

**CITY OF FORT LAUDERDALE  
 NUISANCE ABATEMENT BOARD MINUTES  
 CITY HALL, CITY COMMISSION CHAMBERS, 1<sup>ST</sup> FLOOR  
 100 NORTH ANDREWS AVENUE  
 THURSDAY, MAY 13, 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	3	0
D. Ryan Saunders, Vice Chair	P	3	0
Louise Dowdy	P	3	0
Sal Gatanio	A	2	1
Pat Mayers	P	2	1
Matthew Scott, Alternate	P	2	1
Tom Wolf, Alternate	A	2	1

**Staff Present**

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

**Communication to the City Commission**

None

**Index**

	<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
1.	09-05-03	200 West Sunrise Blvd. - Star Food Mart	<a href="#">2</a>
2.	10-01-01	844 Northwest 10 Terrace - One Stop Shop	<a href="#">3</a>
3.	10-03-02	2217 South Federal Highway – Advanced Massage	<a href="#">4</a>
4.	10-05-03	1220 Northwest 3 <sup>rd</sup> Street – Residence – Jason Brown, owner	<a href="#">4</a>
		Board Discussion	<a href="#">6</a>

**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 April 2010**

Two Board members had not received copies of page 5 of the minutes. Ms. Hair read page 5 aloud.

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

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

[Index](#)

- **Notice of Status Hearing**

Det. Maniates informed the Board that the property owner had been notified of the hearing on April 21, 2010.

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. He explained that the nuisance case related to an undercover buy on April 9.

Det. Maniates reported the tenant had moved out and the owner informed him that they would renovate the store and explore options for a new business to move in. Det. Maniates had notified patrol of the situation so they could increase patrols at the location. He recommended a status hearing in June, and noted the Board's jurisdiction ended on June 17.

Det. Maniates showed photos of the property taken on April 12 to the Board.

Ms. Linda Saunders, owner, reported they were renovating the property in anticipation of a new convenience store. They were also seeking funding from the City to improve the property's appearance. Ms. Saunders said she would attend the May neighborhood meeting to make them aware of the situation.

Mr. Saunders thanked Ms. Saunders for her efforts at the property. Ms. Mayers thanked Ms. Saunders and said she was concerned that one of the past two tenants would move back in. Ms. Saunders said this would not happen; her husband intended to apply for licenses himself and oversee whatever business came in.

Det. Maniates informed Chair Fling that there were no fines pending at the property.

Mr. Saunders wanted to ensure that Ms. Saunders was on their next agenda. Ms. Saunders stated she wanted to come back to the Board to update them on the status of the property after jurisdiction ended.

**5. Case Number 10-01-01**  
**844 Northwest 10 Terrace**  
**One Stop Shop**  
• **Notice of Status Hearing**

[Index](#)

Det. Maniates stated the owner had received notice of the hearing on April 22, 2010 and was not present. Det. Maniates said he had been in regular phone contact with the owner. The business owner, Nabil Khazem, was present.

Det. Maniates announced that in the past 30 days there had been 12 calls for service to the property, 3 of which were nuisance abatement related. One call concerned a defendant's retrieving drugs from an adjacent apartment complex, and the exchange had taken place in the parking lot of 844 Northwest 10<sup>th</sup> Terrace. The second call was initiated by the SCU detective who had deployed his drug canine and found a bag of cannabis under an old tire. The third call was generated by the store clerk and resulted in the discovery of a bag of cannabis on an individual who was loitering in the parking lot.

Det. Maniates said he had been working closely with the property owner, and the business owner was present to discuss the additional cameras that had been talked about at the previous meeting. The property was complied and Det. Maniates recommended a status hearing for June.

Det. Maniates had determined that the property was approximately 500 feet from a school, so the penalties for the drug offenses would be enhanced.

Mr. Walker had researched the occupational licenses, and discovered the businesses were appropriately licensed.

Det. Maniates recommended a status hearing in June.

- 6. Case Number 10-03-02** [Index](#)  
**2217 South Federal Highway**  
**Advanced Massage Therapy**  
• **Notice of Status Hearing**

Det. Maniates stated the owner had received notice of the hearing on April 28, 2010. The business owner, Jared Fetko, had received legal notice of the meeting on April 30, 2010.

Det. Maniates announced that in the past 30 days there had been 0 calls for service to the property. The property was now in compliance and Det. Maniates showed photos of the posted signs and recommended a status hearing for June.

Det. Maniates confirmed that the fine had been paid.

- 7. Case Number 10-05-03** [Index](#)  
**1220 North West 3<sup>rd</sup> Street**  
**Residence**  
**Owner: Jason Brown**  
• **Notice of Evidentiary Hearing**

Det. Maniates reported the owner had received legal notice of the hearing on May 13, 2010 and was present.

