

**CITY OF FORT LAUDERDALE  
 NUISANCE ABATEMENT BOARD MINUTES  
 CITY HALL, CITY COMMISSION CHAMBERS, 1<sup>ST</sup> FLOOR  
 100 NORTH ANDREWS AVENUE  
 THURSDAY, OCTOBER 14, 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	7	0
D. Ryan Saunders, Vice Chair [7:02]	P	6	1
Louise Dowdy	P	7	0
Sal Gatanio	P	6	1
Pat Mayers	A	4	3
Matthew Scott, Alternate	P	5	2
Tom Wolf, Alternate	P	4	3

**Staff Present**

Joyce Hair, Board Clerk  
 Bruce Jolly, Board Attorney  
 Det. Paul Maniates  
 Scott Walker, Assistant 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 <sup>rd</sup> Street – Residence	<a href="#">2</a>
3.	10-01-01	844 Northwest 10 Terrace - One Stop Shop	<a href="#">3</a>
4.	10-03-02	2217 South Federal Highway – Advanced Massage	<a href="#">4</a>
5.	10-06-04	500 Northeast 13 Street, Business Plaza	<a href="#">5</a>
6.	10-09-05	217 Southwest 19 <sup>th</sup> Avenue	<a href="#">6</a>
		Board Discussion	<a href="#">7</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 7:00 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.

**Witnesses were sworn in.**

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

[At 7:02 Mr. Saunders arrived]

**Motion** made by Ms. Dowdy, seconded by Mr. Saunders, to approve the minutes of the Board's August 2010 meeting. In a voice vote, the motion passed unanimously.

Det. Maniates explained Ms. Mayers had undergone heart surgery and would be unable to serve on the Board for an extended period of time. Mr. Saunders asked if Ms. Mayers would be automatically resigned from the Board for her absences. Mr. Jolly said this would be for the Commission to decide.

**4. Case Number 09-12-04**

**3071 SW 2<sup>nd</sup> Court**

**Residence**

**Owner: Ralph Holmes**

- **Notice of Status Hearing**

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Det. Maniates stated the property owner had received notice of the hearing on October 5, 2010 and was in attendance.

Det. Maniates announced that in the past 30 days there had been one call for service to the property, which was not nuisance related. The owner had one more payment of \$68.08 to make. The property was in compliance and Det. Maniates recommended a status hearing for December 2010. This should be the last appearance because jurisdiction on the property ended on January 11, 2011.

**5. Case Number 10-05-03**

**1220 NW 3<sup>rd</sup> Street**

**Residence**

**Owner: Jason Brown**

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- **Notice of Status Hearing**

Det. Maniates stated the property owner had received notice of the hearing on September 22, 2010. He had advised Det. Maniates he would attend the meeting but was not yet present.

Det. Maniates announced that in the past 30 days there had been one call for service to the property, which was not nuisance related. The property was in compliance and Det. Maniates recommended a status hearing for January 2011.

Det. Maniates displayed a photo of the new fence the owner had recently installed. He stated there was a no trespassing sign on the property and the property had been cleaned up.

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

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- **Notice of Status Hearing**

Det. Maniates stated George Makhoul, the property owner, had received notice of the hearing on September 17, 2010. The business owner, Nabil Khazem, was present.

Det. Maniates announced that in the past 30 days there had been 8 calls for service to the property, one of which was nuisance related. He explained that the one call was in reference to a misdemeanor for possession of cannabis and a notice to appear had been issued to that defendant. Det. Maniates had spoken with the owner several times and he was addressing the situation with the tenants in the two bays where the arrest had been made.

Det. Maniates had looked into locating the SkyWatch tower at this property pursuant to the Board's request at their previous meeting but Capt. Wheeler had informed him that the property was too small.

Det. Maniates stated the property was complied and recommended a status hearing in December 2010.

Mr. Gatano asked about the other calls for service to the property and Det. Maniates replied four of these had been suspicious incidents and two had been disturbances. Mr. Makhoul said he had called to report activity at the property.

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

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Det. Maniates stated the property owner had received notice of the hearing on September 17, 2010.

Det. Maniates announced that in the past 30 days there had been one call for service to the property, which was not nuisance related. This call had been made by the business owner to report possible larceny. The property was in compliance and Det. Maniates recommended a status hearing for December 2010.

Mr. John Fetko, business owner, said the larceny call related to “some little boy keeps coming in, stealing candy” and he wanted to “put a stop to his life of crime, nip it in the bud.” Mr. Fetko said he had waited over an hour at the Police station but had left without speaking to anyone about the larceny.

Mr. Fetko asked if the sign could be removed because his business was suffering. Det. Maniates explained the rear sign had already been removed; only the sign facing Federal Highway remained.

Chair Fling wondered why Mr. Fetko had gone in person to the Police Department; Mr. Fetko stated he had brought video from his surveillance system. Mr. Walker explained that to file a complaint with video, the complainant must sign the complaint in front of a notary at the Police Department.

Mr. Saunders noted there had been no nuisance related calls for service to the property in two months.

