

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, FEBRUARY 10, 2011, 7:00 P.M.**

<u>Members</u>	<u>Attendance</u>	Cumulative Attendance 3/2010 through 2/2011	
		<u>Present</u>	<u>Absent</u>
D. Ryan Saunders, Chair	P	9	1
Sal Gatanio, Vice Chair	P	9	1
Louise Dowdy	P	10	0
Matthew Scott	P	8	2
Tom Wolf [7:02]	P	7	3
Richard Schulze, Alternate [7:10]	P	1	0
Cindy Smith, Alternate	P	1	0

Staff Present

Joyce Hair, Board Clerk
 Richard Giuffreda, 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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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.

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 January 2011

Motion made by Mr. Gatanio, seconded by Ms. Dowdy, to approve the minutes of the Board's January 2011 meeting. In a voice vote, the motion passed unanimously.

Cases:

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

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- **Notice of Status Hearing**

Det. Maniates stated the business had received notice of the hearing on 1/22/11. The Business owner, Nabil Khazem, was in attendance.

Det. Maniates announced that in the past 30 days there had been 14 calls for service to the property with two being nuisance related. The two nuisance calls had been made by a store employee regarding several males involved in drug activity. On both calls, Police officers had been unable to locate any individuals involved in anything. The property was in compliance and Det. Maniates recommended a notice of status hearing in March. Jurisdiction would end on March 16, 2011.

Ms. Khazem said they were doing very well and business was improving. He assured the Board he would maintain the property as he had been,.

The property was in compliance and Det. Maniates recommended a status hearing for March 2011.

Mr. Schulze arrived at 7:10.

5. **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 1/22/11.

Det. Maniates announced that in the past 30 days there had been zero calls for service to the property. The property was in compliance and Det. Maniates recommended a status hearing for March 2011. Jurisdiction on the property would end on April 14, 2011.

6. **Case Number 10-06-04** [Index](#)
500 Northeast 13 Street
Business Plaza
Owners: Villamere Julme and Examene Saint-Louis
• **Notice of Status Hearing**

Det. Maniates stated the property owner had received notice of the hearing on 1/22/11. Mr. Villamere Julme, owner, was in attendance.

Det. Maniates announced that in the past 30 days there had been two calls for service to the property, neither of which was nuisance related. There had been two traffic stops at the property. Det. Maniates reported the property was in compliance and recommended a status hearing for March 2011. Jurisdiction would end on 3/16/11.

Mr. Gatano asked the owner how the rear lighting was going. Mr. Julme explained that the corner store operator had installed two lights, one in the rear and one in the front.

7. **Case Number 10-09-05** [Index](#)
217 Southwest 19th Avenue
Residence
Owner: Luby and Bruce Hargrett
• **Notice of Evidentiary Hearing**

Mr. Giuffreda explained the purpose of a Massey hearing: to ensure fairness and to afford the owner due process. The Board could hear testimony and determine if there was a legitimate reason why the property had not complied.

On 1/19/11, Det. Maniates had met with the owner, Luby Hargrett, at the Police Station on Broward Boulevard and provided her the finding of facts, the invoice the notice of status hearing and also two no trespassing signs and the nuisance abatement jurisdiction sign. Det. Maniates said the owner had paid her first fine that was due in January. He remarked Ms. Hargrett was resistant at first but eventually appeared cooperative. She had explained she could not attend the hearing because of her work schedule but would send her daughter.

Det. Maniates had noted on 1/25/11 and 2/1/11 the signs he had provided were not displayed on the property. On 2/2/11, the signs he had provided were mounted on the house but were not visible from the street. Det. Maniates had suggested the signs be mounted over the garage door, but Ms. Hargrett had been uncooperative and said she would not mount them on her fence, but she had later stated she would put the signs in a better location. On 2/4/11 and 2/9/11 Det. Maniates had visited the property and not seen the signs posted. On 2/2/11 he visited the property and the owners showed him the signs were posted inside the windows below hedge level so they were not visible from the street. Mr. Hargrett advised he was painting the house and when this was finished, he would discuss a better location for the signs. Det. Maniates stated all recommendations other than the signs had been met.

Det. Maniates displayed photos of the property showing where the signs had been put up on his various visits. He then showed where he had suggested the signs should be installed.

Det. Maniates recommended giving the Hargretts until February 16 to properly display the signs. He also recommended a notice of status hearing in March. Det. Maniates said the property was technically in compliance and the fine was paid up to the current due date. Ms. Hair confirmed that the January fine had been paid on January 18.

Mr. Giuffreda said the purpose of the hearing was to ensure the owner due process, but given Det. Maniates' recommendation to allow until February 16 to comply, the Hargrett's attendance this evening was not critical. He recommended the owners be noticed that next month's hearing would be a Massey as well. Ms. Hair said she had informed the owner she could send a representative to the meeting.

Mr. Walker said the owners must comply with the requirement to install the City-supplied signs so they could be seen from the street. Mr. Gatano said the order stated the signs must be "clearly" displayed, which they were not. Mr. Saunders noted the owner had not been in compliance with the fine payment at the previous meeting.

Det. Maniates said the Hargrett's daughter had informed him her parents wanted to re-install the signs on the top part of the window, if this was permissible. He said the

owner had indicated she would remove the fence, in which case there would be no issue.

Ms. Nancey Gaspard, daughter of the owners, could not say why her parents had not attended or sent a representative to the previous meeting.

Mr. Gatania wanted to specify that the signs be installed on the fence. Mr. Scott noted that the goal was to eliminate nuisance calls.

Mr. Wolf asked if the purpose of the signs was to notify the public that the property was under the Board's jurisdiction or to deter anyone from coming on the property. Det. Maniates said it was a combination of the two.

Motion made by Mr. Scott, seconded by Mr. Wolf, to order the signs be posted by February 16 and to remain. If the signs were not, the Board would order the signs be posted on the fence.

Mr. Giuffreda clarified that this motion was to amend the Board's original order compliance date to February 16 to make the signs clearly visible. If they were not, the March hearing would be a Massey hearing and the Board could proceed with foreclosure. Mr. Walker wished the Board to specify where the signs should be mounted to be clearly visible.

Chair Saunders requested the motion be amended to indicate the nuisance abatement signs must be posted on the house next to the house numbers above the garage, where Det. Maniates had originally advised they should be mounted. Mr. Scott said he had intended his motion to be to continue the case to next month and Mr. Saunders rescinded his amendment.

Mr. Giuffreda stated the motion was to order the owners to come into compliance with the original terms by February 16 and to have a Massey hearing on the case on March 10.

Mr. Walker said if the fence stayed up, the signs must be posted to be clearly visible to a person walking by the property. Ms. Gaspard felt the windows were an acceptable location for the sign. Det. Maniates said the signs must be visible to a person walking by the house; in the window location, the sign could not be seen.

Chair Saunders suggested amending the motion to indicate that the signs must be posted over the garage so they would be clearly visible as stated in the order.

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

Chair Saunders asked Ms. Gaspard to see that the owner(s) appeared at the next hearing.

Board Discussion

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None.

Thereupon, with no additional business to come before the Board, the meeting adjourned at 7:46 PM.

The Board's next meeting was scheduled for March 10, 2011.

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