

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, FEBRUARY 14, 2013, 7:00 P.M.**

| <u>Members</u> | <u>Attendance</u> | <u>Cumulative Attendance 3/2012 through 2/2013</u> | |
|-------------------------|-------------------|--|---------------|
| | | <u>Present</u> | <u>Absent</u> |
| D. Ryan Saunders, Chair | P | 10 | 0 |
| Dale Hoover, Vice Chair | P | 10 | 0 |
| Lorraine Saunders | P | 10 | 0 |
| Cindy Smith | P | 10 | 0 |
| Tom Wolf | P | 8 | 2 |

Alternates

| | | | |
|---------------------------|---|---|---|
| Adriane Reese | A | 4 | 4 |
| Don Karney [arrived 7:16] | P | 4 | 0 |

Staff Present

Det. Paul Maniates
 Don Londeree, Assistant City Attorney
 Richard Giufreda, Board Attorney
 Joyce Hair, Board Clerk
 Brigitte Chiappetta, Recording Clerk, Prototype Inc.

Communication to the City Commission

None

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| | <u>Case Number</u> | <u>Respondent</u> | <u>Page</u> |
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| 2. | 11-10-08 | 519 NW 23 Avenue, Parisian Motel | 3 |
| 3. | 12-07-01 | 201 Southwest 11 th Court – Mary Ann Kerr | 3 |
| 4. | 12-08-02 | 217 Southwest 19 th Avenue – Luby Hargrett | 5 |
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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.

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.

Witnesses were sworn in.

Election of Officers

Ms. Smith nominated Mr. Saunders for Chair, seconded by Mr. Hoover. In a voice vote, Mr. Saunders was elected unanimously.

Mr. Wolf nominated Mr. Hoover for Vice Chair, seconded by Ms. Saunders. In a voice vote, Mr. Hoover was elected unanimously.

Approval of Minutes for January 2013

Motion made by Ms. Smith, seconded by Mr. Hoover, to approve the minutes of the Board's January 2013 meeting. In a voice vote, the motion passed unanimously.

Cases:

1. **Case Number 12-08-03**
1923 S Federal Highway
Business: Oriental Red Pearl Massage
 - **Notice of Evidentiary Hearing**

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Det. Maniates announced that the owner, Ted Koster, had accepted receipt of the meeting notice on 1/19/13 and was present.

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

Det. Maniates recommended a status hearing in March 2013.

Mr. Koster asked to remove the jurisdiction signs. He agreed he would replace the signs if a massage parlor tenant moved in.

Mr. Giufreda explained that when a new tenant moved in, the Board would be notified and could request the signs be replaced.

Motion made by Mr. Wolf, seconded by Ms. Smith, to allow the owner to temporarily remove the jurisdiction signs from the property. In a voice vote, motion passed unanimously.

**2. 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 accepted receipt of the meeting notice on 1/19/13 and was present.

Det. Maniates reported that in the past 30 days there had been no calls for service to the property and the business remained closed. Det. Maniates reported jurisdiction on the property would end on February 16, 2013.

Mr. Giufreda said to his knowledge, Mr. Jolly had not filed the lien against the property.

Chair Saunders wished to extend jurisdiction over the property. Ms. Smith suggested maintaining jurisdiction at least until they learned the status of the lien. Ms. Londeree stated the City's lien was second in line. Ms. Hair said Mr. Jolly was discussing the lien with the City Attorney's office.

Motion made by Ms. Smith, seconded by Mr. Wolf, to extend the Board's jurisdiction over the property for six months. In a roll call vote, motion passed 5-0.

**3. 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 that the owner, Mary Ann Kerr, had accepted receipt of the meeting notice on 1/23/13.

Det. Maniates reported that in the past 30 days there had been no calls for service from the surrounding area, or the property. The property was in compliance and Det. Maniates recommended a status hearing for March 2013.

Ms. Kerr stated Terrence Moses, a former tenant who had been in jail, had shown up at the house in January. She stated he was now sober but she did not want him at the house and wished the Police to remove him. Ms. Smith recommended Ms. Kerr file a restraining order against Mr. Moses after he was removed.

