

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, MAY 9, 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	3	0
Dale Hoover, Vice Chair	P	3	0
Lorraine Saunders	P	3	0
Cindy Smith	P	3	0
Adriane Reese	A	2	1

Alternates

Don Karney	P	3	0
Syretta Simon	A	2	1

Staff Present

Det. Maniates
 Don Londeree, Assistant Attorney
 Bruce Jolly, Board Attorney
 Joyce Hair, Board Clerk
 Brigitte Chiappetta, Recording Clerk, Prototype Inc.

Communication to the City Commission

Motion made by Mr. Hoover, seconded by Ms. Smith to direct Chair Saunders to recommend to the City Commission that foreclosure proceedings begin against the property at 201 SW 11th Court because of gross non-compliance. In a roll call vote, motion passed 5-0.

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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.

Chair Saunders stated Ms. Reese had a family medical emergency, which was an excused absence and Mr. Karney would take her place on the Board for the meeting.

Witnesses were sworn in.

Approval of Minutes for April 2013

Motion made by Ms. Smith, seconded by Mr. Hoover, to approve the minutes of the Board's April 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**

[Index](#)

Det. Maniates announced that the owner, Ted Koster, 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.

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

Mr. Koster stated he had remounted the signs. Chair Saunders informed Mr. Koster that if he continued to experience difficulty renting the property, he would ask the Board to rescind the sign order, provided Mr. Koster continued to attend the hearings.

2. **Case Number 11-10-08** [Index](#)
519 Northwest 23rd Avenue
Parisian Motel
- **Notice of Status Hearing**

Det. Maniates announced that the owner, Tania Ouaknine, had accepted receipt of the meeting notice on 4/18/13 and she was not 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. He had visited the property several times in the past month and noted no changes.

Ms. Ouaknine arrived at the hearing at 7:06.

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

3. **Case Number 12-08-02** [Index](#)
217 SW 19 Avenue
Owner: Luby Hargrett
- **Notice of Status Hearing**

Det. Maniates stated the property owner, Luby Hargrett, had accepted receipt of the meeting notice on 4/18/13.

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 visited the property and found nothing out of compliance.

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

4. **Case Number 12-07-01** [Index](#)
201 Southwest 11th Court
Residence
Owner: Mary Ann Kerr
- **Notice of Status Hearing**

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

Det. Maniates reported that in the past 30 days there had been five calls for service from the address and the surrounding area, none of which was nuisance related.

On April 15, Det. Maniates and a canine officer had visited the home and the canine had alerted to the pocket of a visitor and it was determined that he had cannabis in that pocket in the past few days. The visitor was advised not to return to the property or face arrest. Larry Kohs, tenant, was warned again not to have any individuals living on the premises.

Det. Maniates had visited the property on April 26 and found Ms. Kerr home, having left the drug treatment facility early. Mr. Kohs and two males were also present. Ms. Kerr indicated that one visitor was doing yard work for her and Det. Maniates advised her that if someone was helping her, he must leave as soon as the work was done.

On April 27, Det. Maniates had learned that several people were loitering on the property and patrol officers had inspected the property and found Mr. Kohs and three other males. Two of the males had been advised to leave the property, which they did. Patrol officers had conducted two additional inspections during the month.

Det. Maniates had visited the property twice prior to the meeting and called Code Enforcement to inspect the property. Ms. Kerr had been cited for trash and appliances in the yard and for a fence that was in disrepair. They had also referred a third violation for above ground sewage to Broward County. A canine officer had also been called to the property and found drug paraphernalia in Mr. Kohs' room in the home, violating the drug addendum he had signed. Mr. Kohs had been issued a Notice to Appear for the paraphernalia. A couple had been found hiding in another room and the male had been arrested after the canine alerted to drug paraphernalia in the room. The female had been given a trespass warning not to return. Det. Maniates had reminded Ms. Kerr that she could not have people loitering on the property. He added that the Peacekeeper was parked at the end of the street.

