

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, OCTOBER 13, 2011, 7:00 P.M.**

<u>Members</u>	<u>Attendance</u>	Cumulative Attendance 3/2011 through 2/2012	
		<u>Present</u>	<u>Absent</u>
D. Ryan Saunders, Chair	P	6	1
Sal Gatanio, Vice Chair	P	5	2
Louise Dowdy	P	7	0
Dale Hoover	P	6	0
Tom Wolf	P	6	1

Alternates

Cindy Smith	A	5	1
Richard Schulze	P	2	0

Staff Present

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

Communication to the City Commission

None

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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 September 2011

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

Cases:

- 4. Case Number 10-09-05**
217 Southwest 19th Avenue
Residence
Owner: Luby and Bruce Hargrett
• **Notice of Status Hearing**

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Det. Maniates stated the property owners had received notice of the meeting on 9/14/11.

Det. Maniates announced that in the past 30 days there had been no calls for service to the property. Det. Maniates had visited the property several times during the past month and found the property to be in compliance. He had also confirmed with Code Enforcement that the hedges could be 10 feet high. Det. Maniates said tonight's would be the final payment from the owner.

Det. Maniates said jurisdiction would end on December 16, 2011, and recommended a status hearing for November 2011.

- 5. Case Number 11-03-03**
426 Northwest 14th Avenue

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Residence

Owner: Lewis Tunnage

- **Notice of Status Hearing**

Det. Maniates stated the property owner, Lewis Tunnage, had received notice of this meeting on 9/14/11 and was in attendance.

Det. Maniates announced that in the past 30 days there had been five calls for service to the property, none of which was nuisance related. He had visited the property several times in the past month and found it to be in compliance. Det. Maniates said the calls had been: two disturbance calls, two traffic calls and one police assist call, which were not a concern.

Det. Maniates recommended a status hearing for November 2011.

6. **Case Number 11-03-02**
414 Northwest 15th Way
Owner: Rosa and Ventura Sorto
• **Notice of Status Hearing**

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Det. Maniates stated the property owner, Ventura Sorto, was in attendance.

Det. Maniates announced that in the past 30 days there had been no calls for service to the property. The owner had not received notice of this hearing; he had not signed for the certified mail, but Det. Maniates had communicated with the owner by phone

On October 3, 2011, Det. Maniates had visited the property and said the units appeared empty but one of the mailboxes was missing and light bulbs from the front fixtures were missing. The owner had advised him he was making the units ready for rental.

Chair Saunders asked Mr. Sorto to maintain contact with Det. Maniates and get the lights repaired.

Det. Maniates reported the property was in compliance and recommended a status hearing for November, 2011.

7. **Case Number 11-08-05**
1704 Northwest 8th Court

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Owner: George Peter

- **Notice of Status Hearing**

Det. Maniates stated the property owner, George Peter, had received notice of this meeting on 9/13/11 and was not 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. He had met with the owner to supply him with the trespassing affidavit and signs, and the owner had advised that he had contacted FPL regarding having a light installed at the front of the complex. Det. Maniates had visited the property earlier in the day and noted the trespassing signs were not in place, so the property was not in compliance. The owner had indicated he would attend the hearing but was not present yet.

The Board agreed to wait until later in the meeting to see if the owner arrived late.

Later in the meeting, the property owner had not arrived, and Det. Maniates confirmed that the signs had not been posted on the building, but the owner had filed the No Trespass affidavit. He could not testify that the signs had never been posted and perhaps removed later on.

Chair Saunders pointed out that the Board had not imposed the administrative costs on this property based on the owner's testimony that he had already complied with the first two recommendations, which included posting the signs. Chair Saunders wanted to impose the costs and assess fines until the property complied.

Motion made by Mr. Hoover, seconded by Mr. Gatano, to find the property was not in compliance and to reinstate 100% of the investigative costs and to begin a \$100 per day fine on 10/13/11, which would continue to accrue until the property was in compliance. In a roll call vote, motion passed 5-0.

8. Case Number 11-09-07
804 Northwest 4th Avenue
Owner: John Derynda

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- **Notice of Evidentiary Hearing**

Det. Maniates stated the property owner, John Derynda, had received notice of this meeting on 10/4/11. He said he had not communicated with the owner since March 2011.

Det. Maniates announced that in the past 8 months there had been 40 calls for service to the property, eight of which were nuisance related. During the second, third and

fourth weeks of February 2011, there had been three cocaine purchases made using a confidential informant. On 3/8/11 a search warrant had been executed and one arrest for possession of cocaine with intent to deliver had been made, as well as possession of ammunition by a convicted felon. On 4/27 and 7/6/11 an arrest had been made for possession of cocaine; on 4/29 an arrest had been made for possession of cocaine with intent to deliver; on 8/8, 8/15, 9/6 and 9/16 a purchase of cocaine using a confidential informant had taken place. On 9/21 an arrest for a cocaine purchase using a confidential informant had taken place.

