

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, JANUARY 12, 2012, 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	9	1
Sal Gatanio, Vice Chair	P	8	2
Louise Dowdy	P	10	0
Dale Hoover	P	9	0
Tom Wolf	P	9	1

Alternates

Cindy Smith	P	8	1
Richard Schulze	P	4	1

Staff Present

Joyce Hair, Board Clerk
 Richard Giuffreda, Board Attorney
 Scott Walker, Assistant City Attorney
 Det. Paul Maniates
 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.
Chair Saunders noted that former Board member Linda Dawkins was present.

Witnesses were sworn in.

3. Approval of minutes for December 2011

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

Cases:

- 4. Case Number 11-03-03
426 Northwest 14th Avenue
Residence
Owner: Lewis Tunnage**

[Index](#)

- **Notice of Status Hearing**

Det. Maniates stated the property owner, Lewis Tunnage, had received notice of this meeting on 12/10/11 and was in attendance.

Det. Maniates announced that in the past 30 days there had been five calls for service to the property with none being nuisance related. Det. Maniates had visited the property several times in the past month and found it to be in compliance. He recommended a status hearing in March 2012.

5. **Case Number 11-08-05** [Index](#)
1704 Northwest 8th Court
Owner: George Peter
- **Notice of Status Hearing**

Det. Maniates stated the property owner, George Peter, had received notice of this meeting on 12/19/11 and was in attendance.

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 in the past month and found it to be in compliance. He recommended a status hearing in March 2012.

6. **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 12/10/11 and the manager had received notice on 12/10/11.

Det. Maniates announced that in the past 30 days there had been two calls for service to the property with none being nuisance related.

Det. Maniates said the manager had left a message for him on 12/19/11 to advise him that the cameras had been installed.

Det. Maniates presented photos taken on 12/21/11 showing the cameras and video monitor at the property. He stated he was very happy with the camera installation. He recommended a status hearing in February 2012.

Det. Maniates informed Chair Saunders that there were four cameras on the property. He said he had informed the owner that the four cameras currently installed were sufficient. He said he had viewed the monitor at night and the camera view was clear.

7. **Case Number 11-03-02** [Index](#)
414 Northwest 15th Way
Owner: Rosa and Ventura Sorto
- **Notice of Status Hearing**

Det. Maniates stated the property owner, Ventura Sorto, had received notice of this meeting on 12/10/11 and was 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 he recommended a status hearing in March 2012.

8. **Case Number 11-09-07** [Index](#)
804 Northwest 4th Avenue
Owner: John Derynda
- **Notice of Status Hearing**

Det. Maniates stated the property owner, John Derynda, was in attendance but had not accepted notice of the hearing.

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 in the past month and found it to be in compliance. He recommended a status hearing in March 2012.

John Derynda, owner, explained that he had been out of town when the notice was mailed.

9. **Case Number 11-12-09** [Index](#)
91 Southwest 31 Avenue
Business Plaza – Fresh Cuts Barber Shop
- **Notice of Evidentiary Hearing**

Det. Maniates said this strip mall comprised three properties: Rainbow Market, Silver Spoon restaurant and Fresh Cutz Barber Shop. The owner of the property was New Global Holdings, Inc. and they had received legal notice of this meeting on 12/23/11.

Det. Maniates announced that in the past 6 months there had been 93 calls for service to the entire property [all three stores] 7 of which were nuisance related. On 9/7/11 and 9/21/11, an undercover detective had purchased \$40 worth of cannabis on the property; on 10/26/11 a confidential informant had purchased \$20 worth of cannabis on the property.

On 12/20/11 Det. Maniates had met with Chadi Bleibel, Nick Kahook, Wael Dahsheh, Amjad Theeb and property manager Francis Abdallah at the property. He said they had all been cooperative and desired to comply the property. Four were in attendance. Mr. Abdallah had requested a list of the recommendations early so he could begin addressing the issues. Mr. Abdallah had provided Det. Maniates with contact information for the Barber Shop business owner, with whom Det. Maniates had met on 12/30/11 to deliver notice of the hearing, two sworn complaints and two nuisance

abatement warning letters. He had also informed the business owner to be present this evening, but he was not. Det. Maniates displayed photos of the property.

Mr. Walker confirmed with Mr. Kahook, the property owner, that he wished to cooperate and comply the property. Mr. Walker stated the barber shop was on a month-to-month lease, and suggested a recommendation be added that if there were any further calls for service to the barber shop that the tenant be evicted. Mr. Kahook did not wish to contest any of the allegations.

Mr. Walker moved all of the Police reports into evidence and asked the Board to declare the property a nuisance.

Motion made by Mr. Gatano, seconded by Mr. Hoover to accept the Police reports into evidence and to declare the property a nuisance. In a roll call vote, motion passed 5-0.

Police Recommendations:

1. The owner will maintain a trespass affidavit on file with the Police Department and post "No Trespassing" signs on the east and south side of the property within fourteen (14) days.
2. The owner will insure that no person(s) loiter in the parking lot, on the sidewalk, and on all sides of the property as well as inside the store during all open business hours.
3. The owner will install and maintain a minimum of three (3) exterior and at least (1) interior video cameras with recorders that can be monitored by management, (according to all Code requirements) with video available to the police department during all business hours by February 9, 2012.
4. 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
5. The owner will remove all advertisements and products obstructing the front windows of all businesses in the strip mall.
6. The owner will install and maintain exterior lighting on the front, rear and sides of the building (according to all City of Fort Lauderdale Code requirements).
7. The owner will maintain the property free of debris and trash.

