

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, JULY 8, 2010, 7:00 P.M.**

<u>Members</u>	<u>Attendance</u>	Cumulative Attendance 3/2010 through 2/2011	
		<u>Present</u>	<u>Absent</u>
Ted Fling, Chair	P	5	0
D. Ryan Saunders, Vice Chair	P	4	1
Louise Dowdy	P	5	0
Sal Gatanio	P	4	1
Pat Mayers	A	3	2
Matthew Scott, Alternate	P	3	2
Tom Wolf, Alternate	P	3	2

Staff Present

Joyce Hair, Board Clerk
 Bruce Jolly, Board Attorney
 Det. Paul Maniates
 Scott Walker, Assistant City Attorney
 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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2.	10-05-03	1220 Northwest 3 Street – Residence – Jason Brown, owner	2
3.	10-01-01	844 Northwest 10 Terrace - One Stop Shop	3
4.	10-03-02	2217 South Federal Highway – Advanced Massage	3
5.	10-06-04	500 Northeast 13 Street, Business Plaza	4
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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 June 2010

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

**4. Case Number 09-12-04
3071 Southwest 2 Court
Residence
Owner: Ralph Holmes**

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- **Notice of Status Hearing**

Det. Maniates informed the Board that the property owner had been notified of the hearing on May 16, 2010 and was present.

Det. Maniates announced that in the past 30 days there had been no calls for service to the property. He explained there were no problems with the property and the owner was complying. Det. Maniates recommended a status hearing in October 2010.

**5. Case Number 10-05-03
1220 Northwest 3rd Street
Residence
Owner: Jason Brown**

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- **Notice of Status Hearing**

Det. Maniates reported the property owner had received legal notice of the hearing on June 16, 2010 and was present.

Det. Maniates announced that in the past 30 days there had been four calls for service to the property, none of which was nuisance related. Det. Maniates said the property was in compliance and recommended a status hearing in October 2010. he reported the tenant who had been the problem was scheduled to move out at the end of July.

Mr. Jason Brown, property owner, reported the fence was almost completed.

Det. Maniates agreed to confirm the distance of the property from Jack and Jill Nursery and the Little Red Schoolhouse and report back to the Board.

- 6. Case Number 10-01-01** [Index](#)
844 Northwest 10 Terrace
One Stop Shop
- **Notice of Status Hearing**

Det. Maniates stated the property owner had received notice of the hearing on June 21, 2010 and was not present. The business owner, Nabil Khazem, was present.

Det. Maniates announced that in the past 30 days there had been 18 calls for service to the property, none of which was nuisance related. The property was in compliance and Det. Maniates recommended a status hearing for August 2010.

Mr. Khazem explained that if someone stayed in the store more than five or ten minutes and refused to leave, he would call the Police

- 7. Case Number 10-03-02** [Index](#)
2217 South Federal Highway
Advanced Massage Therapy
Owner: Sultan Family Ltd. Partners
- **Notice of Status Hearing**

Det. Maniates stated the property owner had received notice of the hearing on June 19, 2010. The business owner, Jared Fetko, had received legal notice of the hearing on July 3, 2010 and was present.

Det. Maniates reported that shortly after the previous hearing, the sign had been removed from the rear of the business, per the Board's order.

Det. Maniates announced that in the past 30 days there had been no calls for service to the property. The property was in compliance and Det. Maniates recommended a status hearing for August 2010.

Mr. Fling asked about business activity in the past 30 days. Ms. Kristina Duhaney, the business owner's attorney, reported that there had been a 30% increase in revenue

since the sign was removed. Mr. Jason Fetko, business owner, stated the hours of operation were now 10:00 a.m. until 10:00 p.m.

Mr. Gatano wanted to see proof that business had declined 80% when the signs were installed and improved 30% when the rear sign was removed. Mr. Jolly said decrease or increase of business activity was not the Board's concern unless it was somehow related to the nuisance issue. He discouraged the Board from requiring proof, and was unsure the Board had the power to compel this information.