Det. Maniates presented photos of the property to the Board and said nuisance abatement warning letters had been sent to the owner in response to the 3/8 and 4/29 cases. The owner had acknowledged receipt of the letters and contacted Det. Maniates. He had been very cooperative and Det. Maniates had extended him time to resolve the problems on his own. The owner had intended to evict the occupants. Det. Maniates said two months later the property was again active for narcotics issues and Debra Conyers, who had been arrested for an earlier drug offense at the property and the owner had promise to evict, had been arrested again. In September, a detective had informed Det. Maniates that the people who had caused the problem were gone.

Mr. Walker said the owner would not contest the Police reports and agreed to all of the recommendations. The owner had informed him that a defense attorney for one of the people arrested had kept Mr. Derynda at bay from evicting her. Mr. Derynda had managed to evict the tenant, and was being sued for it, and he was preparing to re-rent the house.

Det. Maniates recommended the Board not take jurisdiction over the property, and wanted to remove the case from the agenda.

Mr. Walker said he was not sure Mr. Derynda had followed the statute completely for the eviction and there was a remote possibility the tenant would be let back into the property as a result of the lawsuit or Mr. Derynda would have to pay her damages.

Mr. Jolly said it was up to Det. Maniates to present a case or pull it from the agenda. Det. Maniates said if the Board wanted to take jurisdiction over the property, he would recommend waiving all costs. Mr. Walker recommended the Board take jurisdiction over the property, maintaining all of the Police recommendations, but hold #7, which related to costs, in abeyance. Det. Maniates agreed with Mr. Walker.

Mr. Derynda said he had tried to cooperate and he had served a three-day notice after the tenant's drug arrest. An attorney from Tribune Legal Services had informed him that the three-day notice was not valid because a judge had withheld adjudication and put the tenant in a drug rehab program; since she was not convicted, he had no right to

evict the tenant. Mr. Jolly and Mr. Walker agreed this was not a valid statement. The same thing had occurred after the tenant's next arrest so Mr. Derynda had not followed through with the three-day notice. Mr. Derynda said after the tenant's last arrest, as soon as the Police returned the property to him, he had removed all appliances, air conditioner and water heater, making the house uninhabitable. This was the basis upon which he was being sued.

Mr. Walker confirmed that he was recommending the property be declared a nuisance, and that the Board retain jurisdiction for further action, should that be necessary.

Police Recommendations:

1. The owner will adopt and enforce the Drug 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 laminate and securely fasten 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. A list of tenants residing will be provided to the Nuisance Abatement Board.
5. The owner will install and keep in good working order exterior lighting (according to all City of Fort Lauderdale Code requirements) eliminating any dark areas prior to the November 2011 Nuisance Abatement Board Meeting (November 10, 2011) if no meeting occurs in November 2011 then this should be completed by the December 2011 Nuisance Abatement Board meeting.
6. The owner will maintain the property free of debris including the removal of tires on the north side of the property. The owner will repair any damages to the fence on the property and repair any broken windows.
7. The investigative costs total a dollar amount of \$3,147.09. The owner(s) is assessed 50% of this amount, which equals (\$1,573.55). This cost is to be paid prior to the November 10, 2011 Nuisance Abatement Board Meeting. If no meeting occurs in November, then prior to the next scheduled Nuisance Abatement Board Meeting. The Board will waive the remaining balance of (\$1,573.55) 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% (\$1,573.55) of the investigative costs will be assessed.
8. 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.
 9. The owner will appear before the Nuisance Abatement Board at the November 10, 2011 Nuisance Abatement Meeting (or, if no meeting occurs, then at the succeeding Nuisance abatement meeting) for a Status Hearing.
 10. The Nuisance Abatement Board will retain jurisdiction over the property for a period of one (1) year from the date of order.

Motion made by Mr. Gatanio, seconded by Ms. Dowdy, to declare the property a nuisance and to accept the Police recommendations with the exception of #7. In a roll call vote, with Chair Saunders opposed, motion passed 4-1.

9. **Case Number 11-09-06** [Index](#)
2621 North Ocean Boulevard
Hurricane Motel
Owner: Ghulam Usman
 - **Notice of Evidentiary Hearing**

Det. Maniates stated the property owner, Ghulam Usman, had received notice of this meeting on 9/21/11 and the manager had received notice on 9/20/11; both were in attendance.

Det. Maniates announced that from 1/1/11 to 10/7/11 there had been 47 calls for service to the property, four of which were nuisance related. On 6/29, 7/6, 8/12 and 8/31/11 purchases of crack cocaine had been made using a confidential informant. Det. Maniates had visited the property with Code Enforcement and Building Department representatives and spoken with the manager, who acknowledged receipt of the nuisance abatement warning letters, complaints and notice of hearing and confirmed the owner had received the paperwork.