8. The investigative costs total a dollar amount of \$1,641.75. The owner(s) is assessed 50% of this amount, which equals \$820.88 costs to be paid prior to the February 9, 2012 Nuisance Abatement Board meeting, if no meeting occurs in February then prior to the next scheduled Nuisance Abatement Board meeting. The Board will waive the remaining balance \$820.88 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% \$820.88 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 February 2012 Nuisance abatement meeting (or, if no meeting occurs at the succeeding Nuisance abatement meeting) for 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. Kahook said he had informed the barbershop owner that they would not permit this activity and said they intended to evict him.

Chair Saunders opened the public hearing.

Donna Guthrie, Melrose Park resident, said the property was also a visual nuisance that was bringing down the neighborhood. She wanted to ensure that cameras would be located inside and outside the business.

Linda Dawkins, Vice President of Melrose Park Homeowners Association, said they had met with owners of these businesses and asked them to help stop the drug dealing and loitering but there had been no lasting improvement. She asked the Board to help them.

Jerry Covington, President of Melrose Manors Homeowners Association, said there was a lot of loitering at the property, even when the business was closed. Mr. Covington said it was unsafe to walk in this area at night. He added that rain caused the parking area to flood.

There being no other members of the public wishing to address the Board on this item, Chair Saunders closed the public hearing and brought the discussion back to the Board.

Mr. Kahook agreed to comply with all of the recommendations. Mr. Dahsheh, property owner, said they were working with Det. Maniates to resolve the issues. He stated they could not afford the \$800. Mr. Walker suggested they evict the barber shop immediately to show good faith and Mr. Dahsheh agreed. Mr. Walker also suggested the parking lot be striped and the owner paint "No Loitering" on the parking area. Mr. Dahsheh said they would do their best to clean up the property. He said they had already done half the things on the recommendations list.

Mr. Dahsheh said the barbershop and the market had been tenants since they purchased the property in 1999. The problems with the barbershop had arisen years before but been addressed.

Det. Hoffer stated there had been criminal activity in both the barbershop and the market. Mr. Kahook said the market owner was cooperating 100% with his requests. He believed the problems were coming from the barbershop.

Det. Maniates clarified that the Police recommendations called for a camera inside the market and inside the barbershop.

Amjad Theeb, owner of the Rainbow Market, said he had installed 16 cameras, 2 outside and 14 inside, around his store and he had put up no loitering signs. He stated he was the one who had made all of the Police calls. Chair Saunders said they would add the requirement that Det. Maniates would have access to the camera feeds.

Mr. Kahook said the Rainbow Market had a very long lease – more than 10 years. He said they could refuse to lease to a new tenant if they wished. Mr. Dahsheh said a few years ago, they had asked for a change in the market management and this had been done. The new managers were doing very well and were cooperating with Det. Maniates.

Mr. Kahook informed Ms. Smith that the building had last been painted approximately one year ago. Ms. Smith suggested the owner visit the property once or twice per week. Det. Hoffer informed Ms. Smith that he had not seen any drug paraphernalia for sale in the Rainbow Market.

Det. Maniates informed Mr. Schulze that he would investigate the business license status of the barber shop.

Chadi Bleibel stated he helped the management company, FA Management. He said he was aware of problems at the property and had attended the meeting two years ago. He said neither he nor the management company had notified the Police of any illegal activity at the property. Mr. Bleibel confirmed that the exterior lights were operational

and were on individual timers. Chair Saunders advised Mr. Kahook to confirm that the lights were in working order and that the tenants were not turning off the lights.

The Board added the following amendments to the Police recommendations:

- Item 1 will be done within 7 days;
- Item 3 – Det. Maniates [or the Police Department] will have full access to video recorded at the market; there will be three exterior cameras added, one on each side and one facing the rear of the property;
- Item 4 will be done within 7 days;
- Item 5 - The store owner will work with Det. Maniates regarding the signage;
- Item 7 - The owner will bring the property up to current code;
- Item 8 – The \$1,641.75 will be held in abeyance if the barbershop tenant is evicted immediately; if proceedings were not begun by the Board's next meeting, the total investigative costs would be imposed.

Motion made by Ms. Dowdy, seconded by Mr. Gatano, to approve the Police recommendations as amended. In a roll call vote, motion passed 3-2 with Mr. Hoover and Chair Saunders opposed.

**10. Case Number 11-10-08
519 Northwest 23rd Avenue
Parisian Motel**

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• **Notice of Evidentiary Hearing**

Det. Maniates reported Det. Gowens was ill, but he had another detective who had investigated the case with him.

The Board took a brief break.

Mr. Walker apologized for the absence of the lead detective, Dan Gowens, and said the owner's attorney, Nick Gentile, had agreed to allow residents to speak to the Board about this case. Mr. Walker would present the case next month.

Bernadette Norris Weeks said this property was a nuisance on a daily basis. She stated there was prostitution and drug activity occurring and there was overgrowth and trash on the property.

Phyllis Berry thanked the City and the Police Department for being responsive to the community's concerns about this property.

Pamela Adams said they had been revisiting this issue for three years and she asked for a final decision on the community's behalf.

Chair Saunders announced the case would be heard in February.

Board Discussion

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Mr. Gatanio said he appreciated the public's input at this hearing.

Communication to the City Commission

None.

Thereupon, with no additional business to come before the Board, the meeting adjourned at 8:36 PM.

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