

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

<u>Members</u>	<u>Attendance</u>	<u>Cumulative Attendance 3/2011 through 2/2012</u>	
		<u>Present</u>	<u>Absent</u>
D. Ryan Saunders, Chair	P	1	0
Sal Gatanio, Vice Chair	P	1	0
Louise Dowdy	P	1	0
Matthew Scott	A	0	1
Tom Wolf	P	1	0
Richard Schulze, Alternate	A	1	1
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>
4.	10-01-01	844 Northwest 10 <sup>th</sup> Terrace – One Stop Shop	<a href="#">2</a>
5.	10-05-03	1220 Northwest 3 <sup>rd</sup> Street -- Jason Brown	<a href="#">2</a>
6.	10-03-02	2217 South Federal Highway – Advanced Massage	<a href="#">3</a>
7.	10-06-04	500 Northeast 13 Street -- Business Plaza	<a href="#">3</a>
8.	10-09-05	217 Southwest 19 Avenue – Luby & Bruce Hargrett	<a href="#">3</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 7:00 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 February 2011**

**Motion** made by Mr. Wolf, seconded by Mr. Gatanio, to approve the minutes of the Board's February 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 owner was George Makhoul and the business had received notice of the hearing on 2/19/11. The Business owner, Nabil Khazem, was in attendance.

Det. Maniates announced that in the past 30 days there had been 15 calls for service to the property with none being nuisance related. Det. Maniates remarked that the calls for service to this property had dropped dramatically in the past year, even though this was a high-drug area. The property was in compliance and Det. Maniates thanked Mr. Makhoul and Mr. Khazem for their efforts to keep the property in compliance. Det. Maniates stated jurisdiction would end on March 16, 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 announced that the owner had received notice of this meeting on 3/9/11.

Det. Maniates stated in the past 30 days, there had been 2 calls for service to the property, neither of which was nuisance related. The property was in compliance and Det. Maniates recommended a status hearing for April 2011.

6. **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 2/28/11.

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 April 2011. Jurisdiction on the property would end on April 14, 2011.

7. **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 2/22/11. Mr. Villamere Julme, owner, was in attendance.

Det. Maniates announced that in the past 30 days there had been no calls for service to the property. Det. Maniates reported the property was in compliance and thanked Mr. Julme for his efforts. Jurisdiction would end on 3/16/11. Det. Maniates said he would continue to monitor the property and assist Mr. Julme if he needed help in the future.

Mr. Gatano informed Mr. Julme that the local community would help him maintain compliance.

8. **Case Number 10-09-05** [Index](#)  
**217 Southwest 19<sup>th</sup> Avenue**  
**Residence**  
**Owner: Luby and Bruce Hargrett**
- **Massey Hearing**

Mr. Giuffreda confirmed that this was a Massey Hearing.

Det. Maniates said notice of the hearing by certified mail had been left at the property but never retrieved by the Hargretts. The findings of fact ordering placement of the signs was unclaimed and returned to the clerk. The March payment of \$141.57 had not been received.

Det. Maniates announced that in the past 30 days there had been no calls for service to the property. On 2/17/11 and 2/22/11 he had inspected and determined that the signs were not placed on the home. On 2/28/11 Det. Maniates had observed the two signs the Board ordered held up by clear tape, unprotected from the weather. Det. Maniates showed photos of the signs from various vantage points, and noted that the signs appeared very faded.

Det. Maniates said the Hargretts had approached him while he was taking the photos and informed him that they were getting a lawyer. They had also yelled obscenities at him. Mrs. Hargrett had indicated she would not attend the meeting due to her work schedule but would pay the fine.

Det. Maniates stated the Board could decide on the status of compliance of this property. He remarked it was becoming "very difficult to work with the property owners." He confirmed the signs had not been posted by the ordered date: 2/16/11.

Mr. Walker believed the signs had probably been blown off by the storm they had experienced earlier in the day. Det. Maniates agreed to check on the signs the following day. Mr. Gatano pointed out that as of now, the property was not complied because the fine had not been paid and the signs had not been posted by the ordered date.

Chair Saunders referred to item 7 on the original Order, which specified if the owner did not comply by the ordered date, the remaining 50% of the investigative costs --f \$1,415.74 -- would be assessed and due. Mr. Giuffreda confirmed that the property was not complied by the 2/16/11 date because the signs had not been installed by then and the owner had not paid the fine, so the fines and costs could be imposed. He noted that the owners had the opportunity to appear to defend themselves but had not.

Ms. Hair said notice from the Post Office had been left at the residence to pick up the notice but the owner had never done so. Mr. Walker advised that in the future, it would be better to mail the notice as well as send notice to go to the post office to pick up the certified mail. Chair Saunders remembered that the owners' daughter had attended the last meeting as their representative, and asked if notice was satisfied by giving the daughter the information regarding the signs, the fine payment, and the request for the

owners to attend this hearing. Mr. Walker said they had to assume the daughter relayed the messages to the owners, but the fine had not been paid and the signs had not been hung properly. Mr. Giuffreda said when they had a recalcitrant respondent, the more ways they provided notice, the better.

Mr. Giuffreda said the Board had jurisdiction, and notice appeared to be valid through the owner's daughter and the City's attempt to send the certified mail, which the owners had chosen not to collect. He said the Board could pass the motion, and if the owners attended the April meeting with an excuse, the Board could modify their Order.

Ms. Hair clarified that the notice to attend this hearing that she had mailed was "still floating around;" the owners had not retrieved it and it had not been returned to the City. The Order from the previous meeting had been returned to her because the owners had not picked it up. Det. Maniates reminded the Board that on February 28, he had personally informed the owners of the date and time for this meeting.

**Motion** made by Mr. Gatania, seconded by Ms. Smith, to declare the property was not in compliance on March 10, 2011, due to the fact that the owners had not paid the fines or mounted the signs as specified in the Order. The Board therefore imposed the remaining investigative costs of \$1,415.74. In a roll call vote, motion passed unanimously.

Chair Saunders said there was a balance of \$1,132.60 for administrative costs already assessed against the owners.

Mr. Gatania did not favor imposing the daily fines because of the investigative costs that had just been assessed. He wanted to wait until April to see if the owners paid any more of the fines or administrative costs. He asked if the Board could later alter the daily fines if the owners made payments and complied the property. Mr. Giuffreda stated this was possible, but once there was a lien, only the City could determine if it was satisfied. Mr. Walker said the Board could assess a \$250 per day fine, and once the owners received this notice, he believed this would get their attention. Mr. Giuffreda advised the Board could move to assess the fines that had accrued from February 17 through March 10.

**Motion** made by Mr. Wolf, seconded by Ms. Smith, to assess the owners a fine of \$250 per day for non-compliance, beginning on March 10, 2011. In a roll call vote, motion passed unanimously.

At 7:46, Det. Maniates announced Mr. Hargrett had just arrived at the meeting.

Mr. Hargrett refused to be sworn in to address the Board, and Chair Saunders advised him to confer with Det. Maniates after the meeting regarding the Board's rulings. Chair Saunders informed Mr. Hargrett that the Board's next meeting was scheduled for April 14, 2011 at 7:00 PM and asked him to be present.

**Board Discussion**

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None.

Thereupon, with no additional business to come before the Board, the meeting adjourned at 7:49 PM.

The Board's next meeting was scheduled for April 14, 2011.

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