

**CITY OF FORT LAUDERDALE
NUISANCE ABATEMENT BOARD MINUTES
CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
100 NORTH ANDREWS AVENUE
THURSDAY, SEPTEMBER 13, 2012, 7:00 P.M.**

<u>Members</u>	<u>Attendance</u>	Cumulative Attendance 3/2012 through 2/2013	
		<u>Present</u>	<u>Absent</u>
D. Ryan Saunders, Chair	P	5	0
Dale Hoover, Vice Chair	P	5	0
Lorraine Saunders	P	5	0
Cindy Smith	P	5	0
Tom Wolf	P	4	1

Alternates

Adriane Reeseey	P	2	1
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Staff Present

Det. Maniates
Don Londeree, Assistant City Attorney
Bruce Jolly, Board Attorney
Joyce Hair, Board clerk
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 announced that Ms. Saunders was now a full Board member.

Witnesses were sworn in.

3 Approval of Minutes for July 2012

Motion made by Mr. Hoover, seconded by Ms. Smith, to approve the minutes of the Board's July 2012 meeting. In a voice vote, the motion passed unanimously.

Cases:

- 4. Case Number 11-08-05**
1704 Northwest 8th Court
Owner: George Peter
 - **Notice of Status Hearing**

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Det. Maniates stated the property owner, George Peter, had received notice of this meeting on 7/18/12 and was present.

Det. Maniates announced that in the past 60 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. This was the last day of the Board's jurisdiction over the property. Det. Maniates provided the owner with the notarized Nuisance Abatement Compliance document that he could have recorded.

5. **Case Number 11-09-07**
 804 Northwest 4th Avenue
 Owner: John Derynda
 - **Notice of Status Hearing**

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Det. Maniates stated the property owner, John Derynda, had received notice of this meeting on 8/20/12 and was present.

Det. Maniates announced that in the past 60 days there had been no calls for service to the property. The owner had informed him that the status of this property had presented an issue when he tried to sell another property he owned and the City Attorney was helping him resolve this. 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 October 2012, which would be the last hearing.

Mr. Derynda asked that the Code Enforcement lien be satisfied before the next meeting because it clouded every property he owned. Mr. Jolly explained that this Board had imposed no lien or fine. He assumed the issue was caused by the Board's jurisdiction. Mr. Jolly agreed to speak with Mr. Londeree about this. He felt that considering how cooperative Mr. Derynda had been, he might be alleviated from the continuing responsibilities. Mr. Jolly informed Chair Saunders that the Board could terminate jurisdiction.

Motion made by Mr. Hoover, seconded by Mr. Wolf to terminate the Board's jurisdiction and issue a Nuisance Abatement Compliance document. In a roll call vote, motion passed 5-0.

6. **Case Number 11-09-06**
 2621 N Ocean Boulevard
 Hurricane Motel
 Owner: Ghulam Usman

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- **Notice of Status Hearing**

Det. Maniates stated the property owner, Ghulam Usman, had received notice of this meeting on 8/17/12.

Det. Maniates announced that in the past 60 days there had been four calls for service to the property, none of which was nuisance related. He had visited the property in the past 60 days and found no issues. Det. Maniates recommended a status hearing in October 2012.

Chair Saunders opened the public hearing portion of the meeting. As no one spoke, Chair Saunders closed the public hearing and brought discussion back to the Board.

Ms. Hair informed Mr. Usman that the Board's jurisdiction would end on April 18, 2013.

Chair Saunders asked about Mr. Usman's plan to convert the property into apartments. Mr. Usman said these issues must be resolved before he could obtain a mortgage and he said there were legal reasons not to convert to apartments. He stated his average customer stayed two to three months and paid by the week.

7. Case Number 11-12-09
91 Southwest 31 Avenue
Business Plaza – The Compound Barber Shop
• **Notice of Status Hearing**

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Det. Maniates stated the property owner, New Global Holdings, had not accepted receipt of the meeting notice.