Det. Maniates reported the property was not in compliance due to the code violations and the violation of the drug addendum. He recommended a status hearing in June 2013.

Chair Saunders opened the public hearing portion of the meeting.

Lisa Gutierrez, neighbor, was sad to hear of the sewage in the backyard, which would probably affect her yard. She remarked that the Peacekeeper was deterring people from the property.

Ron Wall, neighbor, said it was a shame what was happening at the property. He said this was a good neighborhood but he was afraid someone would get hurt.

Vicki Moore, neighbor, said she had lived on the street for 16 years and the problems at this property had existed since then. She asked the Board to do something to help the neighbors.

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

Det. Maniates informed Mr. Hoover he had visited the property five times during the month and each time he had found individuals present. He agreed to find out if the male arrested today at the property, Moses Terry, was the same individual who had been arrested at the property previously.

Ms. Kerr confirmed that Mr. Moses had been at the residence, but said she had been unaware of his presence in a locked room and did not know how he had gotten in. Det. Maniates reported that Mr. Moses and a female had been advised by others at the house to hide in the room when the Police arrived. Ms. Kerr said she would work on the violations over the weekend.

Chair Saunders asked why Ms. Kerr had left the treatment center early and Ms. Kerr stated, "They just want to pull things from my past that would ... push me over the edge into undoing ... why I was supposed to actually go." Chair Saunders recalled that at a previous meeting, he had promised the Board would help Ms. Kerr get treatment and keep her house. He had also asked the Board to hold the fines in abeyance because he believed she would complete the program. He was extremely disappointed she had quit the program.

Ms. Smith was disgusted and felt badly for Ms. Kerr's neighbors. Ms. Kerr stated she was unaware of what was happening in the tenant's room. Ms. Smith said as the owner, Ms. Kerr was allowing these people and their behavior in the house.

Mr. Karney felt the problem was out of Ms. Kerr's control, since it was known as a drug house to people leaving prison. He wanted the Board to "bring the hammer down" and get the case off the books.

Ms. Saunders thought Ms. Kerr refused to take responsibility for what happened at her house and she continued to make bad choices that affected the entire neighborhood.

Mr. Hoover remarked that Ms. Kerr's "residency in that neighborhood is a cancer" and she did not seem able to understand this.

Ms. Kerr informed Chair Saunders that she was not currently under the influence.

Michael Blakeman testified that when the Police visited the property earlier in the day, "there was a houseful of people." He said he had tried to advise Ms. Kerr that she was going to lose her house and her freedom. When the Police arrived, Ms. Kerr had been in her bedroom and he had awakened her. He confirmed that she was not under the influence presently.

Chair Saunders asked if the Board could "recommend or urge" Ms. Kerr to remove the tenant from the property, since he had signed the drug lease addendum. Mr. Jolly advised the Board could add to their existing order a direction to remove/not permit the tenant on the property; enforcement and compliance would be another issue.

Ms. Hair stated fines and investigated costs stood at approximately \$17,785. Chair Saunders stated the Board could add to the daily fines for non-compliance related to drug activity at the property.

Mr. Jolly advised that the Board could enter an Order for the non-compliance including the new fines, which would be recorded and then recommend the City Commission ratify the Order and direct the City Attorney to begin foreclosure action.

Motion made by Mr. Hoover, seconded by Ms. Smith to find the owner had failed to comply within the time limits imposed and the property had been out of compliance for 58 days, and to impose a fine of \$250 per day. In a roll call vote, motion passed 5-0.

Motion made by Mr. Hoover, seconded by Ms. Smith to direct Chair Saunders to recommend to the City Commission that foreclosure proceedings begin against the property because of gross non-compliance. In a roll call vote, motion passed 5-0.

Mr. Jolly advised the Board to send this communication to the City Commission.

