

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

<u>Members</u>	<u>Attendance</u>	Cumulative Attendance 3/2013 through 2/2014	
		<u>Present</u>	<u>Absent</u>
D. Ryan Saunders, Chair	P	1	0
Dale Hoover, Vice Chair	P	1	0
Lorraine Saunders [arrived 7:06]	P	1	0
Cindy Smith	P	1	0
Adriane Reeseey	P	1	0

Alternates

Don Karney	P	1	0
Syretta Simon	P	1	0

Staff Present

Det. Maniates
 Don Londeree, Assistant City Attorney
 Richard Giuffreda, 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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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 7:01 p.m.

Mr. Karney sat on the dais until Ms. Saunders arrived at 7:06.

Roll call; witnesses sign log; swearing in

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

Witnesses were sworn in.

Approval of Minutes for February 2013

Motion made by Ms. Smith, seconded by Mr. Hoover, to approve the minutes of the Board's February 2013 meeting. 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 on 1/19/13.

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 and the property was in compliance.

Det. Maniates recommended a status hearing in April 2013.

Chair Saunders stated if the Board wished to require the owner to replace the Nuisance Abatement signs for any tenant, they could vote to do that.

Ms. Saunders arrived at 7:06.

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 2/23/13.

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 had received a message from the owner informing him she was ill and would be going to the hospital and so could not attend this meeting. She had also provided him with new contact information.

Det. Maniates stated the property was not in compliance and recommended a status hearing for April 2013.

Mr. Giufreda said the lien against the property had been recorded, but there were so many other liens against the property that it would not be worth it for the City to foreclose.

Mr. Londeree explained that the building had suffered a fire and he thought Ms. Ouaknine anticipated an insurance settlement.

3. Case Number 12-07-01
201 Southwest 11th Court
Residence
Owner: Mary Ann Kerr

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- **Notice of Status Hearing**

Det. Maniates announced that the owner, Mary Ann Kerr, had accepted receipt of the meeting notice on 2/23/13 and was present. She had received the invoice for the fine on 3/2/13.

Det. Maniates reported that in the past 30 days there had been two calls for service from the address and three from the surrounding area.

Det. Maniates had conducted a compliance check on 2/19/13, and the owner had informed him that no one else was living there. She was informed that since she had not phone Det. Maniates within two days of the meeting she would be fined \$500. This fine had not been paid. Det. Maniates had spoken with Florida East Coast Railways (FEC), who informed him they were aware of the fence issues.

The property was not in compliance and Det. Maniates recommended a status hearing for April 2013.

Det. Maniates informed Mr. Karney that the two calls from 201 SW 11 Court were: one traffic stop and one "wanted person" call. The three area calls were regarding an abandoned property. No arrests had been made.

Chair Saunders opened the public hearing portion of the meeting.

Lisa Gutierrez, neighbor, said there was still pedestrian and vehicle traffic to the house and trash being strewn on her property.

Rick Noel, neighbor, said there was an increase in people visiting the property on foot and on bicycles.

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

Ms. Kerr stated she had friends who visited and she tried to keep the yard clean. Regarding calling Det. Maniates, Ms. Kerr said she had no renters at the house. She said Mr. Moses was clean and straight, was taking care of his father and "comes and goes." Her other tenant, Larry, had been incarcerated. Ms. Kerr testified she was not under the influence of alcohol or narcotics.

Ms. Reese doubted Ms. Kerr could afford the fines that were accruing against her.

Ms. Smith stated, "It appears to me, Ms. Kerr, that you are under the influence of something right now." Ms. Kerr remarked that she was tired.

Chair Saunders reminded Ms. Kerr that she had a \$500 fine for not phoning Det. Maniates. Mr. Giuffreda informed Ms. Kerr that if fines were not paid, a lien could be recorded against her property. He stated for the record it appeared that Ms. Kerr appeared to be falling asleep.

Det. Maniates said he was looking into getting the Peacekeeper surveillance vehicle parked nearby.

Det. Maniates said when he examined the residence he had found nothing that had piqued his interest.

Ms. Smith wanted to impose the fines; she felt this might push Ms. Kerr to get help. Ms. Reese agreed the Board should do what it could to motivate Ms. Kerr.

Mr. Noel said the neighbors did not want anything bad to happen to Ms. Kerr and they wanted her to get help. He said the neighbors were also concerned about a vacant house in the neighborhood. Det. Maniates agreed to follow up on the vacant house with Code Enforcement.

Motion made by Ms. Smith, seconded by Ms. Reese to impose the \$2,785 investigative costs that had been held in abeyance. In a roll call vote, with Chair Saunders opposed, motion passed 4-1.

Chair Saunders agreed to provide Det. Maniates with contact information for a person he knew at FEC. Ms. Gutierrez explained visitors were getting to the property via a walkway next to Ms. Kerr's house that she believed belonged to the City. Chair Saunders said the Board might ask City staff for assistance regarding this walkway.

Ms. Reese informed Ms. Kerr that her fines and fees totaled \$3,285.93 and she must pay these within 30 days. Ms. Kerr said she was unable to pay and Mr. Giuffreda reiterated the possible consequences.

Michael Blakeman, Ms. Kerr's friend, said he had known her for 20 years and agreed she needed help. He said he would speak to her about getting help. Chair Saunders stated he wanted to see Ms. Kerr get help and would do whatever was in the Board's power to make that happen. He asked Mr. Blakeman to speak with Ms. Kerr and Det. Maniates before he returned home to North Carolina in a day or so. If Mr. Blakeman convinced Ms. Kerr to get help, Chair Saunders felt the Board would reverse the decision they had made regarding the fines and work with her. The Board would do what it could to ensure that nothing bad happened to Ms. Kerr's property or to Ms. Kerr.

4. Case Number 12-08-02

217 SW 19 Avenue

Owner: Luby Hargrett

- **Notice of Status Hearing**

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Det. Maniates stated the property owner, Luby Hargrett, had accepted receipt of the meeting notice on 2/23/13. She was present with her attorney.

Det. Maniates reported that in the past 30 days there had been three calls for service to the property, none of which was nuisance related. He had received a call from Ms. Hargrett's attorney, Mr. Calvin, and discussed the two additions to the Order the Board had voted on. Det. Maniates had visited the property on 3/5 found no issues there. On 3/14 he had visited for a compliance check and everything was in compliance.

Det. Maniates reported the property was not in compliance because of the fine imposed by the Board at the 11/12/12 meeting. He recommended a status hearing in April 2013.

Ms. Hair stated total fines were \$6,250 and Ms. Hargrett was making the monthly payments.

Motion made by Mr. Hoover, seconded by Ms. Smith to hold the fines in abeyance, making the property compliant. In a roll call vote, with Ms. Reese and Chair Saunders opposed motion passed 3-2.

Board Discussion

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Chair Saunders welcomed new alternate Syretta Simon.

Chair Saunders announced that after the Board's August meeting he would resign.

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 7:58 PM.

Next Meeting: April 11, 2013

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