

Mr. Scott feared the tenant would pay the owner the back rent and avoid eviction. Ms. Saunders said the tenant had also violated the compliance requirement, for which she could evict him.

Mr. Walker was very concerned that the tenant was not in attendance this evening. He had appeared at earlier hearings and agreed to comply the property.

Mr. Jolly advised the Board they could either take no action and schedule a status hearing for May or make a finding of non-compliance and start fines that would run against the owner.

Mr. Saunders asked if the notice for next month's status hearing should include the language that the Board could impose fines on the property. Mr. Jolly agreed and said he would work with Ms. Hair on the notice language.

Motion made by Mr. Saunders, seconded by Ms. Mayers, to schedule a status hearing for May. In a roll call vote, motion passed 4 – 1 with Ms. Dowdy opposed.

Det. Maniates would inform the Board in May about calls for service to the property.

5. **Case Number 09-12-04**
3071 South West 2 Court
Residence
Owner: Ralph Holmes

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- **Notice of Status Hearing**

[This item was heard out of order]

Det. Maniates informed the Board that the property owner, Mr. Ralph Holmes, had been notified of the hearing on March 23, 2010.

Det. Maniates announced that in the past 30 days there had been no calls for service to the property. Det. Maniates stated based upon the facts of the past 30 days, the property was in compliance. He recommended a status hearing in July.

6. **Case Number 10-01-01**
844 Northwest 10 Terrace
One Stop Shop

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- **Notice of Status Hearing**

Det. Maniates stated the owner had received notice of the hearing on March 27, 2010 and was present.

Det. Maniates announced that in the past 30 days there had been 4 calls for service to the property, 1 of which was nuisance abatement related. Two of the calls had been initiated from the store regarding individuals trespassing on the property. One arrest had been initiated by a Police Detective who had witnessed a cocaine transaction.

Det. Maniates had visited the property several times in the past month and the owner had posted metal No Trespassing signs on both buildings. Det. Maniates presented photos of the signs to the Board and described where they were located. He stated the outside lights had also been repaired and video surveillance tapes for the past 30 days were available to him. Det. Maniates had contacted neighboring businesses and informed them they could no longer park their vehicles on this property and the businesses had complied with this request. Det. Maniates had verified the zoning requirements with Mohammed Malik from Zoning, who confirmed the property was in compliance.

Det. Maniates found the property to be in full compliance and recommended a status hearing in May.

At the March 11 meeting, the Board had made requests regarding the property across the street. Det. Maniates had determined the apartments were federally owned and could therefore not be pursued for nuisance abatement. A trespass affidavit was on file but no signs were posted. There had been 22 calls for service to the property in a three-month period, with none nuisance related. Det. Maniates had been in contact with the property manager, Charlene Williams, who agreed to post the trespassing signs and requested to meet with him the following week to discuss issues at the property. She had also provided him confidential information regarding active apartments in the complex.

Mr. Walker had not determined if there were separate occupational licenses for the separate businesses on the site. He was not sure that federally-owner property could avoid prosecution for minimum housing code violations. He agreed to research the occupational licenses and report back to the Board next month.

Mr. George Makhoul reiterated that the property was in compliance. He said he had worked with the towing company and Det. Maniates to remove the vehicles that were parked on his property from the business across the street.

Mr. Saunders asked if three cameras had been added, which had been included in the amended order. Det. Maniates had not checked on this, but agreed to do so. He said all other items were in compliance and recommended a status hearing in May.

Ms. Dowdy noted the apartment building's proximity to a school and asked about the penalties for dealing drugs close to a school. Det. Maniates did not know the exact distance that Ms. Dowdy was referring to and agreed to report back to the Board regarding this.

**7. Case Number 10-03-02
2217 South Federal Highway
Advanced Massage Therapy**

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• Notice of Evidentiary Hearing

Mr. Walker stated the attorney for the tenant was present, he was in complete agreement with everything the City wanted. He added the property was in compliance as of that evening. The officers involved were involved in an undercover investigation and had left the meeting. Mr. Walker had informed the tenant, the attorney and the owner that the Police reports would be moved into evidence and the Board would declare the property a nuisance and maintain jurisdiction for one year.

Mr. Walker moved the Police reports from October 28, 2009, December 2, 2009 and February 25, 2010 into evidence.