Det. Maniates announced that in the past 60 days there had been one call for service to the barbershop and 24 calls for service to the Rainbow Supermarket, none of which was nuisance related. He remarked this was a low number of calls for two months.

Det. Maniates had visited the property several times and discovered no loitering or other problems. He recommended a status hearing in October 2012.

Det. Maniates reported the Peacekeeper surveillance unit had been removed from the property.

Chair Saunders opened the public hearing portion of the meeting. As no one spoke, Chair Saunders closed the public hearing and brought discussion back to the Board.

Det. Maniates said Donna Guthrie, President of the Melrose Homeowners Association was very impressed with progress at the property.

8. Case Number 11-10-08
519 Northwest 23rd Avenue
Parisian Motel
• **Notice of Status Hearing**

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Det. Maniates announced that the owner, Tania Ouaknine, had received notice of this hearing on 8/17/12.

Det. Maniates reported that in the past 60 days there had been one call for service to the property, which was not nuisance related.

Det. Maniates had visited the property on August 12 and found the motel to be closed due to plumbing issues. He displayed a photo of the property. The property had still been closed as of September 5 and neighbors reported the motel had not been open for several weeks. Ms. Ouaknine had informed Det. Maniates that she could not attend the hearing because she was ill and confirmed that the motel had been closed for plumbing problems and she was waiting for the insurance company to survey the damage. The property had also been broken into and vandalized. Det. Maniates had provided this information to Code Enforcement, who would follow up on the information. He stated the property appeared to be in compliance and recommended a status hearing in October 2012.

Chair Saunders opened the public hearing portion of the meeting. As no one spoke, Chair Saunders closed the public hearing and brought discussion back to the Board.

Ms. Reeseey wanted to be sure the business had not been moved elsewhere and Det. Maniates assured her that it had not. Ms. Reeseey noted that the "Open" sign was still on the building.

9. **Case Number 12-07-01**
201 Southwest 11th Court
Residence
Owner: Mary Ann Kerr
 - **Notice of Evidentiary Hearing**

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Det. Maniates announced that personal service was made to the owner, Mary Ann Kerr, on 8/21/12.

Det. Maniates reported that in the past 90 days there had been five calls for service to the property, all of which were nuisance related.

Det. Maniates reported the following activity at the property: On May 1, 2012, a purchase of crack cocaine, using a confidential informant, had taken place; on May 2, 2012, a purchase of crack cocaine had taken place; on May 11, 2012, a purchase of crack cocaine had taken place and on May 30, 2012, a purchase of crack cocaine had taken place. On July 5, 2012, the FLPD narcotics unit had arrested three individuals

involved in the cocaine buys described. The owner had also been arrested for obstruction and disorderly conduct. Det. Maniates indicated that these cases were still ongoing investigations and the arresting detectives were present to testify. He presented photos of the property to the Board.

The Board took a brief recess for Mr. Londeree to confer with the owner.

Mr. Londeree reported that the owner and her friend, Thomas Johnson, had done considerable work on the property. They had informed Mr. Londeree that they would concede to the jurisdiction of the Board and become part of the Nuisance Abatement program.

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

Motion made by Mr. Wolf, 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.

Det. Maniates read the Police recommendations:

1. The owner will file a No Trespass Affidavit with the Fort Lauderdale Police Department and post a laminated No Trespassing sign on the property within ten days and thereafter enforce trespassing laws.
2. The owner will clearly display, within ten (10) days and for the duration of jurisdiction, in the front of the property, a laminated 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
3. The owner will trim all bushes, remove any trash and or discarded items (household and landscape) from the exterior of the property within ten (10) days. The owner will remove all abandoned and unregistered vehicles from the property within ten (10) days.
4. The owner will maintain the property free of debris.
5. The owner will install and maintain outdoor lighting to illuminate any and all dark areas of the property with the direction of the investigative detective within ten (10) days.
6. The owner will repair all broken glass in windows on the property.
7. The owner will maintain the property free of all illegal narcotics and drug paraphernalia.
8. The investigative costs total a dollar amount of \$2,785.93. The owner(s) is assessed 50% of this amount, which equals \$1,392.97. Payment of \$1,392.97 is due before the October 11, 2012 Nuisance Abatement Board Meeting. If no

meeting occurs in October, then prior to the next scheduled Nuisance Abatement Board Meeting.