**8. Case Number 10-06-04
500 Northeast 13 Street
Business Plaza**

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• **Notice of Evidentiary Hearing**

Det. Maniates stated the property owners had received notice of the hearing on June 24, 2010 and were present.

Det. Maniates announced that in the past 120 days there had been 37 calls for service to the property with 7 being nuisance related. There were two felony arrests for delivery of cocaine, one felony arrest for possession of cocaine with intent to deliver, three arrests for prostitution and one arrest for possession of cannabis under 20 grams. Det. Maniates had spoken with one of the owners, Mr. Vilamar Julme, to discuss the problems at the property and the Police Recommendations. Det. Maniates showed photos of the property to the Board.

Mr. Walker said Mr. Julme had agreed to all of the Police recommendations. Mr. Walker explained that Mr. Julme was informing the other owner, Ms. Examine Saint-Louis, about what was in the recommendations, since Ms. Saint-Louis spoke little English. According to Mr. Julme, neither he nor Ms. Saint-Louis was contesting the allegations on the property. Mr. Jolly confirmed that the Board could continue with the case. Mr. Julme stated Ms. Saint-Louis, his sister, understood.

Mr. Walker moved the Police reports into evidence and Mr. Julme did not contest these. The Board agreed to accept the Police reports. Mr. Walker described the Police recommendations for the Property and asked that they be adopted.

Police Recommendations:

1. The owner will maintain a trespass affidavit 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 and install lighting on west side of the building (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 owner will clearly display, within ten (10) days and for the duration of jurisdiction, in the front 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.
8. The investigative costs total a dollar amount of \$942.36. The owner(s) is assessed 50% of this amount, which equals (\$471.18). This cost is to be paid prior to the August Nuisance Abatement Board Meeting (August 12, 2010). If no meeting occurs in August, then prior to the next scheduled Nuisance Abatement Board Meeting. The Board will waive the remaining balance (\$471.18) 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% (\$471.18) of the investigative costs will be assessed.
9. 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.
10. The owner will appear before the Nuisance Abatement Board at the August 12, 2010 Nuisance Abatement Meeting (or, if no meeting occurs at the succeeding Nuisance abatement meeting) for a Status Hearing.
11. The Nuisance Abatement Board will retain jurisdiction over the property for a period of (1) year, July, 2011.

Mr. Gatano said tenants had removed the trespassing signs, and drug dealers and prostitutes had destroyed property and signs, and the owner had not replaced them. Mr. Julme said he understood he was responsible to maintain the signs and could be fined if they were not maintained.

Mr. Gatano said when businesses were closed, peddlers congregated on the corner of 13 Street and 5 Avenue and attracted "a wild group." Det. Maniates confirmed this was a location with several drug transactions. He stated he would visit the businesses to inform them about the items they could not sell on the property.

Mr. Julme stated only the beauty parlor had a lease; all other tenants were on a month-to-month basis. He confirmed there was a building manager. Mr. Gatano suggested installing a spotlight on the 5 Avenue side of the building. Mr. Julme agreed to this.

Mr. Jolly suggested amending Recommendation 4 to include that a light must be added to the northwest corner of the building facing Northeast 5 Avenue.

Mr. Julme confirmed that two spaces were unoccupied now and the store would leave at the end of the month.

Det. Maniates agreed to work with Mr. Julme to get metal trespassing signs on the property to prevent their removal.

Motion made by Mr. Gatano, seconded by Mr. Saunders, to find the property was in violation and was a nuisance, and to accept the Police recommendations, modifying number four to include a light on the northwest corner of the building. In a roll call vote, motion passed 5 – 0.

Mr. Walker advised Mr. Julme to return for the August 12 hearing.

9. Board Discussion

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Mr. Walker said Mr. Quinton could not be present this evening, but he had discovered that the law Mr. Quinton was proposing had already been passed by the Florida Legislature. Mr. Saunders said there was a list of items on page two, and asked if the City could add these to their recommendations. Mr. Jolly said they could use this as a “laundry list.”

Thereupon, with no additional business to come before the Board, the meeting adjourned at 7:43 PM.

The Board’s next meeting was scheduled for August 12, 2010.