Det. Maniates stated the property owner was the Sultan Family Ltd Partners and Fred Sultan was present. The business owner was Jared Fetko, who was also present. Det. Maniates reported the Sultan Family Ltd had received notice of this meeting on April 1, 2010 and Mr. Fetko had received legal notice on April 5, 2010. On April 1, 2010, Det. Maniates had received a call from Mr. Sultan informing him that the business had been sold to Mr. Fetko in January 2010.

Det. Maniates reported there had been three Police calls for service from October 28, 2009 to April 5, 2010, all of which were nuisance related. Three nuisance related arrests had been made. On October 28 2009, December 2, 2009 and February 25, 2010, arrests had been made for prostitution on the property. Det. Maniates presented photos of the property to the Board and stated the following Police recommendations:

1. The owner will display and provide copies to the Nuisance Abatement Board, all current licenses (City and business licenses) and Department of Health license for both the business and massage therapists.
2. The owner will require all massage therapists employed by the business to be licensed by the State of Florida.

3. The owner will clearly display, within ten (10) days and for the duration of jurisdiction, both in the front and back of the business in the window, a sign measuring 16"x20" stating that the property is under the jurisdiction of the Nuisance Abatement Board and is being monitored by the Fort Lauderdale Police Department.
4. The investigative costs total a dollar amount of **\$328.60**. The owner(s) is assessed 50% of this amount, which equals (\$164.30). This cost is to be paid prior to the May Nuisance Abatement Board Meeting (May 13, 2010). If no meeting occurs in May, then prior to the next scheduled Nuisance Abatement Board Meeting. The Board will waive the remaining balance (\$164.30) 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% (\$164.30) of the investigative costs will be assessed.
5. 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.
6. The owner will appear before the Nuisance Abatement Board at the May 13, 2010 Nuisance Abatement Meeting (or, if no meeting occurs at the succeeding Nuisance abatement meeting) for a Status Hearing.
7. The Nuisance Abatement Board will retain jurisdiction over the property for a period of (1) year, April 10, 2011.

Mr. Sultan and Ms. Kristina Duhaney, attorney for the tenant, accepted the Police reports dated October 28 2009, December 2, 2009 and February 2, 2010 into evidence.

Motion made by Mr. Gatano, seconded by Ms. Mayers, to accept the Police reports, to find the property was a nuisance as defined and to order that the recommendations be accepted and contained in an order. In a roll call vote, motion passed 5 – 0.

Ms. Duhaney said the tenant had just taken over the business and the 2009 prostitution charges predated his ownership of the property. The person arrested for prostitution in February had been fired. The owner was willing to do whatever was necessary to make sure that the nuisance abatement sign did not stay in the window for longer than necessary. The owners were willing to accept jurisdiction and try to comply with the Board's directions.

Mr. Walker explained that a 16 X 20 sign would be installed stating the property was

under the jurisdiction of the Nuisance Abatement Board and was being monitored by the Fort Lauderdale Police Department. Ms. Hair explained she was working with the owner to see if the City could provide the sign so it could display the City logo.

8. Board Discussion

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Mr. Saunders asked the status of having Team Alliance come to address the Board. Mr. Walker apologized for not having new information regarding this and would report back to the Board next month.

Mr. Walker reported there had been a trial that morning regarding the Sistrunk Market. He said the issue was that in common areas, trespass laws required certain things. The defendant had been found not guilty because the Officer had never inquired if he was a guest of an upstairs tenant.

Chair Fling asked what became of the defendants in the Advanced Massage Therapy case. Mr. Walker reported that two of the masseuses had no prior arrests and had paid the fines and gone through the diversion program. Chair Fling suggested Mr. Walker get some publicity about the arrests and the fact that the Nuisance Abatement Board had taken action.

Mr. Adrienne Reese, President of the Broward Human Trafficking Coalition, reported that Fort Lauderdale was one of the top destinations for import and export for domestic minor sexual trafficking and prostitution. She provided the Board with Health and Human Services Campaign information and remarked that Nuisance Abatement could assist law enforcement in the long term. Ms. Reese informed the Board that human trafficking was the second most lucrative criminal enterprise. She commended the Board for the work they were doing and invited them to attend a Broward Human Trafficking Coalition meeting on April 13 from 10 a.m. to 12 noon at the Central Regional Broward Park at Sunrise Boulevard and 441. Ms. Reese offered to make presentations to the Board and Citizens Crime Alert in the future.

Thereupon, with no additional business to come before the Board, the meeting adjourned at 8:44 PM.

The Board's next meeting was scheduled for May 13, 2010.