

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, DECEMBER 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	8	0
Dale Hoover, Vice Chair	P	8	0
Lorraine Saunders	P	8	0
Cindy Smith	P	8	0
Tom Wolf	A	6	2

Alternates

Adriane Reese	A	4	2
Don Karney	P	2	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

Index

	<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
4.	12-08-03	1923 S Federal Highway - Oriental Red Pearl Massage	2
5.	11-10-08	519 NW 23 Avenue, Parisian Motel	3
6.	12-07-01	201 Southwest 11 th Court – Mary Ann Kerr	4
7.	12-08-02	217 Southwest 19 th Avenue – Luby Hargrett	5
		Board Discussion	6
		Communication to the City Commission	6

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.

Call meeting to order; Pledge of Allegiance

The meeting was called to order at 7:00 p.m.

Roll call; witnesses sign log; swearing in

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

Chair Saunders stated Ms. Reese's absence was approved because it was health-related. Mr. Karney took Mr. Wolf's place on the dais.

Witnesses were sworn in.

Approval of Minutes for November 2012

Mr. Hoover noted a correction to the November 2012 minutes.

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

Cases:

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

Det. Maniates announced that the owner, Ted Koster, had accepted receipt of the meeting notice in person on 11/21/12. On that date, the business owner, Angela Wang, had also signed the lease addendum to permit eviction for prostitution-related activity.

Det. Maniates reported that in the past 30 days there had been one call for service to the property, which was nuisance related. On December 5, 2012, an arrest had been made for solicitation of prostitution. On December 13, 2012, Det. Maniates had visited the property and found the two signs missing. He advised the woman on the premises, who was the same woman arrested for the prostitution offense, to put the signs back on the building.

Det. Maniates reported the prostitution arrest put the property out of compliance per the Board's prior order. He recommended a status hearing in January 2013.

Ted Koster, building owner, stated he had informed the business owner that he was evicting her and she had agreed. He stated Ms. Wang was packing up and leaving.

Chair Saunders felt that since Mr. Koster had acted appropriately and taken advantage of the prostitution addendum of the lease, he should not be found in non-compliance and fined.

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

[Index](#)

- **Notice of Status Hearing**

Det. Maniates announced that the owner, Tania Ouaknine, had accepted receipt of the meeting notice on 12/4/12 and was present.

Det. Maniates reported that in the past 30 days there had been no calls for service to the property. He stated the business remained closed. Det. Maniates displayed a photo of the property and stated the property was out of compliance due to unpaid fines of \$7,250. He recommended a status hearing in January 2013.

Tania Ouaknine, owner, said the motel had been closed since 8/18/12 and she would not re-open it.

Chair Saunders informed Ms. Saunders that the Board had found the property to be out of compliance for 29 days, resulting in the fine. Ms. Ouaknine said she had been in the hospital and the motel had been broken into.

Chair Saunders felt the City would not "get any money out of this." He did not think the owner had worked with the Board.

Motion made by Ms. Smith, seconded by Ms. Saunders to state that the Board had determined that the owner had failed to come into compliance by the deadline and to impose the fines in the amount of \$250 per day for the 29 days and record the lien and report this to the City Commission for such action it deemed appropriate. In a roll call vote, motion passed 5-0.

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

[Index](#)

Det. Maniates announced that the owner, Mary Ann Kerr, had not accepted receipt of the meeting notice but was present.

Det. Maniates reported that in the past 30 days there had been no calls for service to the property. The property was in compliance, and he recommended a status hearing for January 2013. Det. Maniates stated there had been no calls from the address, but there had been anonymous calls regarding disturbances at the address. He explained that the calls concerned yelling and screaming, black males on bicycles visiting the property briefly and outside drinking and noise.

Chair Saunders opened the public hearing portion of the meeting.

Lisa Gutierrez, neighbor, said there had been disturbances such as yelling during the night. There had also been "walk ups and drive-bys."

Rick Noel, neighbor, said he wanted the activity to stop and the neighborhood to improve. He said the car activity had stopped at the property but there was still bicycle traffic.

Mary Ann Kerr, owner, reported that most of her friends did not have cars; they used bicycles. She said the disturbances neighbors mentioned were not frequent.

