

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, JUNE 13, 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	4	0
Dale Hoover, Vice Chair	P	4	0
Lorraine Saunders	P	4	0
Cindy Smith	P	4	0
Adriane Reese	P	3	1

Alternates

Don Karney	P	4	0
Syretta Simon	P	3	1

Staff Present

Det. Maniates
 Major Gregory
 Don Londeree, Assistant 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>
1.	12-08-03	1923 S Federal Highway - Oriental Red Pearl Massage	<u>2</u>
2.	11-10-08	519 NW 23 Avenue, Parisian Motel	<u>3</u>
3.	12-08-02	217 Southwest 19 th Avenue – Luby Hargrett	<u>3</u>
4.	12-07-01	201 Southwest 11 th Court – Mary Ann Kerr	<u>4</u>
5.	13-04-01	1500 NW 6 th Street - Sistrunk Market	<u>6</u>
		Board Discussion	<u>8</u>
		Communication to the City Commission	<u>8</u>

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.

Approval of Minutes for May 2013

Motion made by Mr. Hoover, seconded by Ms. Reese, to approve the minutes of the Board's May 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, had taken receipt of the meeting notice on May 17 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 property was in compliance and recommended a status hearing in September 2013.

Mr. Koster confirmed the property was still vacant.

Chair Saunders reminded the Board that he had promised Mr. Koster that he would move to allow him to remove the signs if the property remained in compliance and they were a hindrance to his leasing the property. Since Chair Saunders would no longer be on the Board in September, he asked the Board to consider this at the September meeting.

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 5/16/13.

Det. Maniates reported that in the past 30 days there had been no calls for service to the property. He had visited the property several times in the past month and noted no changes.

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

Chair Saunders asked Ms. Hair to determine the current balance of the fines on the property and the Board would return to the case later in the evening.

Later in the meeting, Ms. Hair reported fines had accrued to \$8,750 and \$7,250. Mr. Jolly confirmed that they could not impose total fines greater than \$15,000.

Ms. Reese wanted to urge the City to do something about the property.

Motion made by Chair Saunders, seconded by Ms. Smith to ask Mr. Jolly to draft a letter to the City Attorney's office to request the City Commission take some action they feel necessary in order to rid the community of this nuisance property at 519 Northwest 23 Avenue. In a roll call vote, motion passed unanimously.

3. 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 5/17/13.

Det. Maniates reported that in the past 30 days there had been no calls for service to the property. He had visited the property and found nothing out of compliance.

Det. Maniates reported the property was in compliance and recommended a status hearing in September 2013. He said Ms. Hargrett was doing a wonderful job.

Chair Saunders thanked Ms. Hargrett for her cooperation.

- 4. 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 accepted receipt of the meeting notice on May 23.

Det. Maniates reported that in the past 30 days there had been no calls for service from the address and the surrounding area.

Mark Campbell, Code Enforcement Officer, reported the septic issue had been resolved and the fence removed. There were outstanding violations for debris, outside storage and boarded windows. He confirmed for Ms. Reese that the boarded windows were the same windows that had been damaged by gunshots. Items being stored outside included a stack of fencing, appliances and a pile of wood slats. The debris included 5-gallon buckets. Officer Campbell said a Code Enforcement case had already been brought before the Code Enforcement Board for the windows.

Mr. Jolly had contacted the City Attorney regarding the Board's motion at the previous meeting for the City to pursue foreclosure against the property. The City Commission had authorized the foreclosure and the City Attorney was determining whether the property was subject to homestead protection.