Det. Maniates announced that in the past 6 months there had been 16 calls for service to the property, 5 of which were nuisance abatement related. There had been two arrests for possession of cocaine with intent to deliver and two arrests for delivery of cocaine. There had been a total of six incidents, some involving the same people more than once.

Det. Maniates had met with the owner, Mr. Jason Brown, twice to discuss issues on his property of which the owner was aware. They had also briefly discussed the Police recommendations. Mr. Brown seemed very cooperative and was already taking steps to complete some of the recommendations. Det. Maniates showed photos of the property to the Board. Det. Maniates stated there were three apartments at the property.

Police Recommendations:

1. The owner will adopt the Lease Addendum and Permitting Eviction for Drug Related Activities for all new tenants and renewals.
2. 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.
3. The owner will conduct a criminal records check of each tenant prior to renting the residence.
4. Only tenants and people listed as occupants may reside in the premises.
5. The owner will maintain and keep in good working order all exterior lighting (according to all City of Fort Lauderdale Code requirements) eliminating any dark areas prior to the June Nuisance Abatement Board Meeting (June 10, 2010) if no meeting occurs in June 2010 then this should be completed by June 15, 2010.
6. The investigative costs total a dollar amount of \$836.34. The owner(s) is assessed 50% of this amount, which equals (\$418.17). This cost is to be paid prior to the June 10, 2010 Nuisance Abatement Board Meeting. If no meeting occurs in June, then prior to the next scheduled Nuisance Abatement Board Meeting. The Board will waive the remaining balance of (\$418.17) 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% (\$418.17) of the investigative costs will be assessed.
7. 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 \$250.00 per day, will be imposed for each day of non-compliance.
8. The owner will appear before the Nuisance Abatement Board at the June 10, 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 one (1) year May 2011

Mr. Brown did not wish to contest any of the Police reports. He asked to have FPL install spotlights on telephone poles to satisfy the lighting requirement, and Mr. Walker

agreed to change the language in item 5 to: "The owner will contract with FPL for placement of the lighting to eliminate any dark areas..." Mr. Brown said he would look into having FPL install three lights to illuminate the property. Det. Maniates felt this would help tremendously for Police enforcement. Mr. Brown described the three tenants, and stated he believed one was about to lose her Section 8 voucher and her children due to the bad condition of the apartment.

Mr. Brown stipulated to the Police recommendations, with Mr. Walker's amendment of number 5.

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

**Motion** made by Ms. Mayers, seconded by Mr. Saunders, to accept the Police recommendations, with Mr. Walker's amendment of number 5 that FPL would install the spotlights. In a roll call vote, the motion passed 5 - 0.

The case would be scheduled for a status hearing in June.

## 8. Board Discussion

[Index](#)

Mr. Walker presented John Quinton, Project Director for the Teen Alliance Coalition. Mr. Quinton said some cities had very strong drug paraphernalia ordinances. He had suggested that the proposed ordinance include additional items that could be used for illegal substance use. Mr. Quinton agreed to give a Power Point presentation in June regarding these items. He said the Teen Alliance had surveyed 30 stores and discovered that all of them sold some items that could be used to ingest drugs. Mr. Quinton believed that Fort Lauderdale should take action on this issue.

Mr. Quinton said some of the worst shops regarding this issue were located in the beach area. He said other areas had informed shops that if they were licensed to sell paraphernalia, it should not be sold in places where children recreate, or where they walked to school. Mr. Walker said the T-shirt shop next to the Elbow Room had been notorious for selling drug-related items. Citizens had been asking the City for years to ban these products, but they had opinions indicating they could not. Mr. Walker said the Board wanted Mr. Quinton to identify products the Board could tell stores not to sell.

Mr. Jolly said because there was a link between the sale of the items and the drug activity, the Board could make a legitimate requirement to prohibit the sale of these items "in the right setting, with the right case, with the right violations."

Mr. Quinton informed the Board that the Florida legislature had recently passed a paraphernalia bill, and it would be a start if municipalities would enforce this. Mr. Quinton said they were at a point where they would begin to contest the licenses of businesses selling these items.

Mr. Saunders asked Mr. Quinton to meet with Det. Maniates to identify some additional items the Board could include in their orders. Mr. Walker agreed to provide Board members with a copy of the paraphernalia bill.

Mr. Fling said this was the third time officers had not shown up for an evidentiary hearing. Det. Maniates said he had the officer on the radio and had informed him he was not needed after the owner stipulated to the Police reports. Mr. Jolly said this was not uncommon in litigation settings. He noted that it was a significant expense to the City for an officer to attend. He recommended against having officers attend until and unless they were needed.

Mr. Jolly proposed that when the Board had an evidentiary hearing on their agenda, it would be announced that the officers were on call.

Thereupon, with no additional business to come before the Board, the meeting adjourned at 8:02 PM.

The Board's next meeting was scheduled for June 10, 2010.

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