Det. Maniates said he would continue to monitor the property and the street. He invited neighbors to continue calling about activity at the property.

Chris Chittero asked how neighbors could make anonymous calls and Det. Maniates advised him that when calling in, neighbors should indicate they did not want contact from the Police when responding.

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

Ms. Kerr confirmed that she, her tenant and a friend were living at the property.

4. Case Number 12-08-02
217 SW 19 Avenue
Owner: Luby Hargrett

[Index](#)

- **Notice of Status Hearing**

Det. Maniates stated the property owner, Luby Hargrett, had accepted receipt of the meeting notice on 12/4/12.

Det. Maniates reported that in the past 30 days there had been no calls for service to the property. He reported that there was now an additional wooden fence on the owner's side of the property behind the chain link fence. He displayed a photo of the new fence. Det. Maniates stated the hedges had been trimmed to the fence line.

Det. Maniates had asked about tenants on the property and Ms. Hargrett had replied that her husband's cousins were at the property but they did not pay rent; they occasionally paid a utility bill.

Det. Maniates said the property was not in compliance because the fine of \$6,250 had not been paid. He recommended a status hearing for January 2013.

Luby Hargrett, owner, asked what the fine had been accruing for and Det. Maniates said it was for the hedges not being trimmed down to the fence line. Chair Saunders confirmed that the order specified this. Ms. Hargrett said she had been told that the hedges needed to be trimmed to ten feet and produced documentation from Code Enforcement. Det. Maniates said this document was referencing a City ordinance, not the Board's order.

Chair Saunders explained that Ms. Hargrett had been fined for the time the hedges had not been trimmed properly and that she should attend the meetings herself. Ms. Hargrett stated she needed to leave work to attend the meetings.

Ms. Hargrett was escorted from the meeting at 7:50 because she was disruptive.

Nancy Gaspar, Ms. Hargrett's daughter, said her mother was upset and had asked her son to attend a meeting when she was out of town. She did not understand why the hedges were such a problem when there were four signs on the house.

Chair Saunders said Ms. Hargrett had missed several meetings and that the Board's order to trim the hedges to the fence line had not been followed. The fines had therefore been assessed. Ms. Gaspar reiterated that her mother had to work and could not attend every meeting. Chair Saunders stated Ms. Hargrett, as the owner, was responsible to attend the meetings.

Chair Saunders explained to Carl Lewis, the owner's son, that the fine of \$250 per day had been assessed for the period in October when the hedges had not been trimmed properly; the fines had not been assessed for Ms. Hargrett's failure to attend the meetings.

Tracy Gasper, the owner's daughter, thought the Board had not given Ms. Hargrett enough notice that she must appear. Chair Saunders said they had notified Ms. Hargrett and anyone who had appeared in her place that the owner was required to be present.

Mr. Jolly confirmed that the cases were the responsibility of the owners. He stated the assessment of the fine related to the 24-day period preceding the previous hearing. Det. Maniates had provided photos at the previous hearing showing the hedges were not trimmed properly.

Ms. Gasper asked the Board to forgive her mother and said the family had not been through this before. Chair Saunders said Ms. Hargrett had been through this before and knew how the Board operates. Ms. Hair provided Ms. Gasper a copy of the Board's order. Ms. Gasper stated it was very difficult for her mother to come up with money.

Mr. Hoover suggested the Board revisit the case in January.

Mr. Lewis said he had attended the meetings for his mother because "she didn't want to get herself in more trouble." He admitted she did not always handle herself wisely. Mr. Lewis said the situation hurt him because it was someone else's actions that had gotten his mother into trouble. Mr. Lewis confirmed that his mother had been out of town for her nursing studies one month.

Motion made by Mr. Hoover, seconded by Ms. Saunders to hold the fines in abeyance and readdress the fines at the Board's January 2013 meeting. In a roll call vote, motion failed 2-3 with Mr. Karney, Ms. Smith and Chair Saunders opposed.

Board Discussion

None.

[Index](#)

Communication to the City Commission

None.

[Index](#)

Adjournment

Thereupon, with no additional business to come before the Board, the meeting adjourned at 8:23 PM.

Nuisance Abatement Board Regular Meeting
December 12, 2012
Page 7

Next Meeting: January 10, 2013

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