9. There will be no illegal narcotics sold or drug paraphernalia used by anyone on the property. If anyone is arrested on the property for selling or using illegal narcotics or drug paraphernalia, the remaining balance of the investigative costs, which total \$1,392.97, will immediately be assessed.
10. If any of the above listed items are not complied with within the time frame(s) 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.
11. The owner will appear before the Nuisance Abatement Board at the October 11, 2012 Nuisance Abatement Meeting (or, if no meeting occurs, then at the succeeding Nuisance Abatement Board meeting) for a Status Hearing.
12. The Nuisance Abatement Board will retain jurisdiction over the property for a period of (1) year from the date of this order.

Chair Saunders opened the public hearing portion of the meeting.

Gloria Reese, Tarpon River Civic Association, said the Association wanted this situation resolved. She stated they had been watching this property for some time and the situation was frustrating and must be stopped. Ms. Reese thanked the Board for taking action. Chair Saunders invited residents to attend the hearings when the property was on the agenda.

Mr. Johnson said he was helping Ms. Kerr. He explained that Ms. Kerr had serious health issues and no source of income and the deed to the property was in her name and her mother's name and she could not mortgage the property to perform improvements. Without income, Mr. Johnson said Ms. Kerr could not afford to pay the investigative costs. He explained that there was a boarder in the house, who had not been arrested, and this was Ms. Kerr's only income.

Mr. Johnson stated he had cleaned up the property and removed the debris. He said they were in the process of replacing windows that were not up to code but the contractor had taken Ms. Kerr's money and not finished the work. Ms. Kerr was trying to contact her mother for help affording the work that needed to be done.

As no one else spoke, Chair Saunders closed the public hearing and brought discussion back to the Board.

Ms. Smith asked the owner how she knew Terry Moses, Ray and Rachel. Ms. Kerr stated Raymond had been an old boyfriend and Mr. Moses was an acquaintance from long ago. She explained that Mr. Moses had made himself at home at the house and would not leave when she asked him. Ms. Kerr said Mr. Moses had been removed from

the property a couple of times by the Police. She confirmed that her boarder had no connection with these other people. Ms. Kerr admitted she was aware that drug deals were taking place on the property. Det. Maniates confirmed that Terry Moses was currently in jail.

Mr. Johnson explained to Chair Saunders that he was unable to trim the overgrowth that was on FEC property but he had trimmed anything that had come over the fence. He said they could not currently afford to repair the fence.

Chair Saunders asked to include the drug addendum in the Police Recommendations.

Ms. Reese asked if Ms. Kerr had applied for any public assistance. Ms. Kerr said she was not qualified for food stamps because she owned the home and she did not qualify for Social Security. Ms. Kerr explained that she was born in Panama Canal Territory and she was trying to secure valid identification.

Det. Maniates recommended holding the investigative costs in abeyance; the costs could be assessed later if any of the recommendations were violated.

Motion made by Ms. Smith, seconded by Mr. Wolf, to accept the Police Recommendations as amended: adding the drug addendum and holding the investigative costs in abeyance. In a roll call vote, motion passed 5-0.

Mr. Johnson expressed concern that the Civic Association would call the Police anytime someone visited the property and this would be held against Ms. Kerr. Chair Saunders explained that the Board received a report from Det. Maniates on all Police calls, so if the calls were unfounded, they would know.

Chair Saunders asked Det. Maniates and Ms. Kerr to work with the community and request their help. Det. Maniates confirmed for Ms. Reese that there were no children at the house.

Motion made by Mr. Wolf, seconded by Ms. Smith, to reopen discussion on the Police Recommendations. In a voice vote, motion passed 5-0.

Chair Saunders requested amending the Police Recommendation to require Ms. Kerr to sign a drug addendum.