Det. Maniates stated on May 15 he had visited the property and served Ms. Kerr the Board's order in person. Present at the time were Larry Kohs, a male named Bo, a female named Tiffany and another male. After inspection, Tiffany and the male had been told to leave the property and they had complied. On May 30 at noon, Det. Maniates had performed a compliance inspection at the property and found Ms. Kerr, Larry Kohs, a male and a female on the property. A K-9 officer and his partner had assisted, and the partner had alerted on Larry Kohs' pocket and in his room but no drugs were found. On June 5, at 7:43 p.m. Det. Maniates had received a call stating there was activity at the property and at 8 p.m. two patrol cars and one K-9 police dog arrived at the property and found eight people on the property, but Ms. Kerr was not present. After the inspection, four individuals were told to leave. The K-9 officer had

found a very small amount of cannabis in the yard and no arrests were made. On June 6, Det. Maniates had visited the property and found Ms. Kerr, Larry Kohs, two males and a female on the property. After the inspection, one male and one female were told to leave the property. Det. Maniates reported the property was not in compliance and recommended a status hearing for July 2013.

Chair Saunders opened the public hearing portion of the meeting

Melinda Steinbacher, neighbor, said she walked her dogs by the property every night and two nights previous, "they were inebriated out of their minds" and shouted vulgarities and obscenities as she walked by. She stated this was a "nightly thing."

Lisa Gutierrez, neighbor, said there were non-stop cars, people and movement on the property. She stated the neighbors wanted this to stop.

Larry Kohs, tenant at Ms. Kerr's house, said they were trying to comply violations at the property and remove undesirables. He acknowledged that Ms. Kerr's friends had "gotten out of hand" but felt Ms. Kerr was doing the best she could. Ms. Reese asked Mr. Kohs about the lease he had with Ms. Kerr and Mr. Kohs explained that he had presented the lease to the City in order to get the water bill in his name at the property and the City had accepted it. He said he had also signed the drug addendum.

Chair Saunders closed the public hearing portion of the meeting.

Det. Maniates explained to the Board that whenever he visited the property, the same people were present and had told him they were "staying there for a couple days." Chair Saunders thought the Board's order had included that no one could reside as a tenant at the property other than Mr. Kohs. Det. Maniates confirmed this.

Ms. Kerr informed Ms. Reese that there were no additional tenants at the property. She said if someone stayed the night, she would have him/her work cleaning the property. She stated there was only one visitor who sometimes got out of hand and he would leave the property when she asked him.

Chair Saunders informed Ms. Kerr that he was "deeply disappointed." Ms. Kerr explained that she sometimes let people stay when they had nowhere else to go.

Ms. Reese urged Ms. Kerr to go back into treatment until she got it right. Det. Maniates said he would do whatever he could to help Ms. Kerr get back into treatment.

Mr. Londeree said the City had evidence Ms. Kerr might not live at the property and asked her where she lived. Ms. Kerr replied she lived solely at this address.

Chair Saunders asked Det. Maniates to continue visiting the property. Chair Saunders asked Det. Maniates to determine if there was surveillance video from the Peacekeeper unit located near the property and Det. Maniates agreed to check.

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

[Index](#)

- **Notice of Status Hearing**

Det. Maniates announced that the business owner, Tarik Bahlawan, had accepted receipt of the meeting notice on May 24, 2013 and was present.

Det. Maniates reported that in the past 30 days there had been 20 calls for service with two being nuisance related. The first call was from a canine officer who had performed a sniff of the area with his partner and had identified a black male with a small amount of cannabis in his pocket. The second call was from the street crimes unit, who had arrested the store clerk for selling drug paraphernalia in March, before the property came before the Board. Det. Maniates said Mr. Bahlawan had been extremely cooperative and completed everything that had been ordered. He had provided 24-hour access to the property video cameras via the Internet and provided Det. Maniates with paperwork for all tenants. Late night officers had indicated to Det. Maniates that the situation was much improved now that the store closed early.

Det. Maniates reported the property was in compliance and recommended a status hearing for July.

Det. Maniates informed Mr. Karney that most of the non-nuisance related calls were from the store and related to trespassing and people that needed to be removed.

Chair Saunders opened the public hearing portion of the meeting.

Gino Shahan Jamison said the neighbors had been trying to get this property into compliance for many years. He recalled forming a neighborhood patrol group years ago to provide surveillance and protect the neighborhood. He asked the Board to do what it could to keep this business in compliance.