Ms. Kerr admitted she was unsure what had just happened. Mr. Jolly explained the process to foreclosure and asked Ms. Kerr to "fix this thing now."

Ms. Kerr nodded her head yes in response to Mr. Hoover's question of whether she understood that this was the first step toward taking her house away.

Chair Saunders agreed to write a letter to the City Commission requesting that foreclosure proceedings begin.

5. Case Number 13-04-01
1500 NW 6th Street
Sistrunk Market

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- **Notice of Evidentiary Hearing**

Det. Maniates stated the business owner, Tarek Bahlawan, had accepted receipt of the meeting notice on 4/18/13 and was present.

Det. Maniates reported that in the past 6 months there had been 85 calls for service to the property, 8 of which were nuisance related. On 1/25/13, \$20 worth of cannabis had been purchased using a confidential informant; on 2/6/13, \$20 worth of crack cocaine had been purchased using a confidential informant and on 2/11/13, \$10 worth of crack cocaine had been purchased using a confidential informant. Det. Maniates had spoken with Mr. Bahlawan on 4/29/13 and been informed that the owner was out of the country and would not return until June 2013 but the owner had given Mr. Bahlawan the authority to make decisions regarding the property.

Det. Maniates had presented Mr. Bahlawan with the Police recommendations on May 3 and Mr. Bahlawan had agreed to all of them except the store hours change. Code Enforcement Officer Andre Cross had inspected the property on May 3 and had been very impressed with the changes Mr. Bahlawan had made. Det. Maniates reported that most of the Police recommendations had been met as of May 6. He reminded the Board that this property had been cited previously, but for a different business. He displayed photos of the property and stated Mr. Bahlawan had stipulated to the Police recommendations.

Mr. Bahlawan described work he had done to bring the building up to code. He stated he wished to keep the business open from 7 a.m. until 1 a.m. Det. Maniates did not have a problem with this request and agreed to monitor the situation and change the times if it became an issue.

Chair Saunders did not want to allow the business to stay open that late and stated he would agree to 10 p.m. on weekdays and 11 p.m. on weekends.

Det. Patrick O'Brien informed the Board that he had worked the northwest area for 13 years and said this business owner had inherited a severe problem because this was a main hub for narcotics and prostitution. Det. O'Brien stated peak time for illegal activity in this area was evening; activity started to drop off around 2 or 3 a.m.

Mr. Bahlawan said the problems had occurred in the rooms upstairs, not in his business and he had evicted those responsible. He said the rent was usually paid in cash or by debit card.

Det. O'Brien stated the majority of the arrests had been made during the day; one had been made at night. He indicated if Mr. Bahlwan kept the property in compliance, the hours he requested would not be a problem.

Det. Maniates confirmed that all cameras were in place and the following week there would be an IP address he could monitor 24 hours a day. Chair Saunders asked to amend the Order to add a camera on each of the two stairwells. He stated he would reluctantly accept the Police recommendation regarding the store hours.

1. The owner will maintain a trespass affidavit on file with the Police Department and have posted authorized "No Trespassing" signs on all sides of the property within seven (7) days.
2. The owner will clearly display, within ten (10) days and for the duration of jurisdiction, two laminated signs measuring 16"x20" stating that the property is under the jurisdiction of the Nuisance Abatement Board and is being monitored by the Fort Lauderdale Police Department. Placement will be directed by Detective Maniates, one upstairs and one downstairs.
3. The owner will conduct a criminal records check of each tenant prior to renting the residence. Only tenants and people listed as occupants may reside in the premises. A list of tenants residing will be provided to Detective Maniates, prior to each meeting.
4. The owner will adopt and enforce the Drug Lease Addendum and Permitting Eviction for Drug Related Activities for all current, new tenants and renewals. A copy of all signed addendums will be provided to Detective Maniates, prior to each meeting.
5. The owner will ensure that no person(s) loiter in the parking lot, on the sidewalks, all sides of the property, as well as the inside of the store during all open business hours.
6. The owner will install and maintain a minimum of four (2) exterior surveillance video cameras and one (1) interior surveillance video camera by the June 13, 2013 Nuisance Abatement Board Meeting. The two (2) exterior cameras will be installed in a strategic position to monitor/record all activity in the south side parking lot as well as the front entrance/exit doors. The cameras will be installed and maintained according to all Fort Lauderdale City Code requirements. The surveillance video will be made available to the Fort Lauderdale Police Department during all business hours.
7. The owner will provide the Police Department the required TPC/IP (aka: IP address) to access the video/data being transmitted from the camera(s) for the purpose of reviewing the information. This access must be accessible to the Police Department twenty four (24) hours a day, seven (7) days a week, 365 days a year. The owner will provide the Police Department any required