Motion made by Mr. Wolf, seconded by Ms. Smith to amend the Police Recommendations to require Ms. Kerr to sign a drug addendum. In a voice vote, motion passed 5-0.

10. Case Number 12-08-02
217 Southwest 19th Avenue
Residence
Owner: Luby Hargrett

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- **Notice of Evidentiary Hearing**

Det. Maniates stated the property owner, Luby Hargrett, had received notice of this meeting on 8/11/12 and was present.

Det. Maniates reported that in the past 90 days there had been five calls for service to the property, all of which were nuisance related.

Det. Maniates reported the following activity at the property: On June 5, 2012, a purchase of crack cocaine, using a confidential informant, had taken place; on June 6, 2012, a purchase of crack cocaine had taken place; on July 10, 2012, a purchase of crack cocaine had taken place; on July 18, 2012, a purchase of crack cocaine had taken place and on July 25, 2012, a purchase of crack cocaine had taken place. On July 25, 2012, Bruce Hargrett was arrested for the transactions cited above. Det. Maniates indicated that these cases were still ongoing investigations and the arresting detectives were present to testify. He noted that this was the second time in 18 months that this property had been before the Board. He presented photos of the property to the Board.

Mr. Londeree stated he had been unable to speak with the owner because he was in jail. He had spoken with Arthur Calvin, attorney for the owners, who informed him that the owners were not willing to submit to the jurisdiction of the Nuisance Abatement Board. Mr. Calvin clarified that he represented the owner, Ruby Hargrett, and not her husband.

Det. Scott Hoffer testified a confidential informant had indicated that crack cocaine was being sold from the residence. A confidential informant had purchased crack cocaine at the property on June 6, 2012 and July 18, 2012 from Bruce Hargrett. Det. Hoffer informed Mr. Calvin that he had not personally observed the sales, but he had seen video and audio after-the-fact. He could not testify exactly where Mr. Hargrett was standing when the sale was made. Mr. Calvin pointed out that there was a locked gate on the property and Det. Hoffer said he could not recall if Mr. Hargrett had unlocked the gate. He stated the video was with the State Attorney's office and he agreed to provide the video if the State Attorney agreed. Det. Hoffer confirmed for Mr. Londeree that all the drug deals had been conducted inside the locked gate.

Mr. Londeree reported the case against Mr. Hargrett had been filed on 8/14/12.

Det. Scott Moseley testified that a confidential informant had indicated that crack cocaine was being sold from the residence. A confidential informant had purchased crack cocaine at the property on June 5, 2012, July 10, 2012 and July 25, 2012 from Bruce Hargrett. Det. Moseley had viewed video of the transactions and testified that Bruce Hargrett had sold crack cocaine from inside the gate, on his property.

Det. Moseley stated the same confidential informant had been used by both detectives. He explained that the informant contacted Mr. Hargrett by calling his cell phone or knocking on the door. He stated there were recordings of the phone calls to Mr. Hargrett.

Mr. Calvin said there should be another hearing for the Police to enter the videos into evidence. Mr. Jolly said the Board did not need those physical exhibits to make a motion; they could act on the evidence presented at this hearing.

Luby Hargrett, owner, testified that Bruce Hargrett was her husband. She stated she was unaware of the sales to which the detectives had testified; she had been at work or at school at the times they had occurred. Ms. Hargrett said she had not witnessed any criminal activity herself. She testified that the gate was usually locked, and was always locked at night. She said people from the adjacent apartment complex often jumped the gate to cut through the property. Ms. Hargrett said her son and her husband's cousin lived at the residence. She confirmed for Mr. Londeree that she had been married to Bruce Hargrett for 15 years and she had never seen him deal drugs.

Ms. Hargrett informed Ms. Reese that she had a small dog and there was a sign on the front gate indicating the presence of a dog on the property. She testified that the fence was six feet tall and was secure.

Ms. Hargrett stated she had been before the Nuisance Abatement Board before and Chair Saunders said the property had come off the Board's jurisdiction in November 2011. Ms. Hargrett testified that her husband worked part time.