**Motion** made by Mr. Saunders, seconded by Mr. Gatano, to modify the order to allow removal of the sign from the front of the property.

Mr. Jolly pointed out the Board could amend the order again to require the sign to be replaced if there were calls to the property.

In a roll call vote, motion passed unanimously.

- 8. Case Number 10-06-04**  
**500 Northeast 13 Street**  
**Business Plaza**  
**Owners: Villamere Julme and Examene Saint-Louis**
- **Notice of Status Hearing**

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Det. Maniates stated the property owner had received notice of the hearing on September 27, 2010.

Det. Maniates announced that in the past 30 days there had been seven calls for service to the property, one of which was nuisance related. The nuisance call had been a narcotics purchase. Det. Maniates had spoken with the owner several times in the last month to make sure the lighting issue was taken care of and the trespass signs had been placed on the east and west sides of the building. There had been issues with vandals breaking lights on the west side of the building and Det. Maniates displayed photos of the cage that protected the lights and said these must also be installed on the east side. Det. Maniates had also discussed installing brighter lights in the fixtures.

Det. Maniates said the owner had been contacted by a Miami attorney regarding Americans with Disabilities Act issues at the property. The attorney helped the owner put information together and then said if the owner gave the attorney \$950 "everything will go away." Mr. Gatano said this was a scam that was happening to many businesses on 13<sup>th</sup> Street and NE 4<sup>th</sup> Avenue. Det. Maniates said he intended to contact the attorney.

Det. Maniates stated the property was in compliance and recommended a status hearing for December.

Ms. Dowdy asked if arrests were being made within 1,000 feet of a church. Det. Maniates confirmed that if arrests were made within 1,000 feet of a church, the charge would be increased. He agreed to look into this.

Mr. Gatano said he had driven by the property several times and the lights were not working and there was still loitering around some of the shops. Mr. Saunders agreed, and said the lights had not been on when he drove by the property this evening. Det. Maniates said he and Ms. Hair had driven by the property earlier that day and the lights had been on.

Mr. Julme said the lights had been expensive. He was having other problems with the City regarding the building and had put it up for sale. Det. Maniates informed the Board that there were problems in the area that they were developing a plan to address. Mr. Gatano said this business was the only business on that street with drug activity every

day. He said the Board had heard every excuse for the past three months for the lights not being on. Det. Maniates said the owner was working with him and was trying.

Mr. Jolly reminded the Board that their actions should be based on evidence, not personal observations. He stated the Board's requirements were devised to bring the property into compliance. It had been testified that this property was now in substantial compliance and Det. Maniates had recommended a status hearing. Mr. Jolly reminded the Board that it was not illegal to congregate and they did not know that the people congregated here were drug dealers. Mr. Gatano stated this property was the "epicenter of the criminal activity on 13<sup>th</sup> Street." He said the property was the source of many complaints. Mr. Jolly said the lights might not be a solution to the problem but they would satisfy the requirements imposed on the owner. Mr. Saunders suggested Mr. Julme attend the next crime meeting and he could work with the community.

**9. Case Number 10-09-05**

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**217 SW 19<sup>th</sup> Avenue**

**Residence**

**Owners: Luby and Bruce Hargrett**

- **Notice of Evidentiary Hearing**

Det. Maniates stated the property owner had received notice of the hearing on April 1, 2010.

Det. Maniates announced that in the past 90 days there had been six calls for service to the property, three of which were nuisance related and included a search warrant executed on July 1, 2010. In April, the Police Department Narcotics Unit had received a complaint regarding heavy traffic and possible narcotics related issues at the property.

Mr. Walker said the Hargretts wished the case to be continued so they could consult with an attorney.

Ms. Hargretts stated she wanted to appear with her attorney. Mr. Walker said Mr. Hargrett had just spoken with his attorney, who advised him he could not be present and to request a continuance.

Mr. Jolly said he had some concerns about Mr. Hargrett's ability to adequately represent himself because there were pending criminal charges against him. This presented due process issues. Mr. Jolly said there was good cause for the Board to continue the case and wait for the attorney to appear.

**Motion** made by Mr. Saunders, seconded by Mr. Gatanio to continue the case to the Board's December meeting. In a roll call vote, motion passed unanimously.

## 10. Board Discussion

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Chair Fling read into the record a letter from the City to Ms. Dowdy stating a tree would be planted in her honor at the annual Old School Reunion at Carter Park on October 30 and requesting her presence for the event. Chair Fling congratulated Ms. Dowdy.

Chair Fling asked how fines were calculated. Det. Maniates explained these were outlined in the Standard Operating Procedures manual. Ms. Hair stated each case was different, depending on what the report stated they used. Chair Fling compared fines for different cases and wondered why they were so different. Mr. Walker and Det. Maniates stated the fines depended on many different factors. Chair Fling asked where the fine money went. Mr. Walker said it went back to the Police Department. Mr. Walker explained that in some cases, the violations took place in an officer's presence and did not entail a lot of surveillance or investigative time. Cases that involved a search warrant were much more time consuming. Chair Fling stated homeowners associations were asking where the money was going.

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 December 9, 2010.

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