Det. Maniates presented photos of the property and read the Police recommendations:

1. The owner will file a No Trespass Affidavit with the Fort Lauderdale Police Department and post No Trespassing signs on property within fourteen (14) days and thereafter enforce trespassing laws.

2. The owner will clearly display, within ten (10) days and for the duration of jurisdiction, 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. Placement will be directed by the detective.
3. The owner will install and maintain additional exterior lighting on the front, rear and sides of the building (according to all City of Fort Lauderdale Code requirements) within (30) days. Placement will be directed by the detective.
4. The owner will repair all fencing surrounding the property (according to all City of Fort Lauderdale Code requirements) within (60) days and maintain the fencing in good order.
5. The owner will install and maintain a minimum of three (3) exterior and (1) interior (at the reception desk) video cameras that can be monitored by the clerk while at the counter, (according to all Code requirements) within sixty (60) days and make video available to the Police Department during all business hours.
6. The owner will maintain the property free of debris and trash.
7. The investigative costs total a dollar amount of \$3,147.09. The owner(s) is assessed 50% of this amount, which equals \$1,573.55 costs to be paid prior to the November 10, 2011 Nuisance Abatement Board meeting, if no meeting occurs in November then prior to the next scheduled Nuisance Abatement Board meeting. The Board will waive the remaining balance \$1,573.55 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% \$1573.55 of the investigative costs will be assessed.
8. If any staff is arrested on the property for illegal narcotics transactions or possession of any illegal drugs or drug paraphernalia, then the remaining balance of the investigative costs, which total \$1573.55 will immediately 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 \$250.00 per day, will be imposed for each day of non-compliance.
10. The owner(s) of the property will appear before the Nuisance Abatement Board at the November 10, 2011 Nuisance Abatement meeting (or if no meeting occurs in November, then at the next Nuisance Abatement Board meeting) for a status hearing.

11. The Nuisance Abatement Board will retain jurisdiction over the property for a period of (1) year, from the date of this order.

Mr. Walker said the owner stipulated to all facts and agreed to all Police Department recommendations. He asked the Board to declare the property a nuisance. The owner had agreed to erect all trespass signs within 7 days, and Mr. Walker revised this recommendation.

Mr. Usman agreed something must be done and said he would do whatever was needed to resolve the issues. He apologized to the neighbors.

Mr. Jim Ellison, neighbor, was pleased the owner intended to clean up the property. He said his biggest concern was the clientele in the hotel and the drug offenses and prostitution that occurred there. Mr. Walker wished to add a recommendation that the manager photocopy the license of everyone staying in the hotel.

Mr. John Torregrossa said he was in charge of the security program for his neighborhood, which hired off-duty Fort Lauderdale Police to patrol. He wanted to get the property up to code, and to remove the unwanted clientele.

Mr. Martin Bilowich, neighbor, said the property was an embarrassment. He said the owner had a responsibility to be a good citizen in the neighborhood.

Chair Saunders asked about the rates at the hotel. Mr. Usman said they were fairly low, and remarked that most clients were working class people who rented by the week. Mr. Walker asked if there was anything in the lease agreement stating someone could be evicted for any law violation. Mr. Usman said he had such an agreement but he had not brought it with him.

Mr. Usman stated the rate was \$30 per day for a regular room and \$50 per day for an efficiency. Mr. Jadoonanan Ramdhan, manager, stated he had been the manager for almost three months and he recognized the problem. He said he had raised the rates to \$45 - \$50 per day. Mr. Ramdhan had also had clients removed when he felt they were undesirable. He stated the weekly rate was \$225 to \$275.

Aside from the amendment to post the trespassing signs within 7 days, Mr. Walker said they would add the provision that drivers licenses and license plate numbers would be collected from all clients.

Chair Saunders wanted the security cameras to be accessible to the Police Department via the Internet, but Mr. Walker said there was a technical issue with this. Det. Maniates said he would look into it.

Mr. Schulze said the manager must keep tabs on who was actually occupying the rooms, and Mr. Usman said he would add the requirement that no guests would be allowed without the permission of the manager. Mr. Schulze advised Mr. Usman not to allow anyone to occupy a room who had not provided identification.

Mr. Gatano wanted a nuisance abatement sign posted on each of the three buildings, not just at the front desk. Mr. Usman did not object to this additional recommendation.

Motion made by Mr. Hoover, seconded by Mr. Gatano, to declare the property a nuisance, and to accept the recommendations, including the following amendments: reducing the time frame for recommendation #1 to 7 days; the posting of a nuisance abatement sign on each of the three buildings; photocopying the legal identification of all occupants, recording license plate numbers of all cars and recording the names of all room occupants. In a roll call vote, motion passed 5-0.

Mr. Walker informed the Board that Mr. Usman would be out of the country on November 10 but would send a representative to the meeting.

Board Discussion

None.

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Communication to the City Commission

None.

Thereupon, with no additional business to come before the Board, the meeting adjourned at 8:20 PM.

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