Ms. Hargrett testified that she had recently been laid off from an administrative position with the Broward County School Board. She had recently passed the State Boards for nursing and was seeking a job. Ms. Hargrett said her husband had engaged in criminal activity when he was younger, but not since they had been married and he had never sold drugs. She informed Mr. Calvin that regarding a case from May 2010, confidential informant witnesses had never appeared against her husband and the case was being dismissed.

Det. Maniates said he had visited the property at least four times at different times of day regarding this case and he had found the gate to be open twice. He also recalled two cars inside the gate.

Det. Moseley and Det. Hoffer informed Ms. Smith that it was Bruce Hargrett seen on the video selling crack cocaine.

Mr. Jolly pointed out that the question was whether or not the property was being used for criminal activity. Mr. Calvin thought it was a question of the owner's [Luby Hargrett's] knowledge, but Mr. Jolly countered that it was not. Mr. Jolly added that in this quasi-judicial proceeding, the Board relied on the evidence presented.

Mr. Londeree recommended the property be declared a nuisance.

Motion made by Ms. Smith, seconded by Ms. Saunders to accept the Police reports and testimony into evidence and declare the property a nuisance. In a roll call vote, motion passed 5-0.

Det. Maniates 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 ten (10) days and thereafter enforce trespassing laws.
2. The owner will clearly display, within ten (10) days and for the duration of jurisdiction, both in the front a laminated 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
3. The owner will trim all bushes on the fence line, remove any trash and or discarded items (household and landscape) from the exterior of the property within ten (10) days. The owner will remove all abandoned and unregistered vehicles from the property within ten (10) days.
4. The owner will maintain the property free of debris.
5. The owner will remove all disabled vehicles from the property within fifteen (15) days.
6. The owner will maintain the property free of all illegal narcotics and drug paraphernalia.
7. There will be no illegal narcotics sold or drug paraphernalia used by anyone on the property.
8. The investigative costs total a dollar amount of \$2,220.05. The owner(s) is assessed 100% of this amount. Payment of \$2,220.05 is due before the October 11, 2012 Nuisance Abatement Board Meeting. If no meeting occurs in October, then prior to the next scheduled Nuisance Abatement Board Meeting.

9. If any of the above listed items are not complied with within the time frame(s) 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 October 11, 2012 Nuisance Abatement Meeting (or, if no meeting occurs, then at the succeeding Nuisance abatement 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.

Ms. Reeseey asked if anyone residing at the property could be required to sign the drug addendum. Chair Saunders thought that this was not needed since the Police Recommendations 6 and 7 covered drugs and drug paraphernalia. Mr. Jolly agreed these covered that concern.

Chair Saunders recommended amending items 1 and 2 to specify the locations for the signs. Det. Maniates showed photos showing where the signs had been posted last time.

Chair Saunders said they should clearly define the level to which the hedges should be trimmed. Mr. Jolly suggested keeping the hedges even with the fence line.

Mr. Calvin remarked that Ms. Hargrett was currently unemployed and requested the investigative costs be held in abeyance until December.

Ms. Reeseey suggested breaking up the investigative costs into installments. Mr. Calvin stated Ms. Hargrett was living off of her savings and could afford no payment now.

Motion made by Ms. Smith, seconded by Mr. Wolf to accept the Police Recommendations with the following amendments:

- The signs will be laminated and installed above the garage and on the front gate;
- The hedges will be trimmed even with the top of the fence;
- The investigative costs will be broken into ten equal monthly payments of \$222.00, with the first payment due in November 2012.

In a roll call vote, motion passed 4-1 with Chair Saunders opposed.

Chair Saunders reminded Ms. Hargrett that as the owner of record, she or her representative should attend the monthly status hearings. She should notify Det. Maniates if she or a representative would attend.

11. Board Discussion

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None.

9. Communication to the City Commission

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None.

Adjournment

Thereupon, with no additional business to come before the Board, the meeting adjourned at 9:20 PM.

Next Meeting: October 11, 2012

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