Chair Saunders informed Ms. Kerr that the Board was losing patience; it seemed there was a new issue every month.

Chair Saunders opened the public hearing portion of the meeting.

Rock Noel, neighbor, said there was an increase in bicycle traffic to the property. He stated people were walking bicycles over the railroad tracks to leave the property so neighbors could not see them.

Lisa Gutierrez, neighbor, said Ms. Kerr's new tenant named "D" had introduced himself to her husband and herself recently. She agreed with Mr. Noel that traffic to the house had increased. Ms. Kerr stated D was a friend of her brother and had been at the property for a few weeks.

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

Motion made by Mr. Hoover seconded by Ms. Smith to find the property was not in compliance because there were tenants in the house who had not signed the lease addendum, and to impose a fine of \$250 per day until the lease addendums were provided to Det. Maniates. In a roll call vote, motion passed 5-0.

Chair Saunders passed the gavel to Mr. Hoover and asked if the Board could order the Police Department to make unannounced inspections. Mr. Giufreda replied that the Police could knock on the door and Ms. Kerr said she would not object to this.

Motion made by Chair Saunders, seconded by Ms. Smith, to request Police randomly stop by Ms. Kerr's house before the Board's next meeting to ensure everything was in order. In a roll call vote, motion passed 5-0.

Mr. Karney noted that foot traffic was not permitted at the nearby railroad tracks and asked Det. Maniates to report this to FEC.

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

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- **Notice of Status Hearing**

Det. Maniates stated the property owner, Luby Hargrett, had accepted receipt of the meeting notice on 1/23/13.

Det. Maniates reported that in the past 30 days there had been no calls for service to the property. He reported as of noon February 14, the February invoice had not been paid. Ms. Hargrett had been mailed a letter explaining the specifics of the order, indicating the payments were due prior to the meetings. Det. Maniates had visited the property during the month and noted the signs were in place. The property was not in compliance because the owner had not paid the fine and fees imposed by the Board. Det. Maniates recommended a status hearing in March.

Luby Hargrett, owner, said she had paid the invoice on February 11 and the Board was recessed briefly while she retrieved the receipt from her car.

Det. Maniates confirmed the receipt was dated February 11 for \$220.

Det. Maniates explained that neighbors had been stealing Ms. Hargrett's signs and she had responded by posting a sign of her own, which included some profanity. Now that the neighbor had stopped stealing the signs, she agreed to remove her sign.

Ms. Hargrett argued that the fines the Board had imposed were unfair; she felt she had not been given adequate notice that they would be imposed. Chair Saunders stated the Board had warned her and her son that the fines would be imposed. Ms. Hargrett indicated she would take the City to court over the fine.

Mr. Wolf felt the property was physically in compliance, and noted there had been no calls for service. He remarked that Ms. Hargrett had not always been cooperative and there had been numerous misunderstandings.

Ms. Hargrett informed Chair Saunders that she did not know where her ex-husband was now that they were divorced. She said he had been served the divorce papers in Pompano Beach jail last month. Chair Saunders asked if Ms. Hargrett would be willing to allow Det. Maniates to enter her property periodically to ensure it was in compliance. Ms. Hargrett assured Chair Saunders that there was nothing wrong going on and she wanted to live privately; she did not want Det. Maniates entering her home and looking around. Ms. Smith said this could be a way for Ms. Hargrett to avoid the fine and she agreed.

Chair Saunders wanted Ms. Hargrett to discuss a payment plans for the fines the Board had imposed and bring it to the next meeting. He indicated if she did this and allowed Det. Maniates to inspect her home, he would make a recommendation to hold the fines in abeyance. Ms. Hargrett agreed.

Board Discussion

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Chair Saunders thanked Mr. Wolf for his service on the Board. Chair Saunders announced that Adrian Reese would become a full member and there was an opening for alternate.

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 8:01 PM.

Next Meeting: March 14, 2013

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