

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, NOVEMBER 8, 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	7	0
Dale Hoover, Vice Chair	P	7	0
Lorraine Saunders [arr. 7:17]	P	7	0
Cindy Smith	P	7	0
Tom Wolf	P	6	1

Alternates

Adriane Reese	P	4	1
Don Karney	P	1	0

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 7:02 p.m.

2. Roll call; witnesses sign log; swearing in

Ms. Chiappetta called roll and determined a quorum was present.

Ms. Reeseey sat on the dais until Ms. Saunders arrived.

Witnesses were sworn in.

3. Approval of Minutes for October 2012

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

Cases:

- 4. Case Number 12-08-03** [Index](#)
1923 S Federal Highway
Business: Oriental Red Pearl Massage
• **Notice of Evidentiary Hearing**

[This case was heard out of order]

Det. Maniates reported that in the past 30 days there had been one call for service to the property, which was not nuisance related. Det. Maniates reported the signs were now posted in the front and rear of the property and he had met with the owner several times in the past month. He displayed photos of the signs posted correctly on the property.

Alice Hui interpreted for Angela Xua Wang, the business owner.

Ms. Wang stated she received her state license from Tokyo Massage School in Coconut Creek and she had taken a test in English. Ms. Reeseey asked about the security cameras, and Ms. Wang said one was outside and one was inside and she

monitored them. Ms. Reese asked Ms. Wang about her visa or work papers and Ms. Wang stated she had them. Ms. Wang stated Wanxin Li was no longer employed at the shop and she did not know where she was.

Chair Saunders had asked Mr. Jolly to create a "prostitution addendum" that he wish to add to the Board's order for the business owner. Ted Koster, property owner, said he would not object to the addendum. Mr. Jolly explained that the language was similar to the drug addendum, and stated the property owner could evict the business if prostitution took place on the property.

Mr. Koster informed Ms. Reese that he owned this one property. Mr. Karney asked Mr. Koster what type of tenant screening he did, and Mr. Koster stated that he had not previously screened tenants. He further explained that he was unaware of the prostitution complaints until Det. Maniates informed him. He said he currently stopped by a couple of times per month, and noted he had never seen anyone loitering on the property.

Motion made by Ms. Smith, seconded by Mr. Wolf to amend the Board's order to add the prostitution addendum that the tenant must sign. In a voice vote, motion passed unanimously.

Chair Saunders asked Det. Maniates to provide a copy of the prostitution addendum to Ms. Hui to interpret for Ms. Wang.

Det. Maniates advised that a status hearing for the property would be held in December.

Ms. Wang stated the business was open from 10 am until 10 pm. Chair Saunders questioned why the business was open until 10 pm and asked about how many customers came in after 8 pm. Ms. Wang said most people came into the shop in the evening after work and after dinner, which was the reason for the late hours. She reported that since the signs had been posted, she had only one or two customers per day.

Chair Saunders said it was the Board's goal to have no recurrence of prostitution at the property.

5. **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 accepted receipt of the meeting notice on 10/19/12.

Det. Maniates announced that in the past 30 days there had been no calls for service to the barbershop and 10 calls for service to the Rainbow Supermarket, none of which was nuisance related. He reported that on 11/1/12, two street narcotics detectives observed several individuals consuming alcohol in front of the store but no narcotics were found and no arrests made.

Det. Maniates recommended a status hearing for January 2013.

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

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• **Notice of Status Hearing**

Det. Maniates announced that the owner, Tania Ouaknine, had not accepted receipt of the meeting notice.

Det. Maniates reported that in the past 30 days there had been one call for service to the property, which was not nuisance related. He stated the business remained closed.

Det. Maniates had advised the owner about the Board's concern regarding the window shutters not being secured and the absence of the Nuisance Abatement jurisdiction sign. The owner had informed him via voicemail that the business was still closed and may not reopen. As of 11/7/12, the Nuisance Abatement jurisdiction signs were not present on the property, but were present as of 11/8/12.

Det. Maniates recommended a status hearing for December 2012.

Chair Saunders remarked that there were many lienholders taking priority over the NAB. He felt that the owner's absence from the Board's meetings was "a slap in the face of this Board." He recommended fining the property for non-compliance for 30 days, since the Board's last meeting. Board members agreed with Chair Saunders.

Motion made by Ms. Smith, seconded by Mr. Hoover, to impose a fine of \$250 per day for 29 days for non-compliance with the Board's order. In a roll call vote, the motion passed unanimously.