Passwords and or member/log-in names or numbers to access the account and notify them of any changes.

8. The owner will notify the Police Department immediately if any of the camera(s) are moved or relocated.
9. The owner will ensure that the property is in compliance with all City of Fort Lauderdale Code requirements, both on the exterior and interior, both retail market and second floor rental units prior to the June 13, 2013 meeting. Det. Maniates will contact Code Enforcement and arrange the inspection.
10. The owner will install and maintain exterior lighting that will completely illuminate the parking lot located on the south side of the store. This lot will be illuminated from dusk to dawn. The owner will maintain and install three exterior lights on the second floor, one on the south side, one on the north side and one in the center of the building. The second floor will be illuminated from dawn to dusk. This will be completed within fourteen (14) days after the May 9, 2013 meeting.
11. The owner will repair all fencing surrounding the property over which he has control (according to all City of Fort Lauderdale Code requirements) prior to the June Nuisance Abatement Board meeting (June 13, 2013) and maintain the fencing in good order. No fencing will be maintained or constructed that would obstruct the view of the property.
12. The owner will maintain the property free of debris and trash.
13. The owner will remove any narcotic paraphernalia being sold from the store immediately. This is including but not limited to glass rose stems, rolling papers, jewelry bags, "Brassos" and or "Chore Boys" and all synthetic cannabis products.
14. The business hours of the store will be from 7:00AM to 11:00PM Sunday through Thursday. The business hours of the store will be 7:00AM to 12:00AM Friday and Saturday. This will be effective Monday, May 12, 2013.
15. The investigative costs total a dollar amount of \$1,289.51. The owner(s) is assessed 100% of this amount. This cost is to be paid prior to the June Nuisance Abatement Board Meeting (June 9, 2013). If no meeting occurs in June, then prior to the next scheduled Nuisance Abatement Board Meeting.
16. If any of the above listed items are not complied with within the time frame set forth, a fine in the amount of \$250.00 per day, per item, not to exceed \$250 per day will be imposed for each day of non-compliance.
17. The owner will appear before the Nuisance Abatement Board at the June 13, 2013 Nuisance Abatement Meeting (or, if no meeting occurs at the succeeding Nuisance abatement meeting) for a Status Hearing.
18. The Nuisance Abatement Board will retain jurisdiction over the property for a period of (1) year from the date of this order.

Motion made by Ms. Smith, seconded by Mr. Hoover to declare the property a nuisance and to accept the Police recommendations, with the amendment to #6 that two additional cameras would be installed, one in each of the two stairwells. In a roll call vote, motion passed 5-0.

Board Discussion

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Chair Saunders wished to update the drug paraphernalia list. Det. Maniates reported they had updated the list with synthetic cannabis products, including bath salts.

Communication to the City Commission

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Discussed earlier.

Motion made by Mr. Hoover, seconded by Ms. Smith to direct Chair Saunders to recommend to the City Commission that foreclosure proceedings begin against the property because of gross non-compliance. In a roll call vote, motion passed 5-0.

Adjournment

Thereupon, with no additional business to come before the Board, the meeting adjourned at 8:33 PM.

Next Meeting: June 13, 2013

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