

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, APRIL 11, 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	2	0
Dale Hoover, Vice Chair	P	2	0
Lorraine Saunders	P	2	0
Cindy Smith	P	2	0
Adriane Reeseey	P	2	0

Alternates

Don Karney	P	2	0
Syretta Simon	P	2	0

Staff Present

Det. Maniates
 Bruce Jolly, 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.

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 March 2013

Motion made by Mr. Hoover, seconded by Ms. Reese, to approve the minutes of the Board's March 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 3/22/13.

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 May 2013.

Det. Maniates said Mr. Koster had indicated he would attend the meeting but he had not yet arrived. Later in the meeting, Det. Maniates reported he had received a text from Mr. Koster indicating his car had broken down and he could not attend the meeting. Ms. Reese stated she would like to compel Mr. Koster to attend the Board's May meeting and Det. Maniates said he would make it clear to Mr. Koster that he needed to attend.

Ms. Reese suggested the Nuisance Abatement signs be re-posted at the property and perhaps this would induce Mr. Koster to show up at the meeting. Mr. Jolly reminded her that the City did not install the signs; they required the owner to do it.

Motion made by Ms. Reese, seconded by Ms. Smith to require Mr. Koster to re-post the Nuisance Abatement signs at the property. In a roll call vote, motion passed 4-1 with Chair Saunders opposed.

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 3/23/13 and she was present.

Det. Maniates reported that in the past 30 days there had been one call for service to the property, which was not nuisance related. The call was from the owner to report a broken doorknob that she thought was an attempt to break into the property.

Det. Maniates stated the property was not in compliance due to the unpaid fines and recommended a status hearing for May 2013.

Ms. Smith asked about the fire on the property but Det. Maniates had no additional information. Tania Ouaknine, owner, explained that the fire had been inside the building.

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 3/23/13. She had received the invoice for the fine on 3/27/13.

Det. Maniates reported that in the past 30 days there had been no calls for service from the address and two from the surrounding area, none of which was nuisance related.

Det. Maniates had advised Ms. Kerr he would help her make arrangements regarding her addiction issues. On April 1, a neighbor had called at 2:38 AM to report possible shots fired at the property but officers responding had not located the disturbance. On April 5, Ms. Kerr had informed Det. Maniates that a black male had fired a pellet gun at her windows. Det. Maniates had advised her that she should have called the Police for

her neighbors' safety. He presented photos of the house and window and Chair Saunders remarked that this appeared to be multiple shots, not necessarily from a pellet gun.

Det. Maniates had informed Ms. Kerr that he could arrange placement for her at a treatment facility and she seemed willing. He informed the Board that the Peacekeeper surveillance unit was parked at the dead end of the street on April 8. He had also been contacted by an officer regarding an available bed in a treatment facility and transported Ms. Kerr there on April 9.

Chair Saunders opened the public hearing portion of the meeting.

Lisa Gutierrez, neighbor, said two loud gunshots had awakened her on April 1 and she had phoned 911 and Det. Maniates. She was aware Ms. Kerr was in rehab, but noted there was still foot traffic to the home. She hoped the Peacekeeper would stop it. Ms. Gutierrez asked for specificity regarding calls defined as nuisance related and Mr. Jolly stated these were related to activity for which the Board could take action such as drugs, prostitution and gang activity.

Chris Chittero, neighbor, said when Ms. Kerr was absent from the premises, prostitution occurred there. He asked if the house would be boarded up while she was in rehab. Det. Maniates stated he was monitoring the property now and the prostitution would not recur.

David Moore, neighbor, said problems at this property affected his ability to rent a property he owned in the area. He said whenever he was in the area, he saw constant traffic to the property. Mr. Moore said he had no hope that Ms. Kerr would reform or that she would "get anybody in there that will be any better than her." Ms. Smith advised Mr. Moore that the neighborhood association could conduct crime walks to deter visitors to Ms. Kerr's property. Mr. Moore remarked that visitors were not intimidated by neighbors watching them. Ms. Smith said they could request Police officers to accompany them on the walks.

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

Det. Maniates felt that his efforts, Ms. Kerr's rehab and the Peacekeeper's presence would help resolve issues on the property. Chair Saunders asked Det. Maniates to increase patrols in the area and Det. Maniates agreed.

Mr. Karney asked about the program Ms. Kerr had entered and Det. Maniates could only say it was a treatment facility. Mr. Karney feared Ms. Kerr would resume drug use as soon as she was released and returned home.

Det. Maniates explained how he reviewed the calls for service to report to the Board.

Mr. Jolly confirmed for Ms. Hair that the Board's order would still be enforced while Ms. Kerr was in treatment.

Mr. Hoover stated he had driven by the property four times since the Board's last meeting and had noted traffic to the house on two of those visits.

Chair Saunders reported his contact was no longer at FEC but had agreed to provide him with information on the proper person to contact.

Ms. Reeseey wanted to look at "leveraging some resources...the Feds, the County, the State, and see what we can do."

Chair Saunders requested that the increased police patrols pay attention to the two nearby vacant properties as well.

Motion made by Chair Saunders, seconded by Ms. Saunders to hold the investigative costs and any fines in abeyance while Ms. Kerr was in treatment. In a roll call vote, motion **failed** 1-4 with Ms. Smith, Ms. Saunders, Ms. Reeseey and Mr. Hoover opposed.

Ms. Reeseey felt that the fines might encourage Ms. Kerr to stop the nuisance activity at her property. Ms. Smith agreed that "most people won't do anything or take action to make the situation better until it hits their pocketbook."

Chair Saunders did not see how the City, the neighbors or Ms. Kerr would benefit from the fines accumulating to the point she would never be able to pay them. He said the fines could ultimately lead to the City filing a lien against the property and foreclosing on the property which he felt would be a death sentence for 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 3/22/13.

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 had received a call from Ms. Hargrett on April 10 informing him he could inspect the property. He had visited the property and found nothing out of compliance.

Det. Maniates reported the property was in compliance recommended a status hearing in May 2013.

Board Discussion

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None.

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: May 9, 2013

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