Ms. Hair stated the owner had not provided a current address so notices were being sent to the motel. Det. Maniates agreed to request a current address when he communicated with the owner.

Ms. Saunders arrived at 7:17.

**7. Case Number 12-07-01
201 Southwest 11th Court
Residence**

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Owner: Mary Ann Kerr

- **Notice of Status Hearing**

Det. Maniates announced the owner, Mary Ann Kerr, had accepted receipt of the meeting notice on 10/24/12.

Det. Maniates reported that in the past 30 days there had been no calls for service to the property.

Det. Maniates informed the Board that he had obtained the two signed lease addendums, one from the owner and one from the tenant.

Ms. Smith asked Mr. Kerr why she had arrived late to the meeting. Ms. Kerr apologized and stated she had ridden a bicycle to the hearing and had caught every light.

Det. Maniates recommended a status hearing for December 2012.

**8. Case Number 12-08-02
217 SW 19 Avenue**

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Owner: Luby Hargrett

- **Notice of Status Hearing**

Det. Maniates stated the property owner, Luby Hargrett, had not accepted receipt of the meeting notice.

Det. Maniates reported that in the past 30 days there had been one call for service to the property, which was not nuisance related.

Det. Maniates reported he had visited the property several times over the past month and found that some of the bushes had been trimmed or removed, but the bushes on the east side had not been trimmed to the fence line, per the order. He displayed recent photos of the property. Det. Maniates reported he had been unsuccessful in his attempts to contact Ms. Hargrett and had reason to believe she no longer lived at the property. He stated no fines had been accruing on the property because work had continued on trimming the bushes.

Carl Louis, the owner's son, informed the Board that it was very difficult to remove and cut the bushes with the tools they owned. Chair Saunders reminded Mr. Louis that the Board wanted the bushes trimmed to the fence line, not removed. Mr. Louis said he had informed his mother about the Board's wishes. He stated his mother was currently out of town. Det. Maniates had received confidential information that Ms. Hargrett may not be living at the property, but it may be because she was out of town.

Mr. Louis stated he and his mother lived at the house and some people were living in a cottage at the rear of the property. Chair Saunders asked Det. Maniates to check on the property.

Mr. Wolf pointed out that the property was more visible now that some of the shrubs had been removed and this had been the goal. Even though the order had not been strictly followed, he felt the owner had shown good faith and the end result was good. He therefore felt they should afford the owner some leniency.

Mr. Louis stated the people had moved into the cottage in the rear of the property four or five months ago.

Det. Maniates reported Mr. Louis had presented him with a check earlier in the meeting. Mr. Louis said his mother had written the check before she left town.

Chair Saunders was concerned about the people living on the property and asked Det. Maniates to determine if they had a lease, what they were paying in rent and if the location was up to code. He said he would ask the Board to add a drug addendum to the order. Chair Saunders was also concerned that Ms. Hargrett was not attending the meetings and asked Mr. Louis to ask his mother to respond to Det. Maniates' phone calls.

Motion made by Chair Saunders, seconded by Ms. Smith to find the property out of compliance with the order regarding trimming the hedges to the fence line for a period of 24 days, and to impose a fine of \$250 per day, which would continue to accrue until the property was in compliance. In a roll call vote, motion passed 4-1 with Mr. Wolf opposed.

Chair Saunders informed Mr. Louis that the current fine was \$6,250 and would accrue until the bushes were trimmed to the fence line.

Det. Maniates advised that a status hearing for the property would be held in December.

Mr. Louis indicated he understood the Board's wishes regarding the bushes and would convey the information to his mother.

9. Board Discussion

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Chair Saunders welcomed new Board alternate Don Karney.

Mr. Hoover felt the Board was “stepping way outside” their purview on cases. He mentioned the questions asked about Ms. Wang’s visa and work papers and how she paid her rent. Mr. Jolly admitted he was uncomfortable with this questioning as well, but he was unsure if this was outside the Board’s purview. Chair Saunders asked Mr. Jolly to alert him when the Board’s questions entered that “grey area” in the future.

Mr. Wolf questioned whether the new tenant at Oriental Red Pearl Massage needed to appear before the Board, since none of the nuisance activity was related to her business. Mr. Jolly agreed the nuisance was the landlord’s problem. Mr. Wolf said he felt sorry that this business owner was operating in a property with previous problems and this was affecting her business.

10. 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 8:26 PM.

Next Meeting: December 13, 2012

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