Addie Owens, Lauderhill resident, said her main concern was that kids on the street visited this store.

Larhonda Ware, President of Dorsey Riverbend, said this was an ongoing problem in the area and they wanted the store closed down.

Brian Johnson said he had grown up on Sistrunk Boulevard and said year after year, this store had been a magnet for undesirables. He asked the Board to help them shut the store down.

Bernadette Norris-Weeks, President of the Rivergardens, Sweeting Estates Homeowners Association, stated this was the type of establishment the community was trying to get rid of and asked the Board to remember the input from the neighbors.

Jeff Biegelson, representing apartment buildings in the area, said the convenience stores were a scourge on the neighborhood. He said the City was not able to keep the pressure on the stores to stay in compliance. He asked the Board to keep the pressure on to keep the property in compliance.

Edde Campbell described how threatened she felt by this business. She said this was not fair to the neighborhood and pleaded with the Board for help.

Chair Saunders closed the public hearing portion of the meeting.

Mr. Bahlawan said he understood the neighbors' pain and said he had been trying to clean up the business. He said what he was doing was working.

Chair Saunders reminded Mr. Bahlawan that the store was supposed to close at 11 p.m. Sunday through Thursday and at midnight Friday and Saturday. Ms. Bahlawan agreed to adjust the closing time.

Ms. Ware recommended the store hire a security guard for whenever it was open.

Mr. Bahlawan said the property owner was aware of the situation at the property. Chair Saunders said the property owner was responsible, not Mr. Bahlawan.

Mr. Bahlawan informed Ms. Smith that he had owned the business just over a year. Ms. Smith asked Det. Maniates to report back to the Board next month about the number of arrests that had been made at the property since Mr. Bahlawan owned the business.

Chair Saunders requested an overseas mailing address for the owner for when he was out of the country.

Ms. Reese wanted to compel the property owner to appear before the Board. She asked that the Peacekeeper be stationed at the property for at least two weeks and that the Board be provided with videotapes of the surveillance video. She wanted to know what the Police Department was doing with the community and Mr. Bahlawan to address the problem of undesirables at the property.

Det. Maniates said he would look into parking the Peacekeeper on the property. Major Gregory reported Police had considered many strategies to address this problem. He explained that there was no room to effectively park the Peacekeeper on or near the property. Det. Maniates stated the owner of the neighboring property had agreed that he could open his property gate and the Peacekeeper could be located there. Major Gregory said the Police Department had utilized their Narcotics Investigations Team, Patrol Operations Groups and Neighborhood Action Teams but until something was done to change the character and conditions at the property, this would be a never-ending battle.

Ms. Smith asked if the property owner could be compelled to attend a Board meeting. Mr. Jolly responded that the Board could issue the directive and if the owner did not appear, the Board could make this a finding and factor it into a fine.

Motion made by Ms. Reese, seconded by Ms. Smith, that the owner should attend the Board's July 11, 2013 meeting and that if he did not, a fine would be imposed. In a voice vote, motion passed unanimously.

Mr. Bahlawan informed Chair Saunders that he had not researched the property before opening the business here. He said he formerly owned another business in the area but the City had not allowed him to license a convenience store at that location.

Chair Saunders was troubled by the fact that the property owner had never attended one of the Board's meetings. He said the Board was committed to helping residents clean up problems in their neighborhoods.

Ms. Smith said many of the Board's cases resulted from "greedy, absentee landlords" and she wanted the owner to attend a meeting to understand how the neighbors had to live with this situation.

Ms. Saunders advised Mr. Bahlawan to attend neighborhood association meetings and Mr. Bahlawan agreed. He also agreed to provide Ms. Hair with the owner's contact information.

Board Discussion

None.

[Index](#)

Communication to the City Commission

None.

[Index](#)

Adjournment

Nuisance Abatement Board Regular Meeting
June 13, 2013
Page 9

Thereupon, with no additional business to come before the Board, the meeting adjourned at 8:47 PM.

Next Meeting: July